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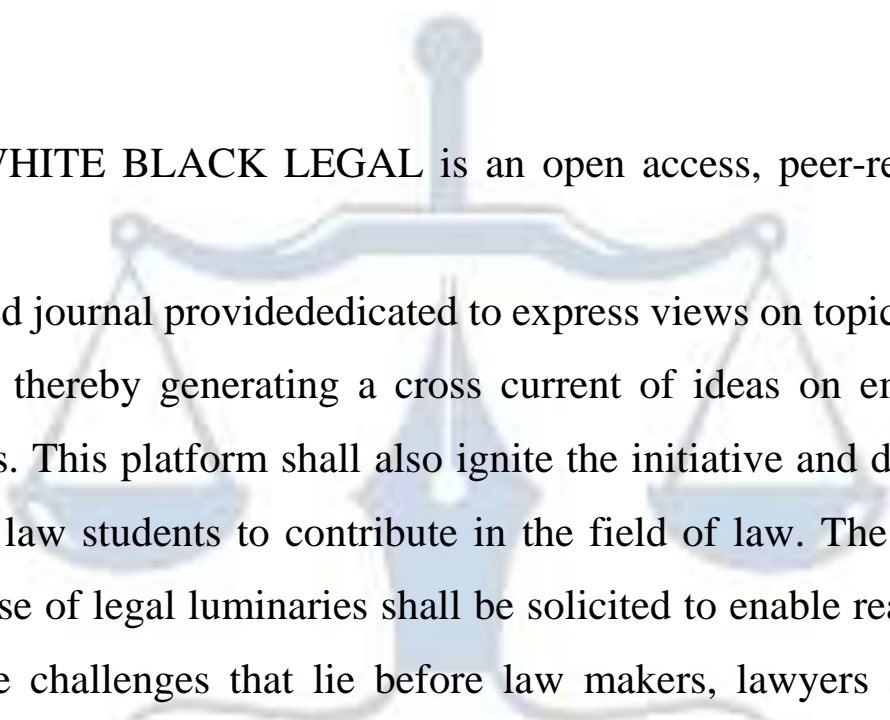


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With this thought, we hereby present to you

# **ANALYSING THE IMPORTANCE OF SPORTS** **LAW IN INDIA**

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## **Abstract:**

*The field of sports law is still relatively not very developed in India and its importance is increasing as the country is trying to improve facilities and administration of sports. In this paper, emphasis will be placed on the roles of laws in the context of the legal systems of different issues related to business and legal risks related to sports. Both of these legal frameworks are important for athletes' rights as well as for the general fair organization of the sport. A major area of concern partially dealt with by sports law in India is the question of Gender Discrimination which has been apparent in Indian sports. The paper also shows how the legal framework of sports can pave way for the provision of the fair and equal chance and opportunity for the female sports persons. Also, sports governance assist in overseeing other sporting organizations by advising on legal aspects of other activities that every sporting organization is supposed to uphold in most of the countries and Internationally. This paper also wants to highlight how the above mentioned absence of legal framework governing sports has led to issues of fluctuation and sexual harassment of athletes especially the female kind. But now it is high time when this country, which is in the process of developing its sport culture and facilities and sporting talents requires sports laws at the grass root level. This is because the provisions serves as a bench mark towards the improvement of the governance and general integrity of the sporting fraternity as well as a prompt safeguard of the athlete. The study therefore suggests that India should use pure elements of sports law to develop competitive conditions that share best practices globally. This would foster and set base for sports as well as the sporting events to the benefits of all the stakeholders.*

