

# **LEGAL LOCK JOURNAL**

## **2583-0384**

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**VOLUME 3 || ISSUE 2**

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**2023**

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## **BETTING APPS FOR CRICKET**

**Devnsh Shah<sup>1</sup>**

### **ABSTRACT**

In the 21th Century , cricket has drastically evolved as a game. With the advent of new formats like 50-50 overs, t20 game, and t10 games the scope of new emerging players participating in these games has increased. Players are getting more and more opportunities. As well as in the age of globalization and with the use of technology many online betting sites and apps have come into the picture. Not only in international cricket but domestic games which are played in the country among states or cities are also involved in these betting sites. People are engaged and keep betting on players or teams. In this research paper, we will get to know about the various betting apps and sites and find out whether betting is legal or illegal in India.

**Keywords :** Cricket, Betting, Legal, t20 game, Illegal.

### **INTRODUCTION**

Cricket as a game needs no introduction as each and every person knows what the game is all about. It started all the way from England in the 16th century and as the British ruled almost the whole globe , cricket emerged and evolved across the whole world and became quite a famous sport. Cricket is the second most watched and loved sport after football. Whereas talking about the country India, cricket is not only considered as a sport but here it's considered as a tradition because every kid in India will have a bat and a ball at their homes and everyone might have played cricket at least once in their childhood. Earlier there were only test matches in cricket but with time cricket evolved and today we have 50 overs format,20 over format as well as 10 over format. This added to the interests of cricket lovers and their love for the game increased. Gradually cricket became a multi-dimensional, multi-billion dollar industry and the players, the

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<sup>1</sup> The author is a student of law at NMIMS Kirit P Mehta School of Law.

national cricket boards, advertising companies, sponsors, being the equal stakeholders. After the advent of the internet and its services, many online betting apps and sites have started popping up and have gained the attention of the people. Almost every second person is associated with it. International tournaments in cricket like World test Championship, 50-50 over world cup, t20 worldcup have gained much recognition. Apart from that, domestic tournaments which are played in the country within states or cities have also gained prominence and recognition worldwide. For eg. tournaments like Indian Premier League (IPL), Big Bash League, etc. Cricket enthusiasts have more and more scope for betting.

It is with this background in the mind that this research paper is divided into two sections. Chapter 1 will be talking about whether fantasy sports is legal or illegal in India ?. Chapter 2 will be talking about the judgements regarding fantasy sports.

## CHAPTER 1

In this particular chapter we will try to understand whether fantasy apps are legal or Illegal in India. For this, first we need to understand what fantasy apps are. Fantasy applications are essentially online prediction games in which fantasy gamers (players) assemble a virtual squad of actual sports players such as players from the Indian Premier League (IPL), Big Bash League, English Premier League (EPL), National Basketball Association (NBA), and international cricket teams. The fantasy gamers are referred to as "Managers." They construct a squad of players in a certain league, whose real-life statistics are turned into fantasy points and used to award points. The managers get fantasy points depending on the success of the players in actual sports. Each manager competes against the teams of other managers. These managers create their teams through acquiring, selling, and trading players.<sup>2</sup>

So the question arises whether these betting apps or fantasy apps are legal or illegal in India? Many people consider this as gambling and many believe this is not considered as gambling. In India, gaming is a state topic, and only the states have the authority to enact legislation governing gambling operations inside their borders. This power has been given to the states in the 7th schedule list 2 of the constitution of India. In India, Gambling is not defined under the

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<sup>2</sup> Samantha Brand, Four Thousand Words on Finnegans Wake: The Misuse of Copyright Doctrine and the Controversy Surrounding the Estate of James Joyce, 25 CARDOZO Arts & ENT. L.J. 1229 (2008).

gambling legislations act. There are two types of games<sup>3</sup>:

(1) Game of Chance

(2) Game of Skill

Game of Chance simply depends on your luck. It sees what sort of cards we are dealing with, how the dice rolls, lottery, casino, etc.

Game of Skill requires our mental or physical skill. For eg, selection of players in an online fantasy game, how have we strategized the formation of our team, etc.

