



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

## **EDITORIAL TEAM**

### **EDITORS**

#### **Megha Middha**



*Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar*

*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society*

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



## Dr. Namita Jain



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

*Assistant professor of Law*

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **THE NEED OF AN EXTENSIVE SPORTS LAW IN INDIA**

AUTHORED BY - ABINAYA SAIKUMAR

## **ABSTRACT**

Sports have never been a top priority for policymakers in India. In the Indian social realm, sports have mostly gained attention as amusement. Even the ordinary man's attitude toward sports in India has usually been informal and emotional rather than intellectual. In other words, in the Indian socio-political-legal realm, sports and associated concerns have traditionally taken a back seat. India has not fared well in sports except for a few sports. The Indian society's attitude toward sports has been a significant factor in the country's underperformance in sports on a worldwide scale. The cause for the underperformance is due to a lack of human resources and a problem with India's sports governance system. To break out of the current state of immobility, the vacuum in the field of sports governance must be addressed promptly and on a priority basis. The researcher hopes to explore the current state of sports legislation in India and provide a future roadmap for sports governance in this article.

In sports, allied fields, physical education, and sports law are used. India has long been a world leader in terms of social, cultural, and sporting history. Due to its closeness, the grandeur of Indian sports has outshined India across the world. It produced great athletes who made significant contributions to sports by setting an example for the rest of the globe with its diverse sporting legacy. Sports have long been a contentious cornerstone of Indian law, with an unresolved position. The Government of India has overseen and governed sports in India through autonomous sports federations, which have monopolistic natures in their particular sports fields. On the other hand, these sports federations are resistant to examining accountability and transparency. The judiciary has been obliged to step in and umpire the game because of the ongoing legal fights and lawsuits in this diverse realm of sports. The current research explores and analyses many issues like

- Why isn't there a central sports authority other than the Ministry of Sports Affairs?
- What is the systemic function of the many sports authorities that regulate various sports?

- Is it true that the Indian judiciary has made a minor contribution to the development of sports jurisprudence?
- Is the Alternative Dispute Mechanism (ADM) an excellent way to settle sports disputes?

These issues fall under the jurisdiction of laws linked to sports in India and recent revisions in the legislation addressing the topic. In light of relevant court answers, this research study discusses and analyses essential issues in sports. It also outlines how Indian politicians have shown little interest in sports jurisprudence and the critical sports reforms needed to restore India's sporting grandeur.

## INTRODUCTION:

Sports are a significant element of everyone's life, culture, community, and nation, and everyone is related to sports in some manner, whether they are participating or watching. Sports laws and regulations exist in certain countries, and the United Nations has drafted treaties on physical education, sports, and discrimination in sports. In this sense, India still has a long way to go because there is no comprehensive sports law in place. Sports are given less weight in our society since most schools and parents emphasize a child's academic success. Also, India consistently does poorly in significant sporting events such as the Olympics. The most important reason is the lack of universal sports laws, which necessitates legislation to control sports in our nation.

Sports have been a part of human existence since the dawn of time and are an essential component of human growth, good health, and the spirit of friendly rivalry. Sports began as a form of amusement in ancient times. Man devised games primarily to meet socially with others, demonstrate talents and physical ability, and entertain. Most of the games, which evolved from fundamental hunting abilities, included sprinting, throwing, and leaping acrobatics. Many early societies had religious and political themes in their games. Still, a desire for leisure play eventually led to the standardization of old games and the invention of new ones. Sports has been a means of survival and a source of amusement, i.e. 'Pehlawani'. It has now taken on the form of industry.