**Keywords:** Sports Law, Gender Discrimination, Governance, Legal framework

## **Introduction:**

Sports Law is one of the most emerging fields in India. Laws regarding sports among the people is as much important as the law which maintain justice and integrity in the country. The laws are created to protect rights of the players and to prevent cheating. Although people are aware about these rights but still there is no information about Sports Law among people. As in any field of human activity, Sports Laws encompass all aspects and circumstances in sports including Disputes concerning Contracts, Media Laws, Anti-doping Regulations and many other. Certain Laws are created for a definitive sport, others are created regardless of the field of sports is it. As per Seventh Schedule of Entry 33 of the State list in Indian Constitution provides the power to the State to make laws concerning sports. Some of the organizations involved in the implementation of the various sports laws include; the sports authority of India (SAI), and the Indian Olympic Association (IOA). We also have organizations like Board of Cricket Control India (BCCI), to work only for particular sports in order to have better focus and knowledge of happenings in every type of sports. 56 NSFs are also identified by the Government for different sports disciplines. More than 15,860 articles on Sports Law in CNKI indicate that the concept, nature and characteristics of Sports law are not well understood in domestic and foreign academic circles in the recent years. The purpose of this paper is to present the state of development of sports law in India, the current legal regulation, problems, and prospects for future growth.

## **Legal Framework of Sports Law in India**

The National level Sports Associations/Federations are responsible and accountable for the overall management, direction, control, regulation, promotion, development and sponsorship of the discipline for which they are recognized by the Government and the concerned International Sports Federations. The legal framework governing sports in India is majorly decentralised. It is a mix of regulatory bodies, policies and acts addressing the diverse aspects of sports administration and governance. Unlike many other countries, India is lacking in terms of a law governing all sports activities, leading to fragmented oversight primarily managed by autonomous bodies. The Ministry of Youth Affairs and Sports, the Sports Authority of India (SAI), and sports federations like Board of Cricket Control of India (BCCI), and the Indian Olympic Association (IOA), are the key entities involved. Though being independently operated, these organisations are funded by the government and registered under the Societies Registration ACT of 1860. In this way they will be in a position to control sports issues in their



areas of jurisdictional control.<sup>1</sup>

The National Sports Policy formulated in 1984 and further modified in 2001 lays down the main objectives for sports in the country, which are to increase standards in sports, eradicate corruption and bring development and encouragement to the sports facilities, which include infrastructure for all. This provides a collaboration between government and non-government bodies in promoting sports, establishing eligibility requirements for federations, and also facilitating access to financial aid. In addition, the Sports Law and Welfare Association of India operates as a national non-profit body that offers legal consultancy on issues related to sports, which can include health safety, intellectual property, or any injury claims.

Furthermore, the Sports Broadcasting Signals Act, 2007 makes it mandatory that the broadcasters share live sports signals of nationally significant events with Prasar Bharti, that increases the accessibility of the sport across India. There are various other regulatory mechanisms include the National Anti-Doping Agency (NADA), that ensure compliance with anti-doping through various norms in-competition and out-of-competition testing.

Despite these, gaps still persist in areas such as welfare of athletes, transparency in administration, and the handling of legal disputes. Issues like labour rights, match-fixings and sports -related criminal acts reveal limitations in India's sports governance and hence highlighting the need for a comprehensive sports law that consolidates regulatory practices and also enhances legal clarity. Implementing such legislation would address these challenges, that will provide unified structure promoting fairness, accountability, and brings Integrity in Indian sports.<sup>2</sup>

## **Evolution of Sports Law in India: A Reflection on Progress and Challenges:**

The historical traditions and the modern societal needs are the causes of evolution of sports law. Traditionally sports in India, were integral to the development of physical strength and

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<sup>1</sup> **Ayush Verma**, Everything You Need to Know about Sports Law in India, *iPleaders Blog* (n.d.), available at <https://blog.iPLEaders.in/everything-need-know-sports-law-india> (last visited Nov. 29, 2024).

<sup>2</sup> **Rashi Jha**, Sports Law: Problems and Perspective, *Supremo Amicus*, vol. 18, ISSN 2456-9704, at 1 (2020), available at <https://supremoamicus.org/wp-content/uploads/2020/06/A1v18-79v18.pdf> (last visited Nov. 29, 2024).

defence. But in the 20<sup>th</sup> century sports started to become commercialised and this gave rise to challenges such as betting, doping and other various governance issues. This called for a need for a structured legal framework to regulate and protect the sporting domain. Initially sports laws primarily focused more particular sports like cricket as it was popular. However, with increasing awareness and the global influence emphasized the need for robust legal system encompassing all the sports.