So whether or not a game involving a wager amounts to gambling depends on whether it is a game of chance or game of skill. Game of Chance is considered to be Gambling and is illegal whereas fantasy apps are considered as a game of skill. Dream 11 being a very popular example of fantasy league gaming platforms and other fantasy apps are considered as a game of skill and is therefore not considered to be gambling and is legal in India. On the other hand, offline betting during matches is not considered to be a game of skill but it is merely considered to be a game of chance.\

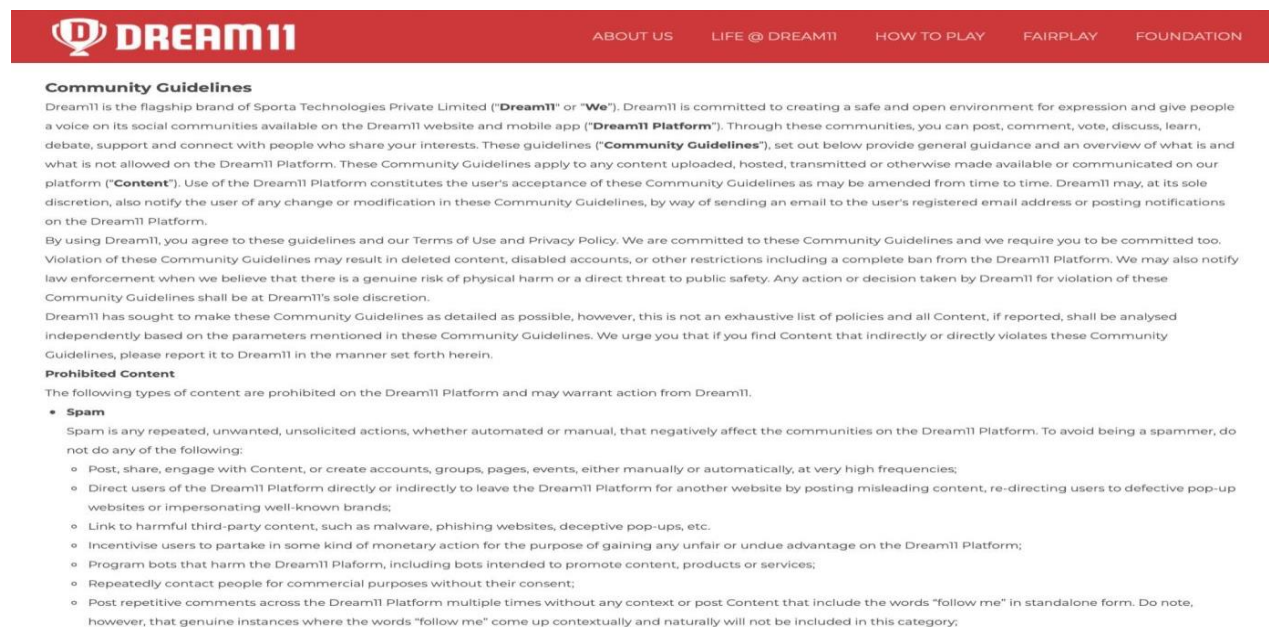


Figure 1 : Dream 11 Terms and Conditions (Source : Google)

The above picture doesn't represent all the terms and conditions.

<sup>3</sup> Souvik Naha, Flight of fantasy or reflections of passion? Knowledge, skill and fantasy cricket, Taylor & Francis, (Oct 23, 2022, 11:31 AM), <https://www.tandfonline.com/doi/abs/10.1080/17430437.2019.1607012>.

## CHAPTER 2

On 14th February 2020, petitioner Mr.Chandresh Sankhla had filed a Public Interest Litigation (PIL) in the high court of Rajasthan and said that the online game ‘Dream 11’ is alleged to be betting of cricket teams and is amounting to gambling and public in general are being are being cheated in the name of Dream 11.<sup>4</sup> The Rajasthan High Court dismissed this petition by referring to the other high court judgments saying that, both the Punjab and Haryana High Court and the Bombay High Court ruled that "Dream 11" does not entail any illegal gambling or betting. According to the Punjab and Haryana High Court, users of Dream 11's fantasy sports must be active and have superior knowledge, judgement, and attention in order to succeed. As a result, the game is one of "simple skill and not falling under the activity of gambling," according to the court, which noted that the element of talent and major effect on the outcome are involved. Similarly, the Bombay High Court determined that Dream 11 is a game of skill, not chance.“It can be seen that success in Dream 11’s fantasy sports depends upon the user's exercise of skill based on superior knowledge, judgement and attention, and the result is thereof not dependent on the winning or losing of a particular team in the real world game on any particular day”.

