

Game, Set & Match Monthly

Gaming and Sports Law Newsletter (May 2026)

GAMING NEWS UPDATE

1. INDIA'S ONLINE GAMING FRAMEWORK BECOMES OPERATIONAL

The Promotion and Regulation of Online Gaming Act, 2025 (“**PROGA**”) and the Promotion and Regulation of Online Gaming Rules, 2026 (“**PROG Rules**”) came into force on May 1, 2026, and apply to all online gaming platforms, including offshore platforms, that are accessible in India. The framework establishes a three-fold classification of online games: (i) online money games, *i.e.*, games involving monetary stakes or offering an expectation of monetary reward which are prohibited; (ii) e-sports, which are recognised as a skill-based discipline and are subject to mandatory registration with the newly constituted Online Gaming Authority of India (“**OGAI**”); and (iii) online social games, which are permissible subject to compliance with prescribed user-safety, grievance redressal, and transparency obligations. The framework further contemplates coordinated enforcement measures involving financial institutions, payment systems, law enforcement agencies, and State Governments, and requires regulated entities to comply with directions relating to facilitation of payments connected with prohibited online money games.

[Read more here](#)

2. SPORTS-EVENT PREDICTION MARKETS FACE TRIBAL CHALLENGE IN THE US

A federal lawsuit was filed against Kalshi, a regulated prediction-market exchange, in New Mexico, United States (“**US**”), on May 12, 2026, alleging that the company’s sports-event prediction markets unlawfully infringe tribal gaming rights protected under the Indian Gaming Regulatory Act (“**IGRA**”). The dispute concerns Kalshi’s “sports event contracts,” which permit users to trade on the outcome of sporting events. The four plaintiff tribes, *i.e.*, the Mescalero Apache Tribe, Pueblo of Isleta, Pueblo of Pojoaque, and Pueblo of Sandia, filed the complaint before the United States District Court for the District of New Mexico, alleging that Kalshi’s products amount to unauthorised Class III gaming being conducted on tribal lands in violation of tribal-state gaming compacts and federally approved gaming ordinances. The tribes have

further alleged that the products effectively operate as sports betting mechanisms outside the statutory tribal and state gaming framework established under IGRA, including by permitting participation by persons below the minimum gambling age prescribed under New Mexico tribal gaming compacts.

The New Mexico proceedings form part of a broader nationwide legal dispute concerning whether sports-event prediction markets should be regulated as federally supervised financial derivatives or as gambling products subject to state and tribal gaming laws, with similar actions having been initiated by tribal entities in Wisconsin and California. In a related Wisconsin proceeding, a federal court recently permitted claims against Kalshi to proceed after observing that the company’s sports-event contracts could qualify as “sports wagers” for the purposes of IGRA. Such prediction-market platforms would likely be impermissible in India under the anti-betting and online gaming framework established under the PROGA.

[Read more here](#)

3. SC RULES THERE IS NO FUNDAMENTAL RIGHT TO ONLINE BETTING AND GAMBLING

In a judgment dated May 27, 2026, in *State of Tamil Nadu v. Jungle Games India Pvt. Ltd. & Ors.* (C.A. Nos. 6124–6131/2023), the Supreme Court (“**SC**”) upheld the constitutional validity of laws enacted by the States of Tamil Nadu and Karnataka regulating and prohibiting online betting and wagering activities. The Court held that there is no fundamental right to engage in betting and gambling activities, observing that such activities fall within the doctrine of *res extra commercium* (outside of commerce) and therefore do not enjoy constitutional protection under Article 19(1)(g). The SC clarified that while games of skill may otherwise receive constitutional protection, betting or wagering on such games constitutes a gambling enterprise capable of being regulated or prohibited by the State. The bench accordingly set aside the judgments of the Madras High Court and Karnataka High Court, which had earlier struck down portions of the respective state legislations.

The dispute arose from amendments introduced by Tamil Nadu and Karnataka between 2020 and 2021 to address concerns relating to addiction, financial losses, depression, and suicides associated with online real-money gaming platforms. The impugned legislations expanded the scope of gaming-related offences to cover online wagering and betting, including games such as rummy and poker when played for stakes. Rejecting the challenge mounted by online gaming companies and industry associations, the SC held that once the element of betting or wagering is introduced, the distinction between games of skill and games of chance loses significance for the purposes of legislative competence under Entry 34 of List II of the Constitution.

[Read more here](#)

4. SC UPHOLDS GST LEVY ON ONLINE MONEY GAMING AND BETTING TRANSACTIONS

In its judgment dated May 27, 2026, in *Directorate General of GST Intelligence Headquarters v. Gameskraft Technologies Pvt. Ltd.* (SLP(C) Nos. 19366–19369/2023), the SC upheld the constitutional validity of the levy of 28% Goods and Services Tax (“GST”) on online gaming activities involving monetary stakes (“**GST Judgement**”). The SC bench held that once money or money’s worth is staked on uncertain future outcomes, the activity acquires the character of “betting and gambling” for the purposes of GST legislation, irrespective of whether the underlying game is one of skill or chance. The SC further held that organised online gaming platforms create and supply actionable claims in favour of participants, which constitute taxable supplies under Section 7 of the Central Goods and Services Tax Act, 2017 (“**CGST Act**”). Rejecting the argument that online gaming operators merely function as intermediaries, the SC clarified that such operators themselves supply actionable claims through the gaming ecosystem maintained and controlled by them.