As sports law developed in the country, various policies and institutions began to establish which sought to streamline governance, ensure athlete welfare, and address issues like corruption and ethical standards. For example, The National Sports Policy of 2001 focused more on broad-basing sports in order to increase accessibility and “achieving excellence” by setting a standard for international competition. These policies have formed the foundational principles for promoting fair play and maintaining a sports spirit among the players.<sup>3</sup>

### **Sports Law and its Role in the Development of Sports in India:**

Each sport has its own system of rules and regulations. It has two aspects: one deals with the ‘rules of the game’ and the other ‘commercial aspects of the organization of the sport’.<sup>4</sup> The implementation of sports law in India has significantly helped advance and regulate sports in the country. When there was no organised sports law in India, the sports fraternity encountered many issues, such as corruption, mismanagement and absence of accountability of sports federations/authorities. Governing bodies like the Sports Authority of India \*SAI), the Indian Olympic Association (IOA), and the Board of Cricket Control of India (BCCI) were operating independently but with limited accountability. Various issues like match-fixing, lack of proper athletes representation, inadequate sports infrastructure and biased selections were seen more, which hindered the growth at the national level.

Registered and systematic sports policies and acts have gone through a positive change in the Indian sports structure. Due to this, the National Sports Policy laid down the policy that for increasing sports participation across the nation and also for achieving the international standard, the concept of broad-basing was underlined This strategy created the opportunity for

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<sup>3</sup> Himanshi Tikawat, Sports Law and Culture in India & Gender Discrimination in Sports in India: The Wrestling Federation of India’s President, J. Legal Res. & Jurid. Sci., vol. 3, iss. 2, at 117 (2023), available at <https://jlrjs.com> (last visited Nov. 29, 2024).

<sup>4</sup> Richard Parrish, *The Birth of European Union Sports Law*, 2 Entertainment and Sports Law Journal (2016), <https://www.entsportslawjournal.com/article/id/701/> (last visited Nov 27, 2024).

the federal government, state governments and sports federations to come together for the purpose of openness, controlling behaviours and fast tracking development. Furthermore, the National Sports Development Code brought rules and policies on the sporting administration as its objective to create a clear and responsible structure. It was very useful to join several directives and circulars to simplify the administrative process in the sphere of sports governance and make it more organized and trustworthy.

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act of 2007 also added the strength to the sports sector where the signals of the nationally important sports events were made available in wider access. They were compelled to provide their signals also to Prasar Bharati for increasing its viewership which in turn will boost the interest in national sports. Also, such bodies as the National Anti-Doping Agency (NADA) has served the integrity of sports through anti-doping campaigns to match global standards of fair play and win games. Combined these development have raised the credibility and the popularity of Indian sports both at home and abroad.

While in the pre-sports law times, such problems as corruption and lack of infrastructure were quite widespread, the contemporary conditions offer a more structured approach in the form of modern sports law. Today, thanks to much better regulation systems, athletes have access to better facilities, are given fair accounts, and their rights are protected. This has also fostered the development of legal support for investments into the sphere to stimulate the improvement of the material base for sports and the popularization of sports as an occupation. Therefore, India has witnessed progress in international tournaments apart from cricket, and it has been present and encouraged to participate in numerous games for many years.<sup>5</sup>

### **Nature and Characteristics of sports law:**

Such characteristics of the legal regulation of sport law are accurately explained by the fact that it is a separate and diverse branch of law that has its own complete and specific system that is sufficient to address the needs of the sports industry. Because it overlays both private law and public law it has a flexibility that enables it to address virtually all aspects of human activity from the protection of individual rights to the administration of sports disputes. The

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<sup>5</sup> Ritu Paul, Exploring and Analysing Sports Laws in India, Int'l J.L. Mgmt. & Human., vol. 4, iss. 1, at 2003 (2021), available at <http://doi.org/10.1732/IJLMH.25959> (last visited Nov. 29, 2024).

international aspect of sports law can be identified as significant since it functions cross-national, legally and outside the framework of the international legislation based on the norms set up by FIFA and the International Olympic Committee.

