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BEYOND THE PLAYING FIELD: ARTIFICIAL INTELLIGENCE, ATHLETE DATA AND PRIVACY IN INDIAN SPORTS, RETHINKING OWNERSHIP, CONSENT AND COMMERCIALISATION

AUTHORED BY - SHARAD PRATAP SINGH & SOUMIL

Abstract

Artificial intelligence has moved from the margins of Indian sport into its operational core, depending on a single raw material: data generated by the bodies and movements of individual athletes. Franchises, national federations, technology vendors and broadcasters now routinely collect biometric, locational, physiological and performance data that Indian sports law has not kept pace with. There is no dedicated statute, regulation or sport-specific code that answers three foundational questions: who owns an athlete's performance and biometric data; on what lawful basis is that data collected, used and shared; and how the resulting commercial value should be distributed. Indian sport currently governs athlete data through a patchwork of general instruments the constitutional right to privacy, the Digital Personal Data Protection Act 2023, ordinary contract law, and the National Sports Governance Act 2025 none of which was designed with the peculiarities of the athlete-employer-federation relationship in mind. This article argues that this patchwork is inadequate and produces a structural imbalance in which athletes generate the data, technology vendors and franchises capture its economic value, and privacy protection is left to standard-form consent that athletes are rarely in a position to refuse. The article examines the extent of AI-driven data collection in Indian sport, the constitutional and statutory privacy framework, the silence of the National Sports Governance Act 2025 on data governance, the contested question of data ownership, the illusion of consent in hierarchical sporting relationships, and the commercialisation of athlete data. It concludes with proposals for a sport-specific data governance framework, including a graded category for biometric and health data, mandatory athlete data policies for federations, statutory collective bargaining over data clauses, and revenue-sharing formulas for the commercial licensing of identifiable athlete data.

I. Introduction

Artificial intelligence has moved from the margins of Indian sport into its operational core. Wearable sensors strapped to a bowler's wrist, computer-vision systems that decompose a batter's stroke into hundreds of data points, and machine-learning models that price players at an Indian Premier League ('IPL') auction all depend on a single raw material: data generated by the bodies and movements of individual athletes.¹ Franchises, national federations, technology vendors and broadcasters now routinely collect biometric, locational, physiological and performance data that, only a decade ago, would have been confined to a coach's notebook. Indian sports law, however, has not kept pace with this transformation.

There is no dedicated statute, regulation or sport-specific code that squarely answers three foundational questions: who owns an athlete's performance and biometric data; on what lawful basis is that data collected, used and shared; and how should the resulting commercial value be distributed. Indian sport currently governs athlete data through a patchwork of general instruments – the constitutional right to privacy, the Digital Personal Data Protection Act 2023 ('DPDP Act'), ordinary contract law, and, since 2025, the National Sports Governance Act none of which was designed with the peculiarities of the athlete-employer-federation relationship in mind.² This article argues that this patchwork is inadequate, and that it produces a structural imbalance in which athletes generate the data, technology vendors and franchises capture its economic value, and privacy protection is left to standard-form consent that athletes are rarely in a position to refuse.

The discussion proceeds in seven parts. Part II maps the extent of AI-driven data collection in Indian sport. Part III surveys the constitutional and statutory privacy framework applicable to athletes. Part IV examines the National Sports Governance Act 2025 and its silence on data governance. Part V interrogates the contested question of data ownership. Part VI argues that the structural power asymmetry between athletes and sporting bodies renders 'free' consent largely notional. Part VII considers the commercialisation of athlete data, before the article concludes with a set of proposals for a sport-specific data governance framework.

¹Analogue IT Solutions, 'Technology Behind IPL Matches: A Game-Changer in Cricket' (Analogue IT Solutions Blog) <<https://www.analogueitsolutions.com/blogs/technology-behind-ipl-matches/>> accessed 1 September 2026.

²Digital Personal Data Protection Act 2023, Act No 22 of 2023; National Sports Governance Act 2025, Act No 25 of 2025.