According to United Nations estimates, sports generate 3% of total world economic activity. According to the New Encyclopedia Britannica, Sports and games are leisure or competitive activities that require some level of physical strength or ability. Sports were once thought to be limited to outdoor leisure activities such as fishing, shooting, and hunting, as opposed to games, defined as organized athletic contests in which teams or individuals competed according to predetermined rules. Sports have a long history in India, dating back to the Vedas and the Indus Valley Civilization. Humans engaged in physical activities and played various games, including marbles, balls, and dice, according to archaeological digs at Mohenjo-Daro and Harappa. When the creators of the Olympic idea were deciding on the various disciplines, India was very much on their minds. Greece and India have had a relationship since 975 B.C. Both nations have had a strong interest in chariot racing and wrestling. Today's Olympic events can be considered perfected versions of ancient India and Greece's sports involving strength and speed. India is quickly becoming a popular destination for major athletic events such as the Commonwealth Games, Asian Games, and World Cups in Hockey and Cricket, which draw international attention. In India, several federations provide sports facilities. However, India loses ground in every major sporting event, save cricket.

Despite significant commercial and public investment in sports, no considerable improvement has been made. The failure in the sports field is frequently linked to the sports governance model and the sports law in India. Sports legislation has long been a source of worry for many countries, not just India. In the same way that India lacks sports legislation, the United Kingdom lacks one. In the United States, sports law has a lot of overlap with labour law, contract law, competition law, and tort law. China's General Administration of Sport is the government entity in charge of sports. The State Council delegates its authority. The Council also oversees the All-China Sports Federation and the Chinese Olympic Committee.

Sports law is a vital pillar of civil society and a rapidly expanding international field, driven by the commercialization and expansion of the sports industry and its economic, political, and social relevance. During apartheid, South Africa was subjected to several international boycotts, including athletic events. There was substantial debate about whether the boycott's goal was to abolish sports discrimination or to end apartheid in general.

On December 14, 1977, the United Nations General Assembly passed the International Convention against Apartheid in Sports to ban racial discrimination. The terms 'apartheid,' 'national sports facilities,' 'sports contracts,' 'sports bodies,' and 'team' are defined in the Convention. The agreement strongly condemns apartheid by signatory state parties. It prevents them from contracting with a nation that practises apartheid and requires them to take adequate measures to guarantee that their sports bodies, teams, and individual athletes do not have such contracts. The conference discusses the creation of a Commission to Combat Apartheid in Sports. The Convention stipulates that any dispute between state parties over the interpretation, application, or implementation of the Convention that cannot be resolved through negotiation must be brought before the International Court of Justice (ICJ) with the mutual consent of the parties to the dispute.

On October 19, 2005, UNESCO adopted the International Convention against Doping in Sports, indicating that countries all around the globe have decided to use international law to combat doping. The Convention guarantees that the World Anti-Doping Code, which only applies to members of sports organizations, is compelling. The Convention establishes a legal framework within which nations can address specific aspects of the doping problem unrelated to sports. As a result, the Convention contributes to formalizing international anti-doping laws, regulations, and guidelines to provide an open level playing field for all athletes.

The international sports system functions as a private legal regime that regulates itself. International non-governmental organizations such as the World Anti-Doping Agency (WADA), the International Olympic Committee (IOC), and international sports federations play a crucial role. International sports federations are the bodies in charge of organizing sports activities on a global scale. From a legal standpoint, they are private associations formed following personal domestic law, and their members are national sporting associations admitted to membership. Their international contests are organized and coordinated by them.

## **SIGNIFICANCE AND NEED OF SPORTS LAWS:**

Sports have a long history in our country, dating back to the Vedic era. Some games are thought to have originated in India, including chess, wrestling, polo, archery, and hockey. Any activity or experience

that provides recreation, diversion, pastime, or any other activity that involves more or less rigorous physical labour and is done out according to some established form or set of guidelines, whether outdoors, like golf, racing, football, hunting etc., or indoors, as bowling, squash, basketball, etc., according to Webster's Dictionary.<sup>1</sup> In India, sports have long been viewed as a means of fully realizing a body's potential. It encompasses the fulfilment of one's physical potential and the methods for improving one's body and instilling the skill of self-defence.<sup>2</sup>

In our country, sports law is given little weight, and federations such as the Board of Cricket Control India for cricket, Hockey India for hockey (formed after the Indian Hockey Federation was disbanded in 2008 by the IOA), the Indian Basketball Association for basketball, the All India Tennis Federation for tennis, the All India Football Federation for football, and the Indian Olympic Association and the Sports Governing Council for sports governing. Apart from cricket, our country has a poor record in significant sporting events. All of these federations attempt to improve the sport, but no consistent regulations are governing the many difficulties these sports face.