These bodies contribute to sports law's "soft law" characteristics, involving guidelines and agreements—like anti-doping rules—that, while not strictly enforceable, exert strong influence over sports governance globally. Moreover, sports law is concerned with certain social relations within the sphere of sporting activities, including training, competitions, and labour relations. Thus it is able to regulate these relations with a degree of precision that is not characteristic of most branches of law. The field also demonstrates a coexistence of actionable (enforceable through courts) and actionable (advisory) regulations, making it flexible and adaptable to various scenarios within sports. This factor of foreign influence, technical orientation, and a set of different targets indicates the specificity of sports law as a subject that is prepared to solve the modern complex and multifaceted legal challenges in the field of sports.<sup>6</sup>

### **Empowering Women in Sports: The Role of Law in Addressing Gender Equality and Protection"**

Law, as one of the social institutions, has played a critical role in enhancing the understanding of gender among women, and the protection of women in the sporting industries is central to the achievement of the mission of systematically eliminating prejudice and providing women with an assurance of equal opportunity. In many sports fields, there are barriers arising from traditional gender-stereotyped perceptions of women reducing the likelihood of their access to resources, opportunities and recognition. Legal frameworks play an important role in resolving these issues by providing formal assistance to guarantee that women have equitable chances, safe surroundings, and acknowledgement in sports.

Laws such as anti-discrimination laws, equal opportunity and training equal access to property and other assets and measures against harassment can bring about a change in gender equality. For instance, Title IX in the United States has led to more female athletes due to a prohibition against discrimination against women in any aspect of a school activity that the federal

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<sup>6</sup> **Feng Fajin & Chen Enlun**, A New Thought of Sports Law Based on Comparative Analysis, *Higher Educ. Soc. Sci.*, vol. 7, no. 3, at 71 (2014), available at [http://www.cscanada.net/index.php/hess/article/viewFile/5727/pdf\\_110](http://www.cscanada.net/index.php/hess/article/viewFile/5727/pdf_110) (last visited Nov. 29, 2024).

government funds. Similarly, there is a conscious provision for women in India's National Sports Policy, but the lack of legal activism for women's right to sports at all levels is more conspicuous.<sup>7</sup>

These regulatory frameworks continue to be helpful in defending females against attack and aggression, in the sense that specific measures that help define and make sport less risky for women are produced. The written/official policies and policies against sexual misconduct, including that which has been placed and implemented by the Sports Authority of India (SAI), are very important in avowing the camerawork-free atmosphere that can enhance the growth of the female athlete without the feeling of being followed, harassed, oppressed, discriminated against or violated. Such an environment allows women to continue practising their sporting careers with decency and without fear.

Other people elements such as equal pay and fair remunerations are also aspects of the campaign for reduction of the differential in sports. Suits like the one filed by the United States Women's National Soccer Team is why remunerations should be in tandem with the effort women athletes have to put in order to be awarded the recognition they receive. These rules and policies are now in place to inform the wage and reward disparity between male athletes and their female counterpart and support fairness in professional sporting disciplines.

### **The Role of Sports Law in Combating Doping and Upholding Integrity in Sports:**

There have been times when the players have taken certain steps, to be the champion, which are not allowed or not accepted in the game which pollutes the spirit of the game.

One thing is certain the substances that give pleasant sensations or help the subject in his activity will bring him to repeat the consumption. But, not all people develop drug dependence. It depends on several factors: the socioenvironmental context of the subject and what effects have the substance in the body.<sup>8</sup>

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<sup>7</sup> Ms. Prathyusha Samvedam & Dr. Hiranmaya Nanda, *Anti-Doping Laws In India; An Analysis Of Institution And Liability Mechanism*, eatp (2024), <https://kuey.net/index.php/kuey/article/view/4376> (last visited Nov 27, 2024).

<sup>8</sup> **Filomena Mazzeo et al.**, Development of Doping in Sports: Overview and Analysis, *J. Physical Educ. & Sport*, vol. 18, no. 3, at 1669 (2018), available at <http://www.efsupit.ro> (last visited Nov. 29, 2024).

