

Legal Experts On Legality Of Fantasy Sports Offered On Dream11

"The Supreme Court has said that the legality of fantasy sports is no longer 'res integra' since it had ruled on it multiple times in the past. Res Integra is a term applied to points of the law which have not been examined or decided upon," says Mahesh Agarwal, Managing Partner of Agarwal Law Associates.



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by **Krishnendra Joshi**

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Time and again, the legality of online fantasy sports has been dragged to Indian Courts. Earlier this week, the Supreme Court declined to entertain an SLP against a Rajasthan High Court verdict that held playing fantasy sports on Dream11 as a game of skill rather than a game of chance.

The Dream11 Model

Dream11 is a platform for Indian sports fans to actively engage with real-life sporting events and showcase their knowledge of sports. Playing fantasy sports on a platform like Dream11 predominantly depends on a player's knowledge, judgement, experience and expertise.

Fans make their own sports team on the virtual platform on a case-to-case basis. The player judges the past form of the team members, and analyses variable factors like match conditions, team combinations and varying skills of the players.

In the present case, the petitioner **Avinash Mehrotra** challenged the judgement of the Rajasthan High Court and compared playing fantasy sports on popular apps like Dream11 akin to betting and gambling activities. However, Section 12 of the Public Gambling Act specifically excludes games of skill from the sphere of gambling.

Fantasy sports offered on Dream11 are not gambling activities: Rajasthan High Court

The Rajasthan High Court in 2020 held that playing fantasy sports on Dream11 required skill and knowledge and does not amount to gambling.

"Whether the online fantasy sports offered on the Dream11 platform are gambling/betting is decided against the PIL petitioner. Since the result of a fantasy game depends on skill of the participant and not sheer chance, and winning or losing of a virtual team created by the

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repeatedly held by various Courts and affirmed by the Hon'ble Supreme Court", said the High Court.

Commenting on the development, **Senior Advocate Gopal Jain** said, "Supreme Court of India has once again put to rest the legality of fantasy sports as games of skill which are protected under article 19(1)(g) of the constitution as regular business activities".

Last year, in July 2021, SC bench comprising Justice Rohinton F Nariman and Justice BR Gavai, dismissed a similar appeal saying the issue was no longer 'res integra' and had been subject of several decisions.

In February 2022, the Karnataka High Court had also struck down the amendments to the Karnataka Police Amendment Act in 2021 prohibiting certain online gaming activities.

A division bench comprising Chief Justice Ritu Raj Awasthi and Justice Krishna S Dixit said that nothing in the judgment shall be construed to prevent an appropriate legislation in accordance with the constitution.

Advocate Mahesh Agarwal, Managing Partner of Agarwal Law Associates says "the Supreme Court said that the legality of fantasy sports is no longer 'res integra' since it had ruled on it multiple times in the past. Res Integra is a term applied to points of the law which have not been examined or decided upon".

At a time when portals like Dream11 are coming up with new game formats like virtual sports trading, the game of skill vs game of chance contention needs to settle down to a central law rather than knocking on the doors of the Supreme Court repeatedly.

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