II. The Data-Driven Turn in Indian Sport

The clearest illustration of AI's penetration into Indian sport is cricket, and specifically the IPL. During the 2021 season, the Board of Control for Cricket in India ('BCCI') issued every player and support staff member inside the tournament's bio-secure bubble with a GPS-enabled wristband intended to trace movement and contact for infection-control purposes; the device malfunctioned, prompting franchises to complain that location data was being collected without a reliable audit trail of how it was stored or who could access it.³ By the 2026 season, wearable technology had become standard rather than exceptional: players wear GPS-linked smart jerseys and heart-rate monitors that feed fatigue-tracking models used to project injury risk, while franchises deploy Monte Carlo simulations at auctions to price players on the basis of aggregated performance and biometric datasets.⁴

AI's reach extends beyond wearables. Computer-vision systems now analyse match footage frame by frame to model technique, detect fatigue and flag injury risk in near real time.⁵ Machine-learning pipelines draw on ball-tracking systems, biometric sensors and historical statistics to forecast performance, guide team selection and inform in-match strategy.⁶ Each of these systems depends on the continuous, granular capture of an individual athlete's physiological state data that is qualitatively different from a batting average or a strike rate, because it discloses information about a person's body, health and habits rather than merely the outcome of a contest. Yet Indian sports administration treats this data as an ordinary operational input, indistinguishable in law from ticketing records or broadcast logs.

III. Constitutional and Statutory Privacy Foundations

Any account of athlete data protection in India must begin with Article 21 of the Constitution, which guarantees the right to life and personal liberty.⁷ In *Justice K S Puttaswamy v Union of India*, a nine-judge bench of the Supreme Court unanimously held that the right to privacy is a

³IPL 2021: GPS-Based Tracker which Monitored Players' Movements Found Defective' (Circle of Cricket, 4 May 2021) <<https://circleofcricket.com/category/IPL/64752/>> accessed 1 September 2026.

⁴Boston Institute of Analytics, 'IPL 2026: Data Science Secretly Deciding Winners' (Boston Institute of Analytics Blog, 24 April 2026) <<https://bostoninstituteofanalytics.org/blog/ipl-2026-how-data-science-is-secretly-deciding-match-winners/>> accessed 1 September 2026.

⁵Ultralytics, 'Computer Vision in IPL 2025: Enabling Smarter Cricket' (Ultralytics Blog) <<https://www.ultralytics.com/blog/how-computer-vision-in-ipl-2025-is-enabling-smarter-cricket>> accessed 1 September 2026.

⁶Boston Institute of Analytics, 'The Impact of Machine Learning on IPL Performance Forecasting' (Boston Institute of Analytics Blog, 3 May 2025) <<https://bostoninstituteofanalytics.org/blog/the-impact-of-machine-learning-on-ipl-performance-forecasting/>> accessed 1 September 2026.

⁷Constitution of India 1950, art 21.

fundamental right protected under Article 21.⁸ Justice Chandrachud's leading opinion recognised informational privacy the right of an individual to control the dissemination of personal information as an incident of this broader right.⁹ Athletes are not excluded from this protection merely because they perform in public: the doctrine distinguishes between information voluntarily made public through the act of competing (a boundary hit, a race time) and information generated about the athlete's body that is not inherently public, such as heart-rate variability, sleep data, or biomechanical stress markers gathered by a wearable device.