'Doping' is a problem writ large in sports. There are various issues involved with this problem<sup>9</sup>. Taking performance-enhancing-drugs before the game is one of the malpractices that usually players do to win any game. This exploits the spirit of the game and the game is not fair anymore. the National Anti-Doping Agency (NADA) ensures that regular athlete testing is conducted and that the players are educated about the prohibited substances. Athletes have to regularly go under testing both in the competition and out-of-competition Some of the testing methods may be blood/ urine test, these are subjected to laboratory tests to confirm the detection of an ant banned substance. These anti-doping laws have been set down to ensure sporting events are professionally organized and that participants who are affected by the laws are penalized accordingly within the following consequences; suspension, disqualification, as well as loss of medals and titles. This is very important so as to avoid discrimination of some players and hence creating the spirit of games.<sup>10</sup>

Every sports person has right to appeal that are banned under violations of anti-doping rules<sup>11</sup>. Match fixing is also one of the unethical practices that is not allowed and considered to be a crime. In match fixing the outcome of the game is manipulated either for some illegal betting purpose or just to be a champion in the game. This totally puts the result in favour of only one team and takes out all the interest of the game. For instance, in Indian Premier League (IPL) in 2013 three players from Rajasthan Royals team were arrested for spot fixing and 11 bookmakers were also arrested. Also, two of the players were banned for lifetime from the sport. To avoid this the Sports Law and Policy Centre and Vidhi Centre for Legal Policy have proposed the Prevention of Match Fixing and Promotion of Fair Play in Sports Bill, 2020.<sup>12</sup>

### **Addressing Corruption and Ethical Issues in Indian Sports through Law:**

Maintaining and washing the Indian sporting terrain free from corruption and ethical questions requires an enhanced legal framework and implementation strategies. In the past, Indian sports administration has not had strict laws; the problems like, favoritism, betting and other forms of

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<sup>9</sup> h Shray Chhibber, *Exploring the Legal Framework for Sports Governance in India: Challenges, Opportunities, and Future Directions*, Indian J. Legal Rev., vol. 4, no. 2, at 1392 (2024), available at <https://ijlr.iledu.in> (last visited Dec. 1, 2024).

<sup>10</sup> Dr. Raj Kumar & Sonia Sharma, *A Study of Emerging Trends in Sports and Law in India*, GIBS L.J., vol. 6, no. 1, at 1 (2024), available at <https://www.gibs.edu.in> (last visited Dec. 1, 2024).

<sup>11</sup> Id. Article 13-13.2.1-13.6.1. National level sports person can file their appeal to the Anti Doping Appeal Panel within fourteen days of the decision of the Anti-Doping Disciplinary Panel and International level sports person can file their appeal to the Court of Arbitration of Sport.

<sup>12</sup> **Rohit Kumar Dugar**, Overview of Sports Law in India: Meaning, Concept, and Laws, *J. Legal Stud. & Res.*, vol. 9, no. 4, at 45 (2023), available at <https://thelawbrigade.com> (last visited Nov. 29, 2024).

corruption has been seen in sports federations. The National Sports Development Bill, 2013, introduced by Neelam Rani, was a part response to such challenges in a way that it sought to create the Sports Tribunal, Ethics Commission as well as Sports Election Commission with an overall idea of ensuring enhanced oversight and better governance in any of the relevant sports bodies. Nevertheless, political opposition has arisen to offset the changes because the reforms affect structures owned by powerful political elites.

Sex discrimination is still another problem. Women athletes in India are discriminated against in every way possible; they get less support and representation in the media, which affects their careers. Even though, Khelo India initiative for the promotion of sports facilities and the appointment of women coaches are appreciable steps towards gender equality but the implementation of gender related laws is still very weak.

Commercialization in Indian sports has also elevated the importance of Intellectual Property Rights (IPR). As the sports industry grows, IPR laws are essential for protecting trademarks, logos, and broadcasting rights, ensuring that athletes and sports organizations benefit financially from their brands. The problem of copyright and trademark laws in the context of athletes and sports business in India is discussed by Aswathy Sujith in the context of the growing commercialization of the sports market, emphasizing the importance of the functioning of IPR for the formation of a stable sports industry.

