



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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THE LEGAL FRAMEWORK GOVERNING SPORTS IN INDIA: AN ANALYSIS

AUTHORED BY - SANA ERUM SIDDIQUI & PROF. SEEMA SURENDRAN

CMRU School Of Legal Studies

ABSTRACT

India's sporting culture predates its modern legal system by millennia, yet the law governing sport in India remains underdeveloped, fragmented, and reactive. Sport is regulated not through a unified statute but through a patchwork of autonomous federations, executive policy, and ad hoc judicial intervention. This article examines the structure of Indian sports law: its constitutional foundation, the regulatory bodies that govern it, and the judiciary's evolving but inconsistent approach to the legal status of sports federations. It then surveys three areas in which the absence of a coherent legal framework has produced recurring crises: competition law violations by federations exercising monopoly power, the regulation of doping under the WADA-NADA framework, and the persistence of gender inequity in access, pay, and representation. Finally, it evaluates legislative reform efforts, from the National Sports Policy of 1984 to the National Sports Ethics Commission Bill of 2016, and asks why none have been enacted. The article concludes that until Indian law resolves the basic question of what a sports federation legally is, the recurring problems documented across these domains will remain symptoms without a cure.

I. INTRODUCTION

Sport occupies a paradoxical place in Indian law. It is, on one hand, a matter of considerable public significance: a source of national pride, a multi-billion-rupee industry, and a site of recurring constitutional and statutory litigation. On the other hand, it has never been treated by Parliament as a subject requiring a dedicated, comprehensive legislative framework. Unlike countries that have enacted specific sports legislation, India regulates its sporting institutions through a combination of constitutional silence, executive policy, and self-regulating private societies whose legal character remains contested decades after the questions were first raised before the courts.

autonomy disproportionate to the public functions they perform, and that this gap has produced recurring legal controversy. What has received less attention is how this single structural problem the unresolved legal status of sports federations manifests across seemingly unconnected domains:

anti-competitive conduct, anti-doping enforcement, and gender inequity. This article argues that these are not three separate concerns but three expressions of the same underlying deficiency.

The discussion proceeds in five parts. Part II outlines the constitutional and statutory architecture, such as it is, that governs sport in India. Part III traces the judicial approach to the legal status of sports federations, beginning with the foundational decision in *Zee Telefilms Ltd. v. Union of India*.¹ Part IV examines three substantive areas such as competition law, anti-doping regulation, and gender equity, where the structural gap identified in Part III has produced concrete harm. Part V reviews legislative reform proposals from 1984 to 2016 and considers why each has failed to be enacted. The article concludes with recommendations.

II. THE CONSTITUTIONAL AND REGULATORY FRAMEWORK

A. Constitutional Basis

Sport finds its place in the Indian Constitution almost incidentally. Entry 33 of the State List in the Seventh Schedule empowers state legislatures to make laws on “theatres and dramatic performances; cinemas...; sports, entertainments and amusements.”² Sport is thus constitutionally bracketed with entertainment and amusement rather than treated as a distinct field meriting its own legislative entry. Because sport falls within the State List, Parliament lacks plenary competence to enact a uniform national sports code, even though virtually every major sporting federation in India operates, selects teams, and negotiates rights at the national and international level, functions that are inherently ill-suited to fragmented state-by-state regulation.³

No state has, in practice, enacted comprehensive sports legislation either. Sports administration has instead developed through voluntary associations registered under the Societies Registration Act, 1860, or equivalent state legislation.⁴ These societies the Board of Control for Cricket in India (BCCI), the All India Football Federation (AIFF), the Athletics Federation of India (AFI), and dozens of other National Sports Federations (NSFs) are technically private, non-profit, self-governing bodies. Yet they perform unmistakably public functions: selecting

national teams, representing India internationally, and controlling who may participate in organised sport within their disciplines.

B. The Regulatory Bodies

In the absence of statutory regulation, a set of administrative and quasi-regulatory bodies has emerged to fill the gap, though none possesses binding statutory authority over the NSFs themselves.