Further the Supreme court had dismissed a special leave petition (SLP) filed by Mr. Avinash Mehrotra on 30th July 2021, alleged that the Online Fantasy Sports (OFS) format offered by Dream 11 amounted to gambling, wagering and betting is not a ‘game of skill’. The Supreme Court affirmed a Rajasthan High Court ruling rejecting a public interest lawsuit seeking to prohibit the online game "Dream 11." The panel of Justices RF Nariman and BR Gavai denied the plea for special leave filed against the judgement of the Rajasthan High Court.<sup>5</sup>

This PIL sought action against the fifth private respondent, Dream 11, on the basis of two questions:

- (1) Whether online fantasy sports activities provided on the Dream 11 platform constitute gambling or betting?
- (2) Is respondent No. 5 - Dream 11 incorrectly categorising its virtual online game under the incorrect GST entry, thereby breaching rule 31 (A) 3 of the CGST regulations in an attempt to

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<sup>4</sup> Chandresh Sankhla vs The State Of Rajasthan, Civil Writ Petition 6653/2019.

<sup>5</sup> Avinash Mehrotra vs The State Of Rajasthan, SLP (C) No. 18478/2020.

escape GST?

The court referenced the Bombay High Court's finding regarding the first issue: "The Bombay High Court was happy to reject the aforementioned PIL, noting that respondent No. 5's online fantasy cricket constituted a game of skill, as opposed to a game of chance." The Dream 11 fantasy game does not include wagering money or playing for stakes on the outcome of a game or event; hence, it does not constitute gambling/betting.

Regarding the second point, the court referenced the decision of the Bombay High Court in *Gurdeep Singh Sachar v. Union of India*. However, the court deemed it acceptable to defer consideration of the second question to the GST authorities in line with the legislation. The court also determined that Dream 11 is a game of pure skill and that their enterprise is protected under Article 19(1)(g) of the Indian Constitution. While quoting the judgement of the Supreme Court of India in the case of *State of Bombay Vs. R.M.D. Chamarbaugwala and Anr.*, in which it was established that games of skill are different from gambling and enjoy protection under 19 (1) (g) of the Constitution of India, the Rajasthan High Court said that contests which include considerable skill are not gambling activities and that such competitions are commercial activities entitled to protection granted by article 19 (1) (g) of the constitution of India.<sup>6</sup>

## CONCLUSION

The researcher has critically analysed the research paper and has come to a conclusion . As we all know about the ancient Indian epic Mahabharata, one of the reasons behind this was gambling. Pandavas lost everything to the Kauravas and the rest is history. In the case of *Jennifer White at el., Respondents - Appellants, Vs. Andrew Cuomo, as governor of the state of New York, et al., Appellants - Respondents* , Referring to a decision from the New York Supreme Court, it was argued that fantasy sports like Dream 11 are simply gambling and not games of skill. The United States is far more advanced than India. In my view, I agree with the New York Supreme Court's ruling that, despite the fact that participants in fantasy games may utilise their expertise to pick their teams, they cannot influence how the athletes or players on their fabricated team perform in actual sports events. Participants have little influence over how the players or athletes on their fantasy sports team perform in such athletic events, and the winning cash reward awarded to winners of online fantasy games is derived from the entrance

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<sup>6</sup> The State Of Bombay vs R. M. D. Chamarbaugwala, AIR 1957 SC 699.

fees paid by all entrants. This is pure gambling and is a game of chance. Whenever we see or hear these fantasy apps advertisements on the television or on the radio it clearly says “This game involves an element of financial risk and may be addictive. Please play responsibly and at your own risk.” If these apps are a game of skill then why do these apps always need to say these lines again and again. This clearly says that betting or gambling is very much addictive and a very big financial risk is involved. The youth of our country are spending their money on these apps and if they somehow don't get the desired outcome then they might continue spending all their money which one fine day will destroy them. Betting or Gambling in any which way is not at all good and we should try to stay away from them. The Fantasy apps are earning in crores and even paying the desired taxes to the government of India but the common people have to face losses many times. There are many instances like a 18 or 20 year old boy might not have started to earn but they still spend money on these fantasy apps. This money belongs to his family and gradually his family might have to suffer. This addiction is not less than drug addiction. Many famous cricketers being the brand ambassador of these fantasy apps attract a large number of youth and slowly they get addicted.