In a few cases, the value of sports has been underlined, as in the case of Zee Telefilms Ltd. & Union Of India<sup>3</sup>, Justice Sinha's minority judgement emphasized the relevance of sports authorities in several jurisdictions, including the United States of America, Australia, the United Kingdom, Scotland, and New Zealand, where he highlighted the importance of sports in India with a specific reference to cricket. This is one of the most recent Indian judgments that discusses the importance of games in great depth. Without question, India has instilled a strong sports culture in its citizens from a young age, and sport has effectively become an integral part of its civilization.<sup>4</sup> Also, in the case of K. Murugan v. Fencing Association of India<sup>5</sup>, the Supreme Court in 1991, the importance of sports in India was explored. The Supreme Court commented as:

"In contemporary times, sports have been seen as extremely important to the community. International sports have grown in prominence and have been the centre of attention for decades. Small States'

---

<sup>1</sup> Webster's New World Dictionary of the American Language, College Edition, 1968.

<sup>2</sup> E Grayson, Sport and the Law 47 (Bloomsbury Professional, 2nd ed., 1994).

<sup>3</sup> (2005) 4 SCC 649.

<sup>4</sup> Annaliese Nelson, When, Where and Why Does the State Intervene in Sport: A Contemporary perspective, Epublications.bond.edu (2005), available at: <http://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1000&context=slej> (last visited April 7, 2017).

<sup>5</sup> 1991 SCC (2) 412.

performance in recent Olympic Games has been brilliant and admirable, whereas the performance of a major country like India, with the world's second-largest population, has been dismal."

Our country lacks a solid sports structure, despite various federations. Despite this, there are no universal regulations governing betting, gambling, and match-fixing in our country, contributing to corruption. There is no mechanism for athletes to negotiate disagreements with federations, which leads to the departure of many athletes from their respective sports. A few issues that demand standard legislation are breaching agreements and contracts, low compensation for athletes and their unlawful terminations, and failure to provide financial records. One of the critical concerns that have to be addressed is the harassment of athletes. There must be provisions in place for a retired athlete's rights. In India, several cases have involved broadcasting rights<sup>6</sup> and Sports authorities' arbitrary acts<sup>7</sup>. Sports law should provide a system of frequent checks and balances to eliminate unfair acts and penalize those who engage in them. The Olympic Games Bidding Scandal, the IPL Scam, and the FIFA Scam are just a few examples of situations highlighting the necessity for a standard structure to manage sports in our country. In addition, athletes' concerns, such as drug misuse, must be eradicated, and stringent measures must be implemented in this respect.

## **GOVERNANCE OF SPORTS IN INDIA:**

In India, there are a variety of sports laws. In the Indian context, sports regulatory groups such as the Board of Control for Cricket in India (BCCI) and the Indian Olympic Association are examples of independent regulatory entities. The Indian government established the Ministry of Youth Affairs and Sports to construct infrastructure, attain excellence in various competitive events, and encourage capacity building for broad-based sports on a national and international level. The promotion of sports is initially delegated to several National Sports Federations (NSFs). The Ministry of Sports and Youth Affairs regularly issues notifications and instructions to these self-governing entities, i.e. NSFs, for their regulation. The Sporting Authority of India, the highest authority, coordinates a variety of sports events. The Government of India has devised and executed several initiatives connected to awards, sporting events, etc. The fundamental goal of India's National Sports Policy of 2001 is to attain greatness in sports at both the national and international levels.

---

<sup>6</sup> Supra Note 3.

<sup>7</sup> Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal, AIR 1995 SC 1236.

In India, sports legislation is controlled and governed by:

1. Sports Authority of India
2. National Sports Policy
3. Sports Law and Welfare Association of India
4. Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007.