Puttaswamy supplies the constitutional foundation, but the operative statutory framework is now the DPDP Act, which defines the entity that determines the purpose and means of processing as a 'data fiduciary' and the individual to whom the data relates as a 'data principal'.¹⁰

An athlete wearing a franchise-issued tracker, or uploading training data to a federation's analytics platform, is a data principal whose data may be processed only where a lawful basis ordinarily consent exists.¹¹ Entities that process data at scale or that process particularly sensitive categories may be notified as 'significant data fiduciaries' and subjected to heightened obligations, including data protection impact assessments and the appointment of a data protection officer; the volume and intimacy of biometric data generated across an IPL season plausibly brings franchises and the BCCI within this category.¹² Non-compliance carries substantial exposure, with penalties of up to ₹250 crore per instance.¹³ The Act is being brought into force in a phased manner, with core provisions including the consent architecture and the constitution of the Data Protection Board of India notified from November 2025 onward.¹⁴

A significant gap, however, lies in classification. The regime that preceded the DPDP Act, the 2011 Sensitive Personal Data Rules, expressly treated biometric information, physical and physiological condition, and health records as a distinct, more strictly protected category.¹⁵ The DPDP Act abandons this graded approach in favour of a largely undifferentiated definition of

⁸Justice K S Puttaswamy v Union of India (2017) 10 SCC 1.

⁹ibid, per Chandrachud J (recognising informational privacy as an incident of the right to privacy under art 21).

¹⁰Digital Personal Data Protection Act 2023, s 2(f) (definition of 'data fiduciary') and s 2(j) (definition of 'data principal').

¹¹Digital Personal Data Protection Act 2023, s 6 (consent as a basis for processing).

¹²Digital Personal Data Protection Act 2023, s 10 (additional obligations of significant data fiduciaries).

¹³Digital Personal Data Protection Act 2023, s 33 (penalties, up to ₹250 crore per instance).

¹⁴India Briefing, 'India's Digital Personal Data Protection (DPDP) Act 2023' (India Briefing, 15 July 2024) <<https://www.india-briefing.com/news/indias-digital-personal-data-protection-act-2023-key-provisions-29021.html>> accessed 1 September 2026.

¹⁵Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules 2011, r 3 (defining 'sensitive personal data or information' to include biometric and health information).

'personal data', leaving biometric and health data precisely the categories generated by athlete-monitoring technology without the heightened, purpose-specific safeguards that their sensitivity would otherwise warrant.¹⁶ This is a material regression for a sector in which the data collected is, almost by definition, biometric.

IV. Governance Without Data Governance: The National Sports Governance Act 2025

Sport in India sits constitutionally within the State List, a fact that has long fragmented regulatory authority between the Union and the States and left national sports federations largely self-regulating under executive policy rather than statute.¹⁷ The National Sports Governance Act 2025 was enacted to remedy this by establishing a National Sports Board to recognise and oversee federations, a National Sports Tribunal to adjudicate sports disputes, and a National Sports Election Panel to police internal elections, replacing the ad hoc National Sports Development Code of 2011.¹⁸ Its stated purpose is to align Indian sports governance with the Olympic Charter, the Paralympic Charter and international standards of good governance, ethics and athlete welfare.¹⁹

The Act is a significant reform of institutional governance, but it is conspicuously silent on data governance. It creates no obligation on recognised federations to adopt an athlete data policy, imposes no requirement that data-sharing arrangements with technology vendors or broadcasters be disclosed to athletes, and gives the National Sports Tribunal no express jurisdiction over disputes concerning the misuse of biometric or performance data. Commentators have already noted that the Act was passed with limited legislative deliberation, raising doubts about how comprehensively its drafters engaged with athlete-centric concerns beyond employment and election disputes.²⁰ The consequence is a curious asymmetry: 2025 produced, within months of each other, a general data protection statute with no sport-specific content and a sport-specific governance statute with no data protection content. Neither

¹⁶See generally azb & Partners, 'Digital Personal Data Protection Act 2023 — Key Highlights' <<https://www.azbpartners.com/bank/digital-personal-data-protection-act-2023-key-highlights/>> accessed 1 September 2026.

¹⁷Constitution of India 1950, sch 7, list II, entry 33 (placing 'sports' within the State List).

¹⁸National Sports Governance Act 2025, Act No 25 of 2025, Statement of Objects and Reasons.

¹⁹PRS Legislative Research, 'The National Sports Governance Bill 2025' (PRS India) <<https://prsindia.org/billtrack/the-national-sports-governance-bill-2025>> accessed 1 September 2026.