The **Sports Authority of India (SAI)**, established in 1984 for the IX Asian Games, is divided into academic, operations, team, and stadia wings, and is concerned with infrastructure and talent development rather than legal regulation of federations.⁵ The **National Sports Policy**, framed in 1984 and revised in 2001, sets out aspirational goals, broad-basing of sport, achievement of excellence, integration with education but carries no binding legislative force, and the 1984 version was never substantially implemented.⁶ The **Sports Law and Welfare Association of India (SLAWIN)** is a non-profit body bringing together lawyers and sportspersons, with no adjudicatory power.⁷ The **Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007** is the rare binding sports-related legislation, but is narrowly confined to free-to-air access for sporting events of national importance, and addresses neither governance nor doping nor competition.⁸

The result is an architecture in which the only body with genuine command-and-control authority over a federation's economic conduct is, somewhat incongruously, the Competition Commission of India (CCI) a generalist economic regulator never designed with sport in mind, examined in Part IV below.

C. The National Anti-Doping Agency

One partial exception to this voluntarism is the **National Anti-Doping Agency (NADA)**, registered as a society in 2005 and brought into compliance with the World Anti-Doping Code (WADC) in 2008.⁹ NADA at least operates within an internationally harmonised framework WADA, established in 1999 after the doping revelations of the 1998 Tour de France, sets the substantive standard, and NADA implements it domestically.¹⁰ Yet even here, as Part IV.B demonstrates, the absence of a broader statutory sports framework has produced friction between rules adopted largely verbatim from the WADC and the practical realities facing Indian athletes.¹¹

III. THE JUDICIAL APPROACH: WHAT IS A SPORTS FEDERATION?

A. Zee Telefilms: The Foundational Ambiguity

The single most consequential decision in Indian sports law is the Supreme Court's ruling in *Zee Telefilms Ltd. v. Union of India*.¹² The dispute arose from the BCCI's termination of a broadcasting rights agreement with Zee Telefilms, which then filed a writ petition under Article 32 of the Constitution. Because Article 32 may only be invoked against bodies falling within the definition of "State" under Article 12, the threshold question was whether the BCCI, a private society wielding what was, even then, recognised as a monopoly over Indian cricket qualified as "State."

The majority held that it did not. The Court reasoned that the BCCI receives no government financial assistance, is not created by statute, and is not subject to the kind of "deep and pervasive" governmental control that would bring it within Article 12.¹³ Justice Sinha, dissenting, took the contrary view, observing that the BCCI's de facto monopoly over the sport, combined with the government's tacit recognition of it as the sole body entitled to select and field India's national cricket team, was sufficient to clothe it with public character.¹⁴

The majority's reasoning has been criticised for elevating form over function. As subsequent litigation makes clear, even the majority in *Zee Telefilms* was forced to concede that *some* of the BCCI's functions are public in character specifically, "the selection of the team for India for appearance in events like the World Cup," which "diffuse[s] BCCI with the public functions" at least in that limited respect.¹⁵ This created an unstable middle position: BCCI is not "State" for the general purposes of Article 12 and Article 32, but it remains amenable to the writ jurisdiction of the High Courts under Article 226, which extends more broadly to anybody discharging public functions.¹⁶

B. The Article 226 Workaround and Its Limits

This Article 226 route has become the principal mechanism by which Indian courts supervise sports federations. In *Ajay Jadeja v. Union of India*, the Delhi High Court accepted jurisdiction over a challenge to disciplinary action taken against a cricketer, holding that sporting bodies performing public functions are amenable to writ jurisdiction regardless of private origin.¹⁷ In *Rahul Mehra v. Union of India*, the Court went further, describing the BCCI's functions as extending to "civic duties" that "cannot be said to be beyond the ambit of Article 226 in all contingencies for all times to come."¹⁸ The Supreme Court's earlier decision in *K. Murugan v. Fencing Association of India* had already signalled the judiciary's instinct to treat disputes over

national sports bodies as matters of public importance, observing pointedly that India's poor Olympic performance, despite its population, was itself a matter calling for judicial attention.¹⁹ The practical effect of this case law is a curious hybrid: federations are public enough to be sued in the High Courts whenever their internal governance, selection processes, or disciplinary actions are challenged, but private enough to escape the more searching scrutiny and the constitutional duties that would attach if they were formally "State" under Article 12. They are, in the words used in one of the underlying sources analysed for this article, bodies that "largely remain unaccountable to the state or any other central body inside the territory of India," even as they exercise what amounts to monopoly regulatory power within their sport.²⁰