The GST Judgment resolves a dispute concerning the valuation of online gaming transactions under the GST framework. Prior to the 2023 amendments to the CGST Act, online gaming companies generally discharged GST at 18% on platform fees or gross gaming revenue, whereas tax authorities contended that GST was payable on the entire face value of bets or deposits made by players. Upholding the amended statutory framework, the SC affirmed the constitutional validity of imposing GST at 28% on the full value of deposits or stakes in online money gaming and betting-related transactions, while reiterating that fiscal legislation cannot be invalidated merely because it increases tax burden or adversely impacts commercial profitability.

[Read more here](#)

5. IOC SUSPENDS ESPORTS COMMISSION: OLYMPIC ESPORTS GAMES PUT ON HOLD UNDER NEW LEADERSHIP

On May 3, 2026, the International Olympics Committee (IOC) quietly suspended its Esports Commission under President Kirsty Coventry, effectively putting the Olympic Esports Games on hold and signaling a strategic retreat from standalone esports programming; this follows the October 2025 mutual cancellation of the planned 2027 Olympic Esports Games in Saudi Arabia after the IOC terminated its 12-year partnership with the country, with no official statement explaining the move but reports indicating the new IOC leadership is prioritizing traditional sports and financial stability over a dedicated esports track, creating significant uncertainty for game publishers, event organizers, sponsors, and investors who had built commercial and contractual plans around the Olympic Esports Games framework.

[Read more here](#)

SPORTS NEWS UPDATE

1. WADA AND ASEAN RENEW THREE-YEAR ANTI-DOPING COOPERATION FRAMEWORK

The WADA, on May 19, 2026, renewed its three-year MoU with the Association of Southeast Asian Nations (“ASEAN”) to strengthen anti-doping governance, sports integrity, and regional cooperation across South-East Asia. In collaboration with the South-East Asia Regional Anti-Doping Organization, the initiative will support ASEAN member states in implementing the revised 2027 World Anti-Doping Code and International Standards, harmonising anti-doping policies and legislation, and strengthening the operational independence of National Anti-Doping Organizations. The revised framework is also expected to enhance compliance obligations, athlete-rights protections, and standards relating to investigations, intelligence-sharing, results management, education, and detection methodologies.

[Read more here](#)

2. PRASAR BHARATI TELLS DHC IT IS NOT OBLIGATED TO ACQUIRE FIFA WORLD CUP 2026 BROADCASTING RIGHTS

In [Avdhesh Bairwa v. Union of India & Ors. \(WP\(C\) No. 6469/2026\)](#), the Delhi High Court (“DHC”) on May 20, 2026, heard a writ petition seeking directions to ensure free-to-air broadcast of the 2026 FIFA World Cup in India through public broadcasting platforms such as Doordarshan and DD Sports. The petition was filed in light of the absence of any Indian broadcaster having acquired media rights for the tournament. During the hearing on May 20, 2026, Prasar Bharati submitted before the DHC that it was under no obligation to acquire telecast rights for the FIFA World Cup and that discussions between FIFA and broadcasters were still ongoing. The petitioner subsequently withdrew the plea following observations by the DHC regarding the availability of alternative legal remedies.

The petition relied upon the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 and the Ministry of Information and

Broadcasting notification dated May 9, 2022, which classified key FIFA World Cup matches as “sporting events of national importance.” Reliance was also placed on the SC’s judgment in *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, wherein the SC recognised the right to receive information and access broadcasts as forming part of the freedom of speech and expression under Article 19(1)(a) of the Constitution.

[Read more here](#)

3. DELHI HC UPHOLDS MATERNITY RIGHTS OF FEMALE ATHLETES

In [Vinesh Phogat v. Wrestling Federation of India & Ors.](#) (LPA 399/2026), the DHC, by judgment dated May 22, 2026, permitted wrestler Vinesh Phogat to participate in the selection trials for the Asian Games 2026 and affirmed that maternity-related circumstances cannot be used to deny female athletes competitive opportunities. Phogat had challenged the Wrestling Federation of India’s (“WFI”) selection policy after being excluded from the trials owing to her absence from qualifying events during maternity leave.

The DHC observed that sporting institutions must recognise the physiological realities associated with pregnancy and post-partum recovery and ensure that selection frameworks are implemented with institutional sensitivity towards motherhood. The DHC emphasised that maternity cannot operate as a disqualification in professional sports and underscored the need for fair accommodation of women athletes returning to competition after childbirth.

Subsequently, the WFI challenged the DHC’s judgment before the Supreme Court of India, contending that the order granting direct participation in the trials diluted established selection criteria and interfered with the autonomy of sports federations in matters of athlete selection. However, by order dated May 28, 2026, the Supreme Court permitted Phogat to participate in the Asian Games 2026 selection trials while issuing notice in the matter, thereby allowing the interim

relief granted by the DHC to continue pending adjudication of the appeal.