The National Sports Policy, 1984-2001, whose principal goal was to increase sports since it was deteriorating owing to corruption, betting, and other factors. It was later discovered that the 1984 Bill was incomplete, and its execution was incomplete. Thus the bill was reformed in 2001 in an attempt to amend it. Only after this policy did legislators grasp the importance of sports, and as a result, 'Sports' was included in the Constitution's State List of the Seventh Schedule (Entry 33). Under the provisions of this policy, the central government aspires to achieve national and worldwide excellence in sports and partners with state governments and other authorities to accomplish so.

The Sports Legislation and Welfare Association of India is a non-profit national organization whose primary goal is to understand better the work being done in India to enhance ethical sports law and promote sports. It provides consulting services on various topics, including Indian sports policy, sports injuries, health and safety in sports, intellectual property issues in sports, and more. It also serves as a forum for legal practitioners who represent various clients to establish rules for sports ethics.

The Sports Authority of India (SAI), established in 1984, is an apex national sports organization by the Ministry of Youth Affairs and Sports. It was established to broaden and bring quality to sports throughout India. It spans nine areas, including Bangalore, Gandhinagar, Chandigarh, Kolkata, Imphal, Guwahati, Bhopal, Lucknow, Sonapat, and two academic institutions, the Netaji Subhash National Institute of Sports (NSNIS) in Patiala and the Laxmibai National College of Physical Education in Lucknow. Educational initiatives such as coaching and physical education awareness programmes are also included.<sup>8</sup>

---

<sup>8</sup> [https://en.wikipedia.org/wiki/Sports\\_Authority\\_of\\_India](https://en.wikipedia.org/wiki/Sports_Authority_of_India).

The primary goal of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act of 2007 was passed for providing access to listeners and viewers to encourage a larger audience and to cover sporting events of national importance through mandatory sharing of sports broadcasting signals with Prasar Bharati and related matters. According to the Act, no content right owner or holder, nor a television or radio broadcasting service provider, can broadcast key national sporting events live on television. To do so, it must concurrently share its live broadcasting signal (excluding commercials) with Prasar Bharati.

The Union Government has established a National Anti-Doping Agency (NADA) governed by the Societies Registration Act. NADA comprises scientists and Indian Olympic Association delegates (IOA).<sup>9</sup> It was established in response to the issue surrounding the use of dope by athletes and to assist in regulating sporting activities to be free of corruption and controversy. Although the enactment of sports laws is the subject matter of state under the 7th schedule of the state list, entry 33 of the Indian Constitution, no state has done so. The National Sports Development Code was adopted in 2011 to manage India's National Sports Federations. Its legitimacy was confirmed in the case of the Indian Olympic Association v. Union of India by the Delhi High Court<sup>10</sup>. The National Sports Federations carry out their responsibilities following the principles outlined in the Olympic Charter or the Indian Olympic Association's Charter. The latter's duties include complete management, direction, supervision, and regulation of the discipline and promotion, development, and sponsorship of the profession in sports. The Ministry of Youth Affairs and Sports, governed by the National Sports Federations and led by a cabinet minister, has direct responsibility for the administration and funding of sports.

## JUDICIAL APPROACH

National sports organizations in India field a national team to represent the country in international tournaments, where robust performance is a source of pride for the entire country.<sup>11</sup> These organizations also sell telecasting and broadcasting rights to the winning bidder for large sums of

---

<sup>9</sup> "National Anti Doping Agency formed". *The Hindu*. 2006-03-31. ISSN 0971-751X.

<sup>10</sup> W.P. (C) 2310/2012.

<sup>11</sup> Grayson E., former President of the British Association for Sport and Law, in his inaugural presidential address 1 (1) *Sport and the Law Journal*, 1993.

money, and they profit from advertising in sporting events.<sup>12</sup> They also take disciplinary measures against erring players, which may include banning them from the game entirely. These agencies govern even domestic contests or competitions.<sup>13</sup> The case of *Ajay Jadeja v. Union of India*<sup>14</sup> ushered in a new age of sports-legal change. There was a lack of an organized inquiry, difficulties with sports integrity, a system for dealing with the complaint, and various other controversies. In this case, it was decided that because sporting organizations serve public tasks, they are subject to the High Court's writ jurisdiction.

