
SPORTS LAW IN INDIA

Legal Upanishad Journal (LUJournal.com)

Vol 1 Issue 3 | November 2023 | pp- 45-58

Parul Sharma, PhD Research Scholar, University of Jammu.

ABSTRACT

India is a country with a long history of sporting events. While many other games have historically been practiced as a religion, such as cricket, the present has seen a dramatic transformation in this regard. It is necessary that laws and regulations are also established because the nature of entertainment has changed dramatically and India has emerged as an overcrowded venue for staging several nationwide and worldwide sporting events. Sport has been formally recognized by the UN as a means of furthering the economy, learning, and wellness. As a result, it's necessary to rationalize the legal structure around sports. Nonetheless, disputes over broadcasting rights and arbitrary acts by sports officials have been the subject of litigation in India. Nonetheless, the Indian judicial system has made a very small contribution to the development of sports law. Sports adjudication typically calls for the implementation of numerous laws. In India, the field of sports law has been evolving for ten years but is still in its infancy.

The need for sports laws in India has been prompted by several different challenges. They include unfair business tactics, match-fixing problems, broadcasting problems, privacy infringement, and other similar problems. The Seventh Schedule of the Indian Constitution's State List includes a section on sports. The corrupt decisions in India's sports law have been brought about by the monetization of sport. So, the current paper focuses on the flaws in the laws governing sports in India, specifically those relating to streamlining sports associations, dealing

with athletes who engage in anti-competitive or disciplinary behaviour, and forcing courts to occasionally get involved in cases involving these issues.

Keywords: *Sports Law, Jurisdiction, Match Fixing, Betting, BCCI, Articles.*

LEGAL UPANISHAD JOURNAL

1. INTRODUCTION

One location that is well-known for several games is India. The pursuit of various sports has become more popular than ever before, even though sports like cricket were once followed religiously. In tandem with the tremendous growth of entertainment and India's emergence as a major venue for hosting both domestic and international athletic events, laws and restrictions have also been put in place. Sport can be used to promote health, education, and development, according to UN official recognition. As a result, it's necessary to simplify the legal framework surrounding sports.

Nonetheless, India has been witnessing legal disputes around broadcasting rights and capricious measures taken by sports officials. Nonetheless, the Indian judiciary has made a very small contribution to the growth of sports jurisprudence. Sports adjudication typically includes the application of multiple laws. It has been observed that courts have steered clear of making decisions over sports-related matters. This scenario might be attributed to the inefficiency of the Indian courts because cases involving sports sometimes ask for technical knowledge of the gaming industry, which judges in India and some other nations lack.

However, there have been significant global developments in sports-related conflict resolution over the past ten years. International sports organizations are often autonomous entities, possessing their own adjudicatory bodies to resolve disputes pertaining to sports and consistently professing reluctance to yield to any kind of authority. For example, when sued in the American Courts for banning Butch Reynolds from international athletics, the governing body of the sport replied, "Courts create a lot of problems for our anti-doping work, but we say we don't care in the least what they say. We have our rules, and they are supreme."

Legislators in India have also demonstrated little desire to add to the body of knowledge on sports law. Despite the existence of multiple sports authorities, sports legislation in India is still in its infancy as compared to that of the USA, France, China, or Canada.

2. SPORTS: MEANING AND FEATURES

According to the International Olympic Committee (IOC), "Sport is an essential part of human life. It contributes to physical and emotional development, builds social relationships, and promotes healthy lifestyles." Sports are defined by the International Olympic Committee as "any endeavour comprising physical effort and abilities, regulated by a set of regulations or customs, and performed professionally." This definition emphasizes the significance of competition, skill development, physical activity, and rules in sports.

The United Nations defines sport as "all forms of physical activity that contribute to physical fitness, mental well-being, and social interaction, such as play, recreation, organized or competitive sport, and indigenous sports and games".

Sports can be defined as physical activities that involve competition, skill, and strategy and are typically organized and governed by specific rules and regulations¹. These activities can be individual or team-based and can include both outdoor and indoor pursuits. Sports aim to achieve a specific goal, such as scoring points, crossing the finish line first, or outperforming an opponent, while adhering to the established rules and exhibiting good sportsmanship. In addition to promoting physical fitness and health, sports can also promote social interaction, teamwork, and personal development.