C. The AICF Case: Judicial Recognition of the Competition Law Route

A further wrinkle emerged in *Hemant Sharma v. Union of India*, where the Delhi High Court, faced with a writ petition against the All India Chess Federation (AICF) for barring players affiliated with a rival body, declined to resolve the dispute itself.²¹ Instead, it directed the Competition Commission of India to investigate whether the AICF's conduct violated the Competition Act, 2002. This was, in effect, a judicial admission that the existing constitutional toolkit Article 226 writ jurisdiction was an awkward fit for disputes that were, at bottom, about a federation's exercise of market power rather than a violation of fundamental rights in the conventional sense. It is to that competition law route that this article now turns.

IV. THREE ASPECTS OF A STRUCTURAL GAP

A. Competition Law and the Pyramid Problem

Organised sport is structured, almost without exception, as a pyramid: a single national federation sits atop state and local affiliates, and decides who may organise tournaments, select international teams, and exploit commercial rights.²² This is sport's organising logic — without a recognised body, there could be no agreed national champion. But it is also, in competition law terms, a textbook monopoly, and the CCI has had to grapple with this tension since 2010. In *Re Surinder Singh Barmi v. BCCI*, the CCI examined the BCCI's IPL broadcast rights deal, including terms preventing distributors from associating with any rival tournament, and found an abuse of dominant position, imposing a penalty of roughly fifty-two crore rupees.²³ In the related *Dhanraj Pillay v. Hockey India* matter, the CCI found that Hockey India, though dominant, had not abused that position merely by restricting participation in unsanctioned private leagues, while directing it to separate its regulatory functions from its commercial

interests.²⁴ These decisions established a “proportionality principle”: dominance is not itself unlawful, and restrictions serving legitimate sporting objectives, selection criteria, anti-tampering rules, entry fees will be tolerated, but restrictions serving only to suppress competitors will not.²⁵

The clearest illustration of conduct on the unlawful side of that line is the Indian Cricket League (ICL) dispute. When Zee Telefilms launched the ICL as a rival to the BCCI-sanctioned IPL, the BCCI banned all forty-four defecting players from domestic and international cricket, removed Kapil Dev from his position with the National Cricket Academy for his association with the rival league, and excluded any bidder with an unresolved dispute against the BCCI from the IPL broadcast rights process.²⁶ The CCI found a prima facie case of abuse of dominant position, holding that these measures were “not placed in favour of any athletic interest” but were “deliberately aimed at the opposing competition.”²⁷ The ICL folded; the IPL went on to become one of the most valuable sporting properties in the world.²⁸ The episode stands as the starkest demonstration of a federation using market position secured not through statutory licence but through historical incumbency and informal government acquiescence to destroy a lawful commercial rival.

The Athletics Federation of India matter completes the trio of significant CCI decisions and illustrates the limits of competition law as a check on federation conduct. There, the CCI found that although the AFI held a dominant position over athletics events, its restrictions on unsanctioned marathons affected only eleven out of more than three hundred marathons held annually, and therefore did not appreciably harm competition.²⁹ The case underscores that competition law intervention is fact-specific and reactive: it can punish demonstrated abuse after the fact, but cannot prevent the structural concentration of power in a federation from arising in the first place, because that concentration is not itself unlawful, it is the ordinary way sport is organised everywhere.

B. Doping: A Borrowed Code Applied to Unequal Conditions

India's anti-doping framework illustrates a different facet of the same structural deficiency: even where India has adopted an internationally harmonised regulatory code, the absence of any broader domestic sports law has meant that code is applied without regard to the conditions of the athletes it governs.