The top court supported the premise mentioned above in *Zee Telefilms and Others v. Union of India & Others*<sup>15</sup>. In India, this case is known as the Magna Carta of Sports Law. The issue was around BCCI's unjustified termination of a broadcasting rights arrangement. The aggrieved party, Zee Telefilms, filed a writ suit with the Supreme Court under Article 32 of the Indian Constitution. A writ under Article 32, on the other hand, can only be brought against authority under 12 designated as "State" of the Indian Constitution. The Supreme Court ruled that the BCCI did not fit under the definition of "State" as defined by Article 12 of the Constitution. However, Justice Sinha (minority opinion) believes that BCCI falls under the category of 'State.' Apart from the Zee Telefilms case, there are other more judgements that add to India's Sports Law jurisprudence.

The Supreme Court emphasized the importance of sports in India in the case of *K. Murugan v. Fencing Association of India, Jabalpur*<sup>16</sup>. The lawsuit involved the election of members to the Indian Olympic Association's executive Council (IOA). "This does not appear to us to be a subject where individual rights in terms of the laws and regulations of the Society should occupy our attention," the Supreme Court said. Sports have been seen as extremely important to the community in contemporary times. International sports have grown in prominence and have been the centre of attention for decades. Small States' performance in recent Olympic Games has been excellent and respectable, whilst the performance of a major country like India, with the world's second-largest population, has been awful." Sports gurus in India are unregulated because of a lack of passion on the part of the states. As

---

<sup>12</sup> Annual Report - 08, Ministry of Youth Affairs & Sports (Govt. of India). : 59, 2007.

<sup>13</sup> *Zee Telefilms and Others v. Union of India & Others*, (2005) 4 SCC 649.

<sup>14</sup> 114 95 (2002) DLT 14.

<sup>15</sup> Supra Note 3

<sup>16</sup> Supra Note 5

a result, sports organizations step in to play a role in controlling the situation. The Board of Cricket Control India (BCCI) oversees cricket, the All India Football Federation (AIFF) oversees football, the Indian Hockey Federation leads hockey, the Sports Authority of India manages sports, and the Indian Olympic Association oversees sports. This demonstrates that the Ministry of Sports Affairs, which also works outside to administrate various sports organizations, is the only focal sports authority in charge of all sports. There have been instances where financially sound sporting organizations, such as the BCCI, have refused to join the Ministry and are only monetary benefits. This issue was discussed in the case of *Zee Telefilms v. Union of India*<sup>17</sup>; it was said that "Inside India's borders, sports bodies are essentially unaccountable to the state or any other central authority, which should not be the case given the importance of sports in the modern arena." Although certain enactments exist, such as the National Sports Development Code, 2011, which governs the National Sports Federation of India, because sports are considered to be a part of the State List of the Indian Constitution's Seventh Schedule, the validity of the Code mentioned above was upheld in the case of *Indian Olympic Association v. Union of India*<sup>18</sup> by the Delhi High Court. At the moment, two draft Central Bills, the Prevention of Sporting Fraud Bill, 2013 and the National Sports Development Bill, 2013, are awaiting promulgation. If they are, it will increase public trust in the existence of Sports Laws in India.

## CONCLUSION:

Sports legislation must survive in India for sports and athletes to develop; legislative action is required. India must understand that "sports" is no longer just a collection of athletes competing for the top spot; it now comprises complex legal issues in which the players' whole careers are at stake. This sector produces a separate legal system, which should be given adequate treatment. Sports law is unquestionably a rewarding field. With the help of the legislation, an effort should be made to enhance the athletic environment. Sport is more than just a form of entertainment; it is also a source of national pride. The rise of the Indian Cricket League and the Indian Premier League has posed critical problems concerning Competition Law. This adequately demonstrates the necessity to strengthen Sports Law in India. The Indian sports sector has come a long way. Sports have taken on a corporate structure that includes a variety of business interests. Sports issues are gradually becoming a

---

<sup>17</sup> Supra Note 3.