2.1 Features

Sports are a broad and diverse field that encompasses a wide range of physical activities, skills, and competencies. The features of sports are multifaceted and dynamic, reflecting the diverse interests and needs of individuals and societies. The features of sports cover the following aspects:

¹ Ørnulf Seippel, *The Meanings of Sport: Fun, Health, Beauty or Community?*, 9 SPORT IN SOC'Y: CULTURES, COM., MEDIA, POL. (2006)

- **Physical activity:** Sports involve physical activity that is designed to improve health, fitness, and well-being. Physical activity is essential for maintaining good health and preventing chronic diseases. Sports provide an opportunity for individuals to engage in physical activity in an enjoyable way.
- **Skill development:** Sports require specific skills, such as hand-eye coordination, balance, speed, and agility, which are developed through practice and training. Sports provide an opportunity for individuals to develop new skills and improve existing ones.
- **Competition:** Sports involve competition among individuals or teams, intending to achieve victory or success. This aspect of sports encourages athletes to strive for excellence and to push themselves beyond their limits. The competition also provides an opportunity for individuals to learn valuable life skills such as teamwork, leadership, and sportsmanship.
- **Rules and regulations:** Sports are governed by rules and regulations that ensure fairness and safety for all participants². These rules are designed to ensure that the competition is conducted fairly and consistently. Rules and regulations also ensure that the athletes are protected from injury and that the competition is conducted in a safe and secure environment.
- **Social and cultural significance:** Sports are an important part of many cultures and societies. They can promote social interaction, community involvement, and national pride. Sports can bring people from different backgrounds together and promote social cohesion.
- **Professional and amateur:** Sports can be pursued at both amateur and professional levels, with many athletes competing at the highest levels of competition. Professional sports provide an opportunity for individuals to earn a living from their athletic abilities, while amateur sports provide an opportunity for individuals to participate in sports for fun and enjoyment.
- **Teamwork:** Many sports involve teamwork, which requires athletes to work together to achieve a common goal. Teamwork helps develop social skills and promotes a sense of

² *Id.*

community among athletes. Teamwork is a critical component of sports, and it helps athletes develop communication skills, leadership skills, and a sense of belonging.

- **Entertainment:** Sports are often entertaining for both participants and spectators, providing a source of excitement and enjoyment. Sports provide a unique form of entertainment that engages individuals on both a physical and emotional level, making them an essential part of modern society.
- **Economic significance:** Sports have a significant economic impact, generating revenue through ticket sales, sponsorships, and advertising. Sports can create jobs and stimulate economic growth, particularly in the areas of tourism and hospitality.

The features of sports are broad and complex, encompassing a wide range of physical activities, skills, and competencies. Sports provide an opportunity for individuals to engage in physical activity, develop new skills, compete, and promote social interaction and community involvement. Sports have a significant economic impact and cultural significance, reflecting their importance to individuals and societies around the world.

LEGAL UPANISHAD JOURNAL

3. SPORTS LAW IN INDIA

Sports law in India encompasses a wide range of legal issues related to sports, including the governance and regulation of sports, athlete contracts, anti-doping regulations, sports-related disputes, and intellectual property rights.

- **Governance and regulation of sports:** The governance and regulation of sports in India are primarily governed by the Indian Olympic Association (IOA) and the Sports Authority of India (SAI). The IOA is responsible for promoting and regulating sports in India and is recognized by the International Olympic Committee (IOC). The SAI is responsible for developing infrastructure, organizing competitions, and providing training and coaching to athletes³.

³ Ritu Paul, *Exploring and Analysing Sports Laws in India*, 4(1) INT'L J. L. MGMT. & HUMAN. (2021)

