



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

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, Lakshmanagarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, 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.

EXPLORING AND ANALYSING SPORTS LAWS IN INDIA

AUTHORED BY - RASHI GARG & VANSHIKA MISHRA

ABSTRACT

This paper attempts to narrate the position of sports law in India and how it, developed over some time. Once in a lifetime, we all have participated in sports in one way or another, but we never release the need for sports laws in our daily lives. The sports law is important for making policies to raise the standard and safeguard sports. Around 1982 Indira Gandhi led the government to establish a department to look after sports, known as the Ministry of Youth Affairs and Sports (MYAS) and thereafter the ministry introduced India's first - ever National Sports Policy (NSP) and launched the Sports Authority of India (SAI). The resolution was passed by both the Houses of Parliament in August 1984 which is now known as National Sports Policy, 2001. Sports related laws can cover a range of areas including contracts, arbitration, anti doping regulation, intellectual property and liability issues. Further some important case laws are also determined. The disputes relating to the sporting activities are settled by the use of arbitration as it the most appropriate mode for dispute resolution. The paper is going to discuss how the standard of the sports evolved in the country to the extent that it needs a separate field of law. The method of research used is doctrinal research. The main objective of the paper is to explore the need for and analyze the present sports law in India and what are regulations or authorities to improve the law.

Keywords – National Sports Policy, Commerce in sports, Authorities, Object of sports Laws, Arbitration in sports law.

INTRODUCTION

Once in a life we all have participated in sports in one way or other, but we never release the need of sports laws in our daily life. From dating back thousands of years, Indian has a rich sporting culture and heritage and with the passage of time, the lawmakers felt the need to introduce policies to raise the standard and to safeguard the sports. Around 1982, Indira Gandhi led government, establishes a department to look after sports, known as **Ministry of Youth Affairs and Sports**

(MYAS), thereafter, the ministry introduced India's first ever **National Sports Policy (NSP)** and subsequently, launched the **Sports Authority of India (SAI)**. This first resolution i.e. National Sports Policy was passed by both the Houses of Parliament in August 1984, which latter came to be known as National Sports Policy of 2001.

Historically the development of sports was led by government but now the government and private sectors are collaborating to strength the Indian sports industry. Over the last decade, the sports industry in India has experienced substantial commercial expansion. Presently, the realm of sports business serves as more than just a dynamic avenue for marketing and establishing branding prospects for companies investing in sports; it also generates value for fans nationwide, with sports leagues now becoming a leading conduit for private sector involvement. Integral to civil society, sports law stands as a foundational pillar, experiencing global expansion driven by the commercialization and expansion of the sports industry and its significance extends to economical, political, and social aspect also.

DEFINATION

Sports law is that field of law which deals with the sporting activities of the country. It deals with issues of sports player, teams, managers and associates. It also includes the other law like contract law, tort law, trademark law and various others¹.

Sports law is applied in the field of sports, physical education and its other relevant field. It is a pure law as opposed to theoretical law and is concerned with how law in general interacts with the activity known as sports².

SPORTS LAW IN CONSTITUTION

Sport's law is always a borrowed term for Indian legal system. As many other countries, India has never enacted a statute in the field specifically relating to sports. According to the India Constitution, Sports is categorized as a State subject in the Constitution of India under Entry 33 of List II, meaning that the Central government lacks the authority to enact legislation pertaining to sports; at this situation it is quit challenging for the government to address the reform at national level.

¹ Article in S.S. Rana & co

² <https://www.sportslawindia.info/sportslaw.htm>

Although, the Central Government of India, established the Ministry of Youth Affairs & Sports which aims to develop infrastructure and facilitate capacity building to popularize sports and attain excellence in national and international competitions. The promotion of sports is primarily entrusted to the autonomous National Sports Federations (NSFs), while the Ministry of Sports and Youth Affairs periodically releases notifications and guidelines to regulate the functioning of NSFs³.

EVOLUTION OF COMMERCE IN SPORTS LAW

In recent times, there is a growing trend showcasing collaboration between the Indian government and the private sector to fortify the sports industry in the country. Traditionally, it was spearheaded by the government; the evolution of sports in India now witnesses the corporate sector contributing through avenues like corporate social responsibility initiatives, Public Private Partnerships (PPPs) in the development of sports infrastructure, and the establishment of for-profit sports academies. One of the best examples of successful Public Private Partnerships (PPPs) is the collaboration between Jindal Steel Works and the Sports Authority of India (SAI). In this instance, Jindal Steel Works engaged in a Corporate Social Responsibility initiative to enhance and maintain the infrastructure at SAI's regional training centre in Hisar⁴.