India requires Sports Law with substantial provisions for anti-corruption laws and gender-specific protection to foster a transparent and equitable environment for the sportspeople. Filling these legal vacancies will help in the welfare of athletes, clarity in governance, and integrity and equity in the sports of India.

### **Suggestions for an Improved Sports Environment through Sports Law**

First is the inclusion of sports in the concurrent list of the Constitution which was seen as a recreational activity and not as a field of profession, so it was not separated from entertainment and amusement. 15 There should be the constitution of a sports regulation body, i.e., Sports Regulatory Authority of India (SRAI) which would regulate sports in the country. This was also mentioned in the first draft of the sports policy of 2007, was included to bring the cooperation among the state bodies, NSFs, IOC, and SAI. Other countries like the UK,

Australia have well defined regulatory body which forms the regulatory system in countries.<sup>13</sup> In order to foster a more robust sports environment in India, it is essential to have several improvements in sports law and governance. The most fundamental requirement is transparency with

Public access to the disclosures of the fund utilization and the board members and the remunerations paid to the administrators. Also, integration of women into sports administration is equally important to ensure that women are equally represented in the leadership of sports administration bodies.<sup>14</sup> The establishment of fixed timelines and targets for the various sports bodies to attain developmental milestones will, in a way, give direction and responsibility with regard to future development. It is also suggested that separate committees should be formed for financing, planning, and development of the organization since this will make it more open and effective. To radically improve the speed and quality of justice on the problems associated with sports, it is necessary to create a sports tribunal. For all these organisations, there can be one supreme organisation, such as a national sports regulatory body, to support and oversee all these organisations and guarantee compliance with standards all over the country.

Such improvements, along with correct support at roots level, will enhance the base structural framework of sports in India and, hence, create the way for enclosed as well as development oriented sports culture.<sup>15</sup>

### **Conclusion:**

This paper aims to understand the importance of sports law for the growth of fair, accountable, and inclusive sports culture in India. Through this research, the author has been able to show how formal legal structures safeguard athletes' interests, encourage and ensure compliance with the principles of amateurism and integrity, and curb vices such as corruption, doping and gender discrimination. Modern India has Sports governance comprising autonomous bodies and state legislation, but there is a need for centralized sports law. Laying down better regulations would rationalise the management of sports and enhance the practices because they

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<sup>13</sup> Manali Kulkarni, developing sports law in India, The Sports Law and Policy Symposium 2017(August 4, 2017).