- Athlete contracts: Athlete contracts are governed by the Indian Contract Act, 1872, which regulates contracts between parties in India⁴. Athlete contracts typically address issues such as compensation, performance expectations, and termination of the contract.
- Anti-doping regulations: The National Anti-Doping Agency (NADA) was established in 2009 to prevent the use of performance-enhancing drugs in sports. NADA is responsible for conducting drug tests on athletes and enforcing anti-doping regulations in India. The Anti-Doping Rules of NADA govern the procedure for drug testing and the sanctions for violating anti-doping regulations.
- Sports-related disputes: There have been several high-profile legal disputes related to sports in India, including disputes over the ownership of sports franchises, the organization of sporting events, and athlete disciplinary actions. These disputes are typically resolved through the sport's governing bodies, arbitration, mediation, or litigation in Indian courts.
- Intellectual property rights: Intellectual property rights in sports include trademarks, copyrights, and patents. The Trademarks Act, Copyright Act, and Patents Act, etc., govern the registration and enforcement of intellectual property rights in India. Sports teams and organizations often register their logos and other intellectual property with the relevant authorities to protect their rights.
- Sports betting and gambling: Sports betting and gambling are largely prohibited in India, with a few exceptions. The Public Gambling Act, 1867, prohibits gambling in public places but does not specifically address online gambling⁵. However, the Information Technology Act, 2000 prohibits online gambling and betting⁶.

Sports law in India is a complex and dynamic field that encompasses a wide range of legal issues related to sports governance, athlete contracts, anti-doping regulations, sports-related disputes, and intellectual property rights. The legal framework for sports in India is constantly evolving, with new regulations and legal precedents shaping the way sports are governed and regulated in the country.

⁴ Indian Contract Act, 1872, No. 9, Acts of Parliament, 1872 (India).

⁵ Public Gambling Act, 1867, No. 3, Acts of Parliament, 1867 (India).

⁶ Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

4. OUTLOOK OF THE COURTS

The Zee Telefilms ruling, which was rendered by the Honorable Supreme Court, is known as the Indian Sports Law Magna Carta. In this case, the arbitrarily terminated broadcasting rights agreement by BCCI was at issue. Invoking Article 32 of the Constitution, Zee Telefilms, the party that felt wronged, filed a writ petition at the Supreme Court⁷. Nevertheless, only entities falling under Article 12 of the Constitution's definition of "State" may be the subject of a writ under Article 32. According to the court's majority ruling, BCCI did not, as defined by Article 12 of the Constitution, constitute the state⁸.

However, Justice Sinha believed that BCCI is a state in his minority opinion. During the course of his ruling, he discussed the importance of athletic endeavours in India, specifically mentioning cricket. His minority view included the significance of the function that sports authorities provide in several jurisdictions, including the United States, Australia, the United Kingdom, Scotland, and New Zealand. This verdict in India is likely the only one that discusses the importance of sport in such detail.

In addition to the Zee Telefilms case⁹, several rulings have also added to India's body of precedent regarding sports law. The significance of sports in India was deliberated by the Supreme Court in the 1991 case of K. Murugan v. Fencing Association of India¹⁰, Jabalpur. The matter that was being discussed was the election of members to the Indian Olympic Association's executive council. The Supreme Court made the following comment while indicating that it was reluctant to rule on the matter:

"This does not appear to us to be a matter where individual rights in terms of the rules and regulations of society should engage our attention. Sports in modern times have been a matter of great importance to the community. International sports have assumed greater importance and have been in focus for over a few decades. In some of the recent Olympic games, the

⁷ INDIA CONST. art. 32

⁸ INDIA CONST. art. 12

⁹ Zee Telefilms Ltd. v. Union of India, (2005) 4 SCC 649

¹⁰ K. Murugan v. Fencing Association of India, 1991 SCC (2) 412

performance of small states has indeed been excellent and laudable, while the performance of a great country like India, with the world's second-highest population, has been miserable."

4.1 Ungoverned Authorities

Due to the lack of interest in sports on the part of the state, sports specialists in India are still mostly unregulated. Various sports bodies exist, such as the Board of Control for Cricket in India (BCCI), the Indian Hockey Federation for hockey, the All-India Football Federation for football, the Indian Basketball Association for basketball, the All-India Tennis Federation for tennis, and the Indian Olympic Association and the Sports Authority of India at the top. Other than the Ministry of Sports Affairs, which oversees things outside, there is no central sports authority. The financially stable sports authority, like the BCCI, has, in fact, on occasion said that they have no plans to become a part of the Ministry of Sports Affairs. This demonstrates how the Ministry and the sports authorities just collaborate for financial gain. The Supreme Court discussed this matter in *Zee Telefilms v. Union of India*. It further stated that "the sports bodies generally continue unaccountable to the state or any other governmental body within the borders of India, which obviously should not be a problem recognizing the significance of sports in the contemporary arena".