Over the past 10 years, there has been significant commercial growth in sports. In the present scenario, the sports industry serves not only as a dynamic platform for marketing and establishing branding opportunities for businesses investing in sports but also as a means of generating value for fans nationwide. Sports leagues have evolved into a key avenue for the private sector, with league promoters and franchises increasingly undertaking strategic initiatives. These involve investments in infrastructure, training, and talent scouting, aiming to actively involve communities and foster a dedicated sports culture. This approach ensures the enduring sustainability of their commercial assets, such as leagues and franchises.

LEGISLATURE AND AUTHORITIES

At the central level, the Ministry of Youth Affairs and Sports is the primary governmental authority overseeing sports-related matters. The Sports Authority of India (SAI) operates under this ministry and is responsible for the development of sports infrastructure, talent identification,

³ In the Journal of advances and scholarly researches in allied education

⁴ Article in Taylor & Francis Online / www.tandfonline.com

and training programs Additionally, the National Sports Development Code (NSDC) plays a crucial role in regulating sports bodies in India. The NSDC sets guidelines for the functioning of National Sports Federations (NSFs) and ensures transparency, accountability, and fair governance within these organizations Furthermore, individual states have their own sports policies and bodies to promote and regulate sports activities at the state level. The state sports departments collaborate with the central government to implement various sports development programs

- **Sports Authority of India (SAI)** – was set up in 1984 by the Ministry of Youth Affairs and Sports, earlier it was used to deal with the conduct and coordinate various sports activity at national level, but with the time and need of an hour it expanded its scope to foster diverse sports participation and established provisions for young individuals to channel their energy towards attaining excellence in sports. The SAI is divided into wings i.e. academic wing, team wing, operation wing, stadia wing. Each wing performs different function⁵.
- **National Sports Policy (NSP)** – was drawn in year 1984. The intention behind the policy was to raise the standards of sports and further to the raise the standards by evaluating the progress. The policy mandates collaboration between the Central Government, the Sports Authority of India, National Sports Federations, and the Indian Olympic Association (IOA) to strive for excellence in sports both at the national and international levels.
- **National Sports Federations (NSFs)** - are organizations responsible for the development, promotion, and regulation of specific sports disciplines within a country. These federations play a crucial role in organizing competitions, formulating policies, and overseeing the overall administration of their respective sports.
- **National Sports Development Code of India (NSDCI)** - *In the year 2014, the Delhi High Court declared the NSDCI as the Law of the Land for sports bodies in India. NSDCI is a set of orders issued by the Government of India since the year 1975 for the National Sports Federations⁶. This is a set of regulations and guidelines formulated to govern the development and administration of sports in India. This code plays a crucial role in ensuring transparency, accountability, and fair governance within National Sports Federations (NSFs) and other sports organizations.*

⁵ Sports Authority of India, Ministry of Youth Affairs & Sports, Government of India

⁶ <https://youthdestination.in/national-sports-development-code-of-india-nsdci>

- **Sports Law and Welfare Association of India** - is a non-profit national professional organization with a shared objective: the comprehension, progress, and ethical practice of "Sports Law" in India, aiming to promote sports by fostering collaboration between legal practitioners and sports personalities. Its objectives are offering educational opportunities and sharing information about specific aspects of sports law, creating a platform for lawyers representing athletes, formulating ethical guidelines for sports individuals, and pursuing numerous other initiatives.
- **Sports Broadcasting Signals (MANDATORY SHARING WITH PRASAR BHARATI) ACT, 2007** - is an Indian legislation that pertains to the sharing of sports broadcasting signals with Prasar Bharati, which is India's public broadcasting agency. The Act outlines the provisions and conditions under which private broadcasters are obligated to share live broadcasting signals of sporting events with Prasar Bharati. The intention behind this mandatory sharing is to enhance the accessibility of these events to the wider public, especially for events that hold national significance.

Apart from above authorities, two organizations that are autonomous to a great extent as well as popular among people too are (i) The Board of Control for Cricket in India (BCCI) and (ii) Indian Olympic Association⁷.

- **Board of Control for Cricket in India (BCCI)** - was founded on December 4, 1928. It was established as a society under the Tamil Nadu Societies Registration Act by a group of influential cricket administrators at that time. The founding members included representatives from different regional cricket associations in India. BCCI, functioning as a private entity, asserts and effectively operates as the authoritative body governing cricket in India⁸. Stated in its Memorandum of Association, the organization outlines its objectives, including the regulation of cricket within the country, the resolution of disputes and decision-making for matters referred by various cricket associations, the promotion of the sport, formulation of cricket laws in India, team selection for Test Matches, and the appointment of India's representatives to international cricket conferences and related events. The BCCI's role has expanded, especially with the advent of high-profile leagues like the Indian Premier League (IPL), which has further boosted the board's financial strength and global influence. They are duty bound to ensure that the game of cricket is played in the true spirit of the game free from any form of corruption.