²⁰National Sports Governance Act 2025: Reform or Reinforced Control?' (Law School Policy Review, 5 September 2025) <<https://lawschoolpolicyreview.com/2025/09/05/national-sports-governance-act-2025-reform-or-reinforced-control/>> accessed 1 September 2026.

instrument, read alone or together, squarely allocates rights over athlete-generated data.²¹

V. Whose Data Is It? Rethinking Ownership

Indian law has no settled doctrine of 'data ownership'; data is generally treated as an intangible asset over which rights are asserted through contract, confidentiality, intellectual property or the DPDP Act's principal-fiduciary structure rather than through a property right akin to ownership of a chattel. This absence of a default rule has allowed franchises and federations to fill the vacuum contractually, typically through standard-form playing or employment contracts that assign to the club or board an unrestricted, perpetual right to collect, analyse, license and commercially exploit any data generated by the player during the contract term. Such clauses are rarely negotiated on an individual basis and are presented on a take-it-or-leave-it basis to players whose careers are short and whose bargaining leverage, except for a small elite, is limited.

A more defensible allocation would distinguish between at least three layers of athlete data. First, core biometric and health data heart rate, sleep, injury history, genetic or physiological markers implicates bodily autonomy and dignity in a manner that should not be capable of unrestricted contractual assignment; the athlete's underlying interest in this data should be treated as inalienable even where processing for a specific, disclosed purpose is permitted. Second, performance data generated specifically within the paid, contractual context of competition shot placement, bowling speed, distance covered is more readily analogised to a work product created in the course of employment and can legitimately be shared with the employing club or federation, subject to purpose limitation. Third, data that is repackaged, aggregated or resold to third parties to fantasy sports operators, broadcasters or wearable technology manufacturers generates a distinct commercial value in which the athlete who is the source of the underlying data has a reasonable claim to a share, whether through royalty, licence fee or collectively bargained revenue-sharing mechanism. Current Indian practice collapses all three layers into a single, unqualified assignment, which is both conceptually unsound and, on the reasoning in Puttaswamy, constitutionally precarious insofar as it touches the first layer.²²

²¹Sneha Chakraborty, 'Codifying the Laws Regarding Sports: Parliament Passes the Long-Awaited National Sports Governance Bill 2025' (O P Jindal Global University, Jindal Policy Research Lab) <<https://jgu.edu.in/jsgp/jindal-policy-research-lab/codifying-the-laws-regarding-sports-parliament-passes-the-long-awaited-national-sports-governance-bill-2025/>> accessed 1 September 2026.

VI. The Illusion of Consent in a Hierarchical Relationship

The DPDP Act's consent architecture presumes a data principal capable of freely granting or withholding consent, and of withdrawing it without material detriment.²³ This presumption sits uneasily with the realities of Indian sport. An IPL player who declines to wear a GPS-linked jersey, or a young state-level athlete who refuses to share biometric data with a national federation's sports science unit, risks being perceived as uncooperative, difficult to select, or unfit for central contracts consequences that are rarely made explicit but are well understood within the playing fraternity. Consent extracted under such conditions does not meet the ordinary understanding of a free and informed choice; it is closer to a condition of employment dressed in the language of consent.

The 2021 bio-bubble episode illustrates the point starkly: players and support staff were required to wear a defective tracking device as a condition of participating in the tournament, with no meaningful opportunity to negotiate the terms of data collection, storage or subsequent use.²⁴ Unlike several foreign leagues, India has no players' association with recognised collective bargaining authority over data-related terms; the BCCI in particular has historically resisted formal player unionisation, leaving individual athletes to negotiate data clauses, if at all, through personal agents rather than through a body with comparable leverage to the franchise or federation.²⁵ Until such an intermediary structure exists, 'consent' under the DPDP Act will continue to function, in the sporting context, primarily as a compliance formality rather than as a genuine mechanism of individual control.