4.2 Are there no enactments to govern sports?

The National Sports Development Code, 2011 regulates the actions of the National Sports Federations in India in the absence of national legislation. The Delhi High Court has maintained the constitutionality of the aforementioned regulation in the case of *Indian Olympic Association v. Union of India*¹¹, despite the fact that sports are included in Entry 33 of the State List, Seventh Schedule of the Indian Constitution¹². The National Sports Development Bill, 2013 and the

¹¹ *Indian Olympic Association v. Union of India*, W.P. (C) 2310/2012

¹² INDIA CONST. art. 246

Prevention of Sporting Fraud Bill, 2013 are two further draft Central bills that, if passed, would strengthen the case for sports law in India.

4.3 Corruption: Betting and Match Fixing

The main focus of sports law is on corruption that occurs during sporting events. In particular, match-fixing, betting, and gambling are some of the other significant contributing reasons to this corruption. No matter how big or small the sporting event, match fixing and betting have always been a possibility. In relation to this subject, wagering is permissible up to a point; it becomes problematic when wagering results in match manipulation. This has resulted in the growth of a lucrative sector that subtly regulates sports while negating the fundamental purpose of having a sport.

4.4 Remedies to Sportsmen

This section will look at the options accessible to athletes if they have a disagreement with the sports authorities. To handle disagreements, each sports authority has a unique conflict resolution procedure. Naturally, the sports administration would be both a party to and the arbiter in a disagreement that develops between the athletes and the sports authority.

4.5 Issues

Athletes live in a world where a careless statement or action can potentially spell the end of their sporting career. When it comes to sports authorities, an athlete is constantly in a precarious position.

The second recourse available to a resentful athlete is to file a case with the judiciary, which is likely to make the athlete much more miserable. The Indian judiciary is plagued by some of these problems. The hold-up in case resolution. It would be prudent for him to refrain from

approaching the judiciary, since prospects for athletes are few and transitory in their careers. The judges lack sufficient knowledge of the complex facets of specific sports.

There aren't many advocates who practice sports law full-time. It should be mentioned that legal conflicts often lie at the heart of sporting disputes. It should be mentioned that every Indian sports authority that is connected to the Indian Olympic Association has an extremely convoluted and irrational dispute settlement process¹³.

Note that the National Sports Federations, Associations, and State Olympic Associations in question must give up their legal right to file a lawsuit before becoming affiliated with the Indian Olympic Association. Any disagreements involving these sports authorities would be brought before the Indian Olympic Association, which would then propose an arbitration panel to settle the conflicts.

This approach lacks an independent adjudicatory mechanism, which is in violation of the basic principles of the rule of natural justice, *Nemo Judex in Causa Sua*¹⁴.

LEGAL UPANISHAD JOURNAL
If a sportsman has a disagreement with the Indian Olympic Association or any of its associated sports federations, his opponents will serve as the dispute adjudicators. The opportunity to use civil courts is lost. The disputant and the adjudicator are one and the same. This is the suffering that athletes who are members of the Indian Olympic Association (IOA) or a sports body under its auspices endure.

The third choice available to the athletes is to use private arbitration or to take their disagreement to organizations that handle dispute resolution, such as the ICC, FICCI, etc. The arbitrator or mediator is chosen from a panel of arbitrators that these institutions have¹⁵. While there is some flexibility in selecting the arbitrators, selecting an arbitrator who is somewhat knowledgeable in sports is not a common occurrence. Compared to other alternative dispute resolution bodies like

¹³ Kanwal DP Singh & Harshita Singh, *Amenability of Sports Law to Management of sports in India*, 14(2) AMITY BUS. REV. (2013)

¹⁴ No one should be a judge in their own cause.

¹⁵ Ritu Paul, *supra* note 1

the ICC or FICCI, a formal sports dispute resolution body has advantages of its own. This highlights the pressing necessity of creating a uniform sports dispute resolution body.

4.6 Is an alternative dispute mechanism an ideal method of resolving sports disputes?

The effectiveness of alternative conflict procedures in resolving sports issues is demonstrated by the success of the Court of Arbitration Sports and other central conflict resolution processes in Canada, Australia, and Ireland. Finding the causes of the unexpected flood of these bodies is crucial at this point, though. The main benefit is that these bodies for resolving disputes in sports are standardized and specialized. We draw inspiration from the instances in other jurisdictions because there isn't much sports-related litigation in Indian courts.