NADA adopted the WADC's Anti-Doping Rules essentially verbatim.³⁰ Those rules impose strict liability: athletes are responsible for any prohibited substance found in their system regardless of intent, and bear the burden of establishing how the substance entered their body

to mitigate a sanction. This standard presumes a baseline of athlete support nutritionists, verified supplement sourcing, education about prohibited substances that exists unevenly across India's sporting infrastructure. The point is illustrated by a widely discussed case in which Indian Commonwealth Games gold medallists tested positive for anabolic steroids traced to ginseng tablets given to them by their coach. The first-instance Anti-Doping Disciplinary Panel found the athletes bore no significant fault and imposed only a reprimand and a backdated one-year suspension; on appeal by WADA and NADA, the Court of Arbitration for Sport overturned this finding and imposed a two-year ineligibility period on four athletes.³¹ One affected athlete, by some accounts, could not read English or Hindi and had no realistic means of independently verifying the contents of a supplement her coach provided.

High-profile domestic doping cases reinforce the pattern. Cricketer Prithvi Shaw received an eight-month suspension after testing positive for terbutaline, a substance found in common cough medicine, in 2019, a case that arose in the same period the BCCI was resisting bringing itself fully under NADA's jurisdiction.³² Wrestler Narsingh Yadav tested positive for an anabolic steroid days before the 2016 Rio Olympics and has maintained the result was the product of sabotage, while weightlifter Sanamacha Chanu and athletics competitors including Renjith Maheshwary and Seema Punia have all featured in doping controversies spanning two decades.³³ What unites these cases is not necessarily a uniform pattern of intentional doping, but the absence of any institutional buffer educational, nutritional, or legal between a strict-liability international code and athletes operating in conditions the code's drafters did not contemplate. As one recent analysis concludes, the Indian experience demonstrates that “the global anti-doping framework is still far from reaching” the uniform, harmonised application that WADA's own stated objectives demand.³⁴

C. Gender Inequity: Federation Autonomy Without Federation Accountability

The third domain in which the structural gap manifests is gender equity, and here the connection to the unresolved legal status of federations is the most direct of the three. Because NSFs are not statutorily obligated to maintain gender parity in funding, coaching appointments, or media promotion, and because nobody with binding authority over the federations exists to enforce such obligations, gender disparities that would attract regulatory consequence in other public institutions persist largely unchecked.

The disparities are well documented. The Indian women's cricket team, despite reaching the 2017 World Cup final and ending Australia's record run of consecutive international wins, has historically been paid a fraction of what the men's team receives, and its matches have at times

gone unbroadcast on the stated ground of insufficient viewership, itself a function of historic underinvestment rather than any lack of interest.³⁵ The Indian women's kabaddi team has won the Kabaddi World Cup in every edition contested, a stronger record than the men's team, yet most Indians remain unaware the team exists, and no women's Pro Kabaddi League has ever been held.³⁶ In football, the AIFF's documented underfunding of the women's national team including a multi-year failure to conduct the Women's National Football Championship between 2011 and 2014 culminated in FIFA's unprecedented 2022 suspension of the AIFF for "undue influence from third parties," costing India its hosting rights for the FIFA U-17 Women's World Cup.³⁷

These are not isolated administrative failures; they are the predictable consequence of vesting federations with unsupervised discretion over funding and promotional resources. The same absence of accountability that allows the BCCI to use its dominant position against the ICL allows the AIFF to starve its women's programme of comparable investment, because no external body in either case is empowered to compel a different allocation. Sexual harassment compounds the problem: coaches arrested on charges of sexual assault with reported convictions of as little as three days' imprisonment, and the 2011 case in which a former Director General of Police convicted of molesting a minor tennis player was released after five months on grounds of meritorious service, illustrate an accountability vacuum extending from federation governance into the criminal justice response itself.³⁸ The Draft National Sports Development Bill, 2013, would have imposed affirmative duties on federations to prevent harassment, including mandated complaints committees and minimum representation of women among coaching staff, but the Bill like its 1984 and 2001 predecessors, was never enacted.³⁹