<sup>18</sup> W.P. (C) 2310/2012, CM APPL.4946 & 17545/2012.

significant focus as agreements should have the option to explain parties' expectations and responsibilities, should ensure the competitor's and the brand's big-picture interests and should factor in regulatory, legal, and various risks inherent in the industry. The country has reached a point where we require legislation to govern sports law. It is critical to establish a unified sports code to meet the increasing demands of the scenario, both national and worldwide. Like India, the United States and the United Kingdom lack a federal enactment/legislation to govern sports and sports federations. Despite this, creating laws in all three divisions of sports law, i.e. amateur, professional, and international athletes in the United States, provides security to the athletes' interests.

The following are the primary concerns confronting Indian sports:

- Management blunders Non-accountability for outcomes
- Inefficient or ineffective use of finances
- Undemocratic or corrupt election methods in sports organizations
- Prejudice in national team selection procedures.

As a result, India needs national legislation for the progress, enhancement, and consistent regulation of sports. Sports is listed as Entry 33 in the State List of the Seventh Schedule of the Indian Constitution. Even though there was a proposal to put sports in the Concurrent List, over which both the state and the centre would be competent to create legislation, the government has failed to do so. Furthermore, the government has been unable to execute India's National Sports Policy despite repeated efforts. The Parliament must pass national sports law that includes the following provisions: For starters, it would fund the establishment of a Sports Commission to oversee sports in India. The Sports Commission intends to:

- encourage talent discovery and development and involvement in sports at all levels of foundation, participation, performance, and greatness
- Sports-related advice to the Ministry of Sports and Youth Affairs;
- monitor and take action to ensure that money given by the Sports Commission to sports federations are correctly used;
- Guarantee enough funding and resources are allocated to national and provincial sports federations and their connected organizations

- must monitor the execution of sports policies in India, and so on

The enactment of sports law will focus on game progression, right from the school level, by combining sports with education and making it a required topic of learning up to the Secondary School level. In addition to the Union and State Governments, supported the inclusion of various organizations, such as Panchayati Raj Institutions, Educational Institutions, Local Bodies, Sports Associations/Federations would help the utilization, creation, and proper maintenance of sports infrastructures such as playfields and stadiums, both in rural and metropolitan areas. Also, sports associations and federations will enlist under a unified law rather than registering under the Societies Registration Act. Funding allocation to these organizations/unions would be handled through the Sports Commission established under the Act. These federations/associations should be accountable to the Sports Commission in terms of funding. The Sports Commission will have the authority to investigate any mismanagement of money. The Sports Commission will be given the authority to mediate disputes. It will have the authority to form boards/panels to adjudicate disputes and punish offenders who violate a set of principles or a code of conduct. The associations such as the Sports Authority of India will be significantly affected by the Sports Commission and will solely focus on arranging various sports events in India. As a result, in a country like India, where almost all sports are performed, it is hard to bring concerns to light regarding the same among the people of India unless there is an order of a relevant enactment/legislation with that influence.

Sporting has grown as necessary as any other economic activity in our nation. There is a need for standard rules to control sports in our country; otherwise, sports may become more weak and prone to exploitation. In its General Assembly resolution 58/5 enacted in 2003, Even the United Nations acknowledged sport as a method to promote education, health, development, and peace.<sup>19</sup> The present regulations and authorities are insufficient to attain the goal, and a new model is required to manage sports in our nation. Sports are no longer just for fun; they are now a source of national pride, which necessitates legislative action.

---

<sup>19</sup> Sport for Development and Peace, *UN General Assembly Resolution*, November 3 2003, at <http://www.un.org/wcm/content/site/sport/home/resourcecenter/resolutions/pid/19431>.