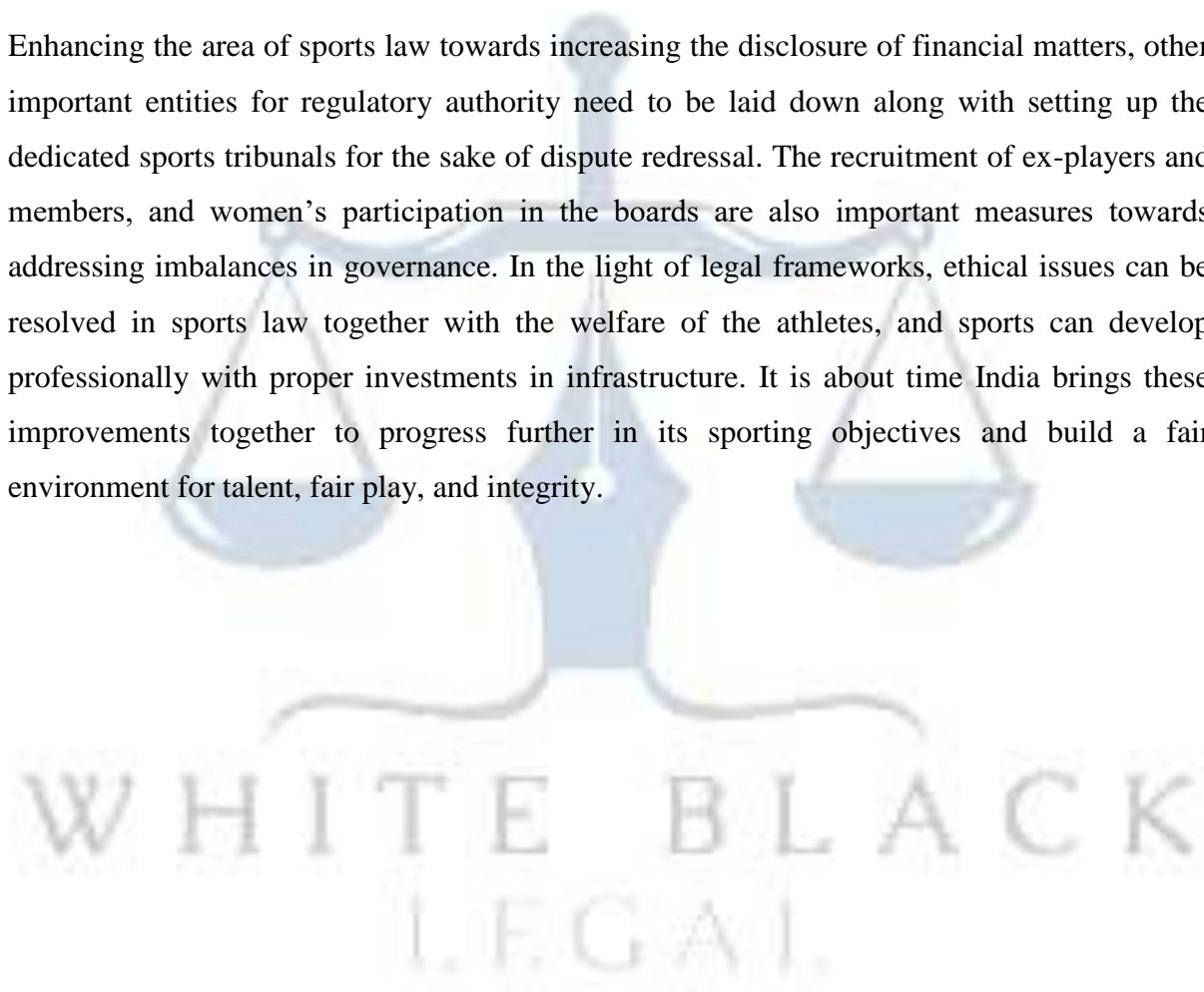
<sup>14</sup> Sylvine, *The Emerging Sports Law In India*, iPleaders (Jul. 29, 2016), <https://blog.ipleaders.in/emerging-sports-law-india/> (last visited Nov 27, 2024).

<sup>15</sup> **Shray Chhibber**, Exploring the Legal Framework for Sports Governance in India: Challenges, Opportunities, and Future Directions, *Indian J. Legal Rev.*, vol. 4, no. 2, at 1392 (2024), available at <https://ijlr.iledu.in> (last visited Nov. 29, 2024).



would become more standardised to give the sports the boost that they need at various levels. Since nationalism is inherent in sports, the government plays a large role in sports administration. After the exemplary start of the pro-kabaddi league in 2013, a great tale of Indigenous sports resurgence was seen in India. However, indigenous games of athletic events in India have always drawn a huge turnout, as about 20% of India's youth hails from a rural background.<sup>16</sup>

Enhancing the area of sports law towards increasing the disclosure of financial matters, other important entities for regulatory authority need to be laid down along with setting up the dedicated sports tribunals for the sake of dispute redressal. The recruitment of ex-players and members, and women's participation in the boards are also important measures towards addressing imbalances in governance. In the light of legal frameworks, ethical issues can be resolved in sports law together with the welfare of the athletes, and sports can develop professionally with proper investments in infrastructure. It is about time India brings these improvements together to progress further in its sporting objectives and build a fair environment for talent, fair play, and integrity.



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<sup>16</sup> Megha Jacob, Brij Nandini & Niytanshi Sharma, Indigenous Sports of India: Connecting Past to the Present, Christ University Journal of Law and Social Policy (2022) [<https://journals.christuniversity.in/index.php/artha/article/download/4435/2441/10218>] (last visited Dec 1, 2024).