VII. Commercialisation: From Performance Metric to Market Asset

Athlete data has become a freestanding commercial asset independent of the athlete's on-field performance itself. Broadcasters license biometric and tracking data to enrich television coverage; fantasy sports platforms build products around granular player statistics; and wearable technology manufacturers aggregate biomechanical data across athletes to refine commercial products sold to consumers who have no connection to the athletes whose bodies generated the underlying training data. In each case, the athlete is the source of the value but is typically not a party to, or beneficiary of, the downstream licensing arrangement.

This is not a uniquely Indian problem, but the absence of any statutory floor makes the Indian position more precarious than that of comparable jurisdictions. Under the European Union's

²⁵Contrast the position of unionised leagues abroad, where players' associations such as FIFPro negotiate collectively on data-related terms; India has no comparable statutory bargaining structure for athletes.

General Data Protection Regulation, biometric data used for the purpose of uniquely identifying a person and data concerning health are classified as 'special categories' of personal data, triggering a stricter, explicit-consent standard and additional safeguards before such data may be processed at all.²⁶ The DPDP Act contains no equivalent special category, meaning that an Indian athlete's health and biometric data is currently subject to the same baseline consent and purpose-limitation rules as, for instance, an email address or a delivery pincode.²⁷ A sport-specific commercialisation model should therefore rest on three elements: mandatory disclosure to the athlete of every downstream licensee of their data; a default entitlement to a share of net licensing revenue attributable to data in which the athlete is identifiable; and a right, exercisable on request, to require anonymisation or aggregation before data is commercially licensed to a party unconnected with the athlete's employing club or federation.

VIII. Towards a Framework: Recommendations

Four reforms would bring Indian sports data governance closer to the constitutional standard set by Puttaswamy and the general standard set by the DPDP Act.²⁸ First, the rules framed under the DPDP Act should reintroduce a graded category for biometric and health data akin to the 2011 Sensitive Personal Data Rules, with heightened consent, security and breach-notification requirements applicable specifically to sports science and wearable-technology processing.²⁹ Second, the National Sports Governance Act's implementing regulations should require every recognised national sports federation to adopt a published athlete data policy, and should extend the jurisdiction of the National Sports Tribunal to disputes concerning the collection, use or licensing of athlete data.³⁰ Third, recognised athlete or players' associations should be given a defined, statutory role in negotiating standard-form data clauses collectively, reducing the individual bargaining deficit documented in Part VI. Fourth, contracts between athletes and franchises or federations should be required, as a matter of the Sports Board's recognition conditions, to include a revenue-sharing formula for any commercial licensing of identifiable athlete data to third parties, together with a right of erasure or anonymisation on request following the end of the contractual relationship.

None of these proposals requires the wholesale invention of new legal concepts; each adapts a principle already present in Indian law informational privacy under Article 21, the fiduciary-

²⁶Regulation (EU) 2016/679 (General Data Protection Regulation) [2016] OJ L119/1, art 9 (special categories of personal data, including biometric and health data).

²⁷Digital Personal Data Protection Act 2023, s 4 (grounds for processing) and s 7 (certain legitimate uses/deemed consent).

principal structure of the DPDP Act, or the governance architecture of the 2025 Act to the specific vulnerabilities of the athlete-data relationship. What is missing is not legal vocabulary but the will to apply it deliberately to sport.

IX. Conclusion

Artificial intelligence has given Indian sport unprecedented insight into the bodies and performances of its athletes, but the legal framework surrounding that insight has not been built with the athlete in mind. The constitutional right to privacy supplies the underlying value; the DPDP Act supplies a general processing architecture; and the National Sports Governance Act supplies institutional machinery yet none of the three, individually or together, resolves who owns athlete-generated data, whether consent obtained inside a hierarchical playing relationship can be considered free, or how the commercial value of that data should be shared. Until Indian sports law confronts these questions directly, the athlete will remain, in data terms, simultaneously the most valuable and the least protected participant in the sporting economy.