[Read more here](#)

4. NATIONAL SPORTS BOARD AND NATIONAL SPORTS TRIBUNAL RULES NOTIFIED

The Ministry of Youth Affairs and Sports notified the National Sports Governance (National Sports Board) Rules, 2026 and the National Sports Governance (National Sports Tribunal) Rules, 2026 on May 25, 2026, under the National Sports Governance Act, 2025 (“**NSGA**”). The rules establish the National Sports Board as the central authority responsible for granting recognition to National Sports Bodies and ensuring compliance with governance, financial, and ethical standards, while the National Sports Tribunal has been constituted as a specialised adjudicatory body for sports-related disputes aimed at ensuring independent, speedy, and cost-effective dispute resolution and reducing reliance on civil courts.

The framework also incorporates techno-legal measures for digital implementation, including a dedicated portal for filing disputes, virtual hearings, communication of orders, and maintenance of records. In addition, the NSGA framework mandates the inclusion of at least four Sportspersons of Outstanding Merit (“**SOMs**”) in governing bodies and requires 50% women SOM representation in the General Body, with National Sports Federations required to amend their bye-laws within the prescribed six-month compliance period ending on July 12, 2026.

[Read more here](#)

5. IPL ANTI-CORRUPTION UNIT FLAGS SMART GLASSES AS INTEGRITY RISK DURING TOURNAMENT

The BCCI’s Anti-Corruption Unit (“**ACU**”) has reportedly cautioned IPL stakeholders against the use of smart glasses and similar wearable technology in restricted areas during the tournament, citing concerns around integrity, surveillance, and potential misuse for unauthorised communication or data capture.

The warning follows repeated breaches of playing-area protocols and growing concerns over emerging technologies capable of covert recording, live transmission, and AI-assisted communication.

The advisory specifically highlights the risks posed by internet-enabled smart glasses equipped with cameras, microphones, and real-time connectivity features, particularly in sensitive zones such as dressing rooms, dugouts, and team strategy areas. The development reflects the ACU’s increasing focus on technological vulnerabilities in sport and the need to strengthen anti-corruption safeguards against evolving digital tools that could compromise confidentiality, match integrity, or anti-betting protocols.

[Read more here](#)

6. CIC REVERSES 2018 ORDER, HOLDS BCCI OUTSIDE RTI FRAMEWORK

The Central Information Commission (“**CIC**”) has ruled that the Board of Control for Cricket in India (“**BCCI**”) does not qualify as a “public authority” under the Right to Information Act, 2005 (“**RTI Act**”), thereby exempting it from mandatory disclosure obligations under the statute. The decision overturns the CIC’s own 2018 ruling, which had brought the BCCI within the ambit of the RTI Act and directed it to establish mechanisms for responding to information requests.

In its fresh determination, the CIC held that the BCCI is a private society registered under the Tamil Nadu Societies Registration Act and is neither established by statute nor substantially financed or controlled by the government, which are key requirements under Section 2(h) of the RTI Act. The CIC further observed that tax exemptions and regulatory oversight do not amount to “substantial financing” or pervasive governmental control.

The ruling followed a remand by the Madras High Court, which had directed the CIC to reconsider the matter in light of relevant Supreme Court precedents. While acknowledging that the BCCI performs significant public functions in administering cricket in India, the CIC clarified that such functions alone are insufficient to classify it as a public authority under the RTI framework.

[Read more here](#)

7. ENHANCED GAMES FACE SCRUTINY AFTER LIMITED RECORDS AND VICTORIES BY “CLEAN” ATHLETES

The inaugural “Enhanced Games”, a controversial sporting event permitting the use of performance-enhancing drugs (“PEDs”), concluded in Las Vegas amid significant debate regarding the legitimacy and effectiveness of drug-assisted competition. Despite being promoted as a revolution in elite sport that would push the limits of human performance, the event reportedly produced only one unofficial world-record performance, while several athletes competing without PEDs secured victories over enhanced competitors.

Greek swimmer Kristian Gkolomeev recorded a time of 20.81 seconds in the men’s 50m freestyle, marginally surpassing the official world record. However, the performance is unlikely to receive formal recognition because it occurred in a competition permitting banned substances and the use of non-compliant equipment, including

polyurethane suits prohibited under international swimming regulations.

The event drew additional attention after “clean” athletes such as Fred Kerley, Tristan Evelyn, and Hunter Armstrong won events despite competing against participants using enhancement protocols. Their victories undermined the central premise advanced by organisers that pharmaceutical enhancement would necessarily produce superior athletic performance.

The Enhanced Games have generated widespread criticism from sporting bodies, anti-doping authorities, and athletes, many of whom argue that the format normalises drug use in sport and risks undermining decades of anti-doping regulation. Nevertheless, organisers have defended the event as a commercially successful experiment in “medically supervised enhancement” and indicated plans to expand future editions with larger prize pools and additional disciplines.

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