V. REFORM EFFORTS AND THE PATTERN OF NON-ENACTMENT

India has not lacked for proposed solutions; what it has lacked is the political will to enact any of them. The National Sports Policy of 1984 was, by its own framers' later admission, never substantially implemented.⁴⁰ The National Sports Development Code of 2011, an executive instrument rather than legislation, attempted to impose governance norms age and tenure limits for office-holders, for instance on NSFs receiving government recognition, and its validity was upheld in *Indian Olympic Association v. Union of India*, but because it operates only as a condition of recognition rather than binding law, federations with independent revenue, most notably the BCCI, have had little difficulty resisting its application.⁴¹

Two draft central bills represent the most serious legislative efforts to date. The National Sports Development Bill, 2013, proposed a National Sports Authority with powers over federation registration, funding, and dispute resolution, alongside provisions on athlete welfare and harassment prevention.⁴² The Prevention of Sporting Fraud Bill, 2013, addressed match-fixing, an area previously prosecuted, awkwardly, under the Indian Penal Code and the Maharashtra Control of Organised Crime Act, as in the prosecution of cricketers S. Sreesanth, Ankit Chavan, and Ajit Chandila after the 2013 IPL spot-fixing scandal.⁴³ Neither bill was enacted. In 2016, both were folded into the National Sports Ethics Commission Bill, proposing a Federation Ethics Committee within each NSF and a National Sports Ethics Commission with jurisdiction over match-fixing, doping, age and gender fraud, and harassment. That bill, too, has not become law.

The Mukul Mudgal and Justice R.M. Lodha Committees, both convened by the Supreme Court after the 2013 IPL spot-fixing scandal, illustrate a related pattern: meaningful reform has come not from Parliament but from the judiciary acting through ad hoc supervisory committees. The Lodha Committee's recommendations separating the BCCI's governance from the IPL's, creating a players' association, capping tenure on governing bodies were significant, but bound only the BCCI, in litigation specific to the BCCI, creating no precedent applicable to the dozens of other NSFs operating under materially identical structures.⁴⁴

This pattern. - proposal, committee, recommendation, non-enactment recurs because the underlying constitutional obstacle identified in Part II has never been addressed. Sport remains entry 33 of the State List; Parliament's competence to legislate nationally is, at minimum, contested; and federations with independent revenue streams, chief among them the BCCI, have correspondingly little incentive to support legislation that would convert their current voluntary, self-regulating status into one of statutory accountability.

VI. CONCLUSION AND SUGGESTIONS

The competition law violations documented in Part IV.A, the doping governance failures in Part IV.B, and the gender inequities in Part IV.C are not three unrelated weaknesses in Indian sport. They are three predictable consequences of a single, decades-old failure to resolve what a national sports federation legally is, and what it owes to the athletes and public whose interests it claims to represent. *Zee Telefilms* answered that question ambiguously in 2005, and nothing

enacted since has clarified it.

Three suggestions follow from this analysis. First, the recurring proposal made independently in connection with competition law, doping, and gender governance for a statutory Sports Commission with binding authority over federation registration, funding, and dispute resolution should finally be enacted, drawing on the institutional models already drafted in the 2013 and 2016 bills rather than commissioning yet further study. Second, any such legislation should explicitly separate a federation's regulatory functions, such as team selection and anti-doping enforcement, from its commercial functions, such as broadcast rights negotiation, with distinct accountability mechanisms for each, since the conflation of these roles is what produced both the ICL episode and the AIFF's funding disparities. Third, given the constitutional difficulty of legislating sport as a Union subject, the long-recommended step of moving sport to the Concurrent List should be pursued, since it would allow Parliament to establish binding minimum standards on gender equity, athlete welfare, and dispute resolution while preserving the states' historical role in sport administration.

Until one of these steps is taken, India's sports law will likely continue to develop in the manner this article has described: through individual judicial interventions, ad hoc committees convened after a particular scandal, and competition law proceedings that can punish abuse after it has already occurred but cannot prevent the concentration of unaccountable power that makes such abuse possible in the first place.

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