

# THE LEDE



## Game Changers

How lobbyists are redeeming poker in the eyes of the law / **Business**

/ MALAY DESAI

On a night in late October, in 2011, an advocate named KN Suresh hosted a card-playing party at his house in the posh area of Indiranagar, Bengaluru. Wealthy techies, doctors and realtors were reportedly in attendance. Later that night, a few guests showed up uninvited: a special squad of the Bengaluru city police raided the house, reportedly confiscating liquor bottles, card paraphernalia and cash. The police also arrested Suresh, along with eight of his guests.

Over the phone in February, Suresh recalled the night, and told me that he and his guests had been “wrongly booked for playing *andar-bahar*”—an illegal card game commonly played on the street, which decides winners purely on chance. Instead, they were playing poker: a game that involves both skill and chance. “It was harrowing,” Suresh said, to see the police seize the poker chips he had brought from abroad.

The arrested individuals were bailed out the following day, and their cash and belongings returned to them. Still, they were booked under the colonial-era Public Gambling Act of 1867. Suresh challenged these charges in the Karnataka High Court, he said, and succeeded in getting the matter quashed. Nevertheless, the raid spurred him into action, turning him into a lobbyist for poker. In the years since then, Suresh’s efforts, and those of poker lobbyists like him, have contributed to the rise of poker in India.

About a year after the raid, Suresh established the Indian Poker Association—an initiative he undertook, he told me, to “find safe havens for like-

minded people to play poker.” Suresh hoped that the IPA could become, for poker, a regulatory body similar to what the Board of Control for Cricket in India is for cricket. In 2013 and 2015, reacting to separate incidents of more police harassment of poker-room operators, he filed petitions with the Karnataka High Court and the Calcutta High Court to request permission to legally convene poker tournaments, and to exclude the game from the ambit of gambling. He received favourable responses to both within weeks of filing the petitions, with the Karnataka

High Court directing the police to stop interfering in the IPA’s poker games and the Calcutta High Court reiterating that poker was a game of skill and completely legal.

Rajat Agarwal, a co-founder of a successful online poker start-up, told me that Suresh’s lobbying had paved the game’s path to greater legitimacy under Indian law. The Karnataka High Court’s ruling, he said, “was significant, as it not only set a precedent for poker to mushroom in other states, it also revived the poker scene in Bangalore”—which, he said, had declined due to



VIJAY MATHUR / REUTERS

raids such as the one on Suresh's home. Now, Rajat told me, the city "boasts of having over 15 poker rooms and some of the finest players in India."

Aditya Agarwal, Rajat Agarwal's brother, is one of India's most popular poker players. Together, the brothers have mentored many budding poker talents in the country. When I interviewed Aditya over the phone, he credited the Karnataka and Kolkata judgments for giving him and his brother more leeway to organise poker functions. He said he and Rajat have "held talks at Rotary Clubs, visited col-

**Suresh was emphatic that poker is a game of skill. "Have you seen a cricket tournament with a cash prize for the winner? It's the same with poker."**



leges, hosted charity tournaments"—all of which would have been much more difficult without the revised legal understanding of the game.

In December, poker hit mainstream news in India like never before. Amit Burman, a scion of the company Dabur, partnered with the popular poker website Adda52 to launch the Poker Sports League, or PSL—which is structured similarly to cricket's Indian Premier League. The PSL currently has 12 city-based poker teams, and facilitates games both online and in actual poker rooms. In January, Burman told a newspaper that he was surprised by the enthusiastic response the league had received. "A majority of the teams

were picked up within days, and there is huge corporate interest in poker because a lot of their employees are playing it," he said. Adda52 has been successful as well, accumulating, in its five years, a player base of over one million.

Laws governing poker have also become more relaxed since about a year ago, when Nagaland passed the Online Games of Skills Bill. This law has enabled the state to award licences to at least four poker websites. Jay Sayta, a corporate lawyer who runs GLaws, a news website about Indian gambling laws, is among many who believe the Nagaland law was a landmark. "This law envisages a regulatory regime for online skill games such as poker, rummy, fantasy sports, bridge, virtual games," he said. "Poker sites were operating even earlier, but the law added more credibility to the online poker business and dispelled the gambling notion associated with poker."

Poker players often argue that the game is not gambling, because winning at it involves a considerable degree of knowledge and skill. "Chess grandmaster Garry Kasparov says that poker is more challenging and stimulating than even chess," Sayta said, also mentioning that elite universities such as Harvard and the Massachusetts Institute of Technology have made formal efforts to study poker. Suresh was similarly emphatic. "Have you seen a cricket tournament with a cash prize for the winner? It's the same with poker," he said.

Efforts to legitimise poker are currently underway in other states. Agarwal told me that Suresh continues to be a key player in such initiatives, always ready to change the names and dates

**OPPOSITE PAGE:** Over the past year, laws governing poker have become more relaxed, especially since Nagaland passed a law that enabled the state to award licences to at least four poker websites.

in his prepared petition before filing it in courts. Suresh is now one of three petitioners at the Gujarat High Court, seeking its nod to allow poker games to be played without police intervention. According to Sayta, the government of Kerala is considering adding poker to a notification it passed in 1976, classifying rummy, dart and other card games as games of skill.

The All India Gaming Federation, which has supported this change in Kerala, is also lobbying the central government to rejig the current tax structure as it applies to money earned through such games. The federation's CEO, Roland Landers, told me over email, "Winnings from poker are taxed at flat 30 per cent and not at the slab rate, making it unreasonable. It's unfair." With the Goods and Services Tax coming into force in July, the federation has already asked that the GST Council consider special provisions for the gaming industry.

Some players in India even rely on poker for their primary income. Kanishka Samant, a Mumbai-based resident in his twenties, got hooked to poker by playing it on Facebook. In 2011, he left his job as a research analyst to play full time, and has now developed an impressive reputation in online poker circles. Over the Republic Day weekend this year, he and three other entrepreneurs went to Gangtok, in Sikkim, and conducted the Mahjong Aquarium Poker Championship—which he claimed was the biggest poker tournament in north-east India. "Poker is a game of information," he said. "The more you gather about your opponent, the more you win. Chance is a factor too, but one can't ride that in the long run." ■