When litigation has taken place, there have been many flaws in the process, and conflicts have never been satisfactorily resolved. The main disadvantage has been sports administrators' typical unwillingness to surrender to the national courts' jurisdiction. For instance, the well-known track athlete Butch Reynolds initiated a lawsuit that resulted in around fifteen stages of arbitration and court proceedings over the course of four years. Reynolds had already secured a \$27 million default judgement following the International Amateur Athletic Federation's (IAAF) refusal to participate in the proceedings. However, if the matter were brought to specialized sports dispute resolution bodies, to whom the sports authorities have humbly subjected themselves, this would not be the case.

Litigation-based dispute resolution becomes unduly complicated and drawn out. The well-known Lindland's case involved two wrestlers vying for one weight class spot on the US Olympic squad for the 2000 Sydney Olympics. Matt Lindland, the opponent, lodged a complaint alleging that Keith Seracki, the victor, had employed unlawful grips. The case proceeded through thirteen phases of arbitration and federal court litigation, including futile appeals to the CAS and the US Supreme Court.

Ultimately, the plaintiff prevailed in both his legal battle and the Olympic silver medal. It would have been better to have had an easy one- or two-step arbitration procedure. In addition, the

parties can benefit from prompt hearings, minimal overall expenses, discretion, flexibility, and a decision rendered by a sports-related expert through the ADR process. One of the main benefits of the ADR process in sports is confidentiality. In the world we live in, athletes are held in the highest moral respect by the public¹⁶. This aspect of sports could suffer irreversible harm from media attention. These are just a few benefits of using alternative dispute resolution, aside from the effectiveness of sports dispute resolution and organizations that specialize in mechanisms such as CAS.

We propose that, on a comparative basis, alternative conflict settlement is the best form of conflict settlement for sports-related issues in light of the previously presented justifications¹⁷. A last-minute legal move could throw off the entire sports tournament. It brings up crucial issues like upholding the law, carrying on with the tournament, and related concerns regarding the player's eligibility. World-class skater Tony Harding was charged with assaulting her American competitor physically during the 1994 Winter Olympics.

The United States Olympic Committee suffered great problems because of this timely litigation. In 1998, the US Congress modified the Amateur Sports Act in accordance with this. The modifications provide that a court cannot issue an injunction against the US Olympic Committee within 21 days (about 3 weeks) of the start of a significant sporting event. Conversely, no such embargo restricting such timely litigation has been imposed by Indian legislation or court pronouncements.

The parties can receive flexible scheduling, low total expenses, confidentiality, and prompt hearings through the ADR method. Arbitrators also possess subject-matter knowledge. Some benefits of using alternative dispute resolution, aside from the effectiveness of sports dispute settlement, include the following: organizations that specialize in alternative dispute resolution mechanisms, such as the Court of Arbitration of Sports.

¹⁶ Vijay Kumar Singh, *Issues in Emerging Area of Sports Law: Lex Sportiva*, 1(1) INDIAN L. REV. (2009)

¹⁷ Kanwal DP Singh & Harshita Singh, *supra* note 11

5. CONCLUSION

For sports and athletes to prosper in India, sports law must also prosper; legislative action is required. India must realize that sports are more than just a small group of athletes competing for the top spot; there are complex legal issues involved, and athletes' entire careers are on the line. This field gives rise to a unique legal system that warrants sufficient consideration. A course on sports law ought to be offered to law students. Being a sports lawyer is a fulfilling career. A legal effort should be made to improve the sporting environment. Sport is a subject of national pride and is not just for enjoyment.

In recent years, the Indian Premier League and Indian Cricket League have begun to raise significant questions about competition law. This clearly shows why India's sports laws need to be improved. The growth and management of sports in India are greatly aided by regulatory organizations including the Ministry of Youth Affairs and Sports, the Sports Authority of India, the National Anti-Doping Agency, and National Sports Federations. These organizations oversee establishing norms, encouraging sports, and making sure that laws and regulations are followed.

In the coming years, sports law in India is expected to continue evolving as the country seeks to establish itself as a global sports destination. There is a need for stakeholders in the sports industry, including policymakers, sports organizations, and athletes, to work together to address the challenges facing sports in India and promote the development of sports at all levels.