⁷ Article by Utsav Biswas Playing by the Rules: Navigating the Intricacies of Sports Law in India in jus corpus

⁸ As decided in Zee Telefilms vs. Union of India (SC) (2005)

But the IPL Spot Fixing scandal has showed that the BCCI has grossly failed in this endeavor thereby denting the image of cricket in India⁹.

Zee telefilms and others vs Union of India and others (2005)¹⁰

This case an important role in shaping the legal history of sports law and it is considered as the Magna Carta of Indian Sports Law. A petition was filed under Article 32 of the Constitution of India, now the question the apex court was whether the sports authority BCCI comes under the ambit of Article 12 or not. The Supreme Court acknowledged that due to its performance of public functions similar to the state, it is subject to general standards applicable to judicial review. Therefore, the BCCI is accountable under the writ jurisdiction specified in Article 226 and 32 of the Constitution.

Cricket Association of Bihar v. Board of Control for Cricket in India & Anr¹¹

An appeal was filed before the Supreme Court of India regarding regulation made for player, umpires and administrator by BCCI. Analyzing the BCCI's "monopoly" in administration, the court ruled that the organization must adhere to principles of "fairness" and "good faith" in its operations. Additionally, it emphasized that the office bearers of such sports bodies should be regarded as "public servants" and further constituted the three member Lodha Committee to investigate the functioning of the BCCI.

- **Indian Olympic Association (IOA)** - is the apex body governing Olympic sports in India. Established in 1927, it is responsible for overseeing the country's participation in the Olympic Games and promoting sports at the national level. The IOA works closely with various national sports federations to develop and manage the Olympic movement in India. Its primary objectives include selecting and sending Indian athletes to the Olympics, promoting sports at the grassroots level, and upholding the principles and values of the Olympic Charter.

Indian Olympic Association v K. Narayana Rao (2003) – there is a conflict arose between the Indian Olympic Association (IOA) and the Indian Weightlifting Federation (IWF) concerning the nomination of weightlifters for the Olympic Games. The Supreme Court ruled that while the IOA

⁹ Sports law in India, article

¹⁰ <https://indiankanoon.org/doc/404603/>

¹¹ <https://m.rediff.com/cricket/2015/jan/27supreme-court-judgement-ipl-fixing-probe.pdf>

possessed the authority to choose athletes for the Olympics, it was mandated to conduct the selection process with fairness and transparency.

ARBITRATION IN SPORTS

Arbitration in sports refers to the use of alternative dispute resolution mechanisms, particularly arbitration, to resolve conflicts and disputes within the realm of sports. Instead of resorting to traditional litigation in courts, sports organizations and athletes often opt for arbitration to address issues efficiently and with a specialized focus on sports-related matters.

In the year 2011, the Indian Court of Arbitration for Sports was set up as an official body to introduce ADR mechanism within the purview of sports related disputes in the most efficient way possible¹². This was first efforts made in India to set up a uniform and effective dispute redressal mechanism by keeping in mind the complex issues involved in Sports. Although, this initiative was not very successful in setting up, Court of Arbitration for sports.

CAS is an independent global institution that provides a forum for the resolution of sports-related disputes through arbitration or mediation. It ensures that conflicts arising in the sporting world are adjudicated by experts with a deep understanding of sports law. The arbitrators at CAS are typically legal experts specializing in sports law. They are selected from a list maintained by the International Council of Arbitration for Sport (ICAS), the governing and funding body of CAS. The institution serves as both a court of first instance and an appellate body. Athletes or sports organizations dissatisfied with decisions made at the national level can appeal to CAS for a final resolution.

In year 2021, Sports Arbitration Centre of India (SACI) was inaugurated by Minister of Law and Justice, Kiren Rijiju in Ahmedabad, Gujarat to serve as an independent body to fast-track disputes in the sports sector and serve as a mechanism to redress issues related to sports.

CONCLUSION

The India has its national level sports ministry, for making policies and regulation for sports and its related aspect. The conventional process of dispensing justice often involves lengthy and

¹² Article on Sports Dispute Resolution in India (2022) by Navya Sharma By Khurana and Khurana <https://www.mondaq.com/india/sport/1177320/sports-dispute-resolution-in-india>

intricate procedures where technicalities and subtleties may not receive adequate attention. However, through the utilization of arbitration, the resolution process gains efficiency, ensuring privacy and expeditious trials. This approach not only provides a more convenient and meaningful avenue for delivering justice to the aggrieved party but also contributes to the overall well-being of the sports community. The country still need to widen it approach towards the sport law as it is growing specialization of law.

In the above discussion so far, it is clear that India has a huge policy system for sports, but despite all this still India lack in terms of sports law and therefore needs to evolve it.

