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## SPORTS LAW AND POLICIES: A STUDY IN INDIAN PERSPECTIVE

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### Abstract

*Sport is a physical activity which is played according to a set different sets of rules, whether for the purpose of fun, competition, or both. An activity involving several competitors at once, defined by goal or a certain objective then in such scenario it is essential to regulate those activity in order to keep the a systematic fair play procedure to avoid and prevent unfair tactics and uneven tone. When it comes to sports it is considered as one of the most integral part of India's cultural heritage. The history of the sports in India can be traced back a long time ago where several sports such as polo, horse riding and many more were actively played and were to be those which res presents and depicts ones elittness and status. Thus, it can be said that sports are those activity which are deeply rooted in ones culture and heritage. Today in this contempromy era, India is one one those nation which has produced significant renowned champions in global sports tournaments and various other disciplines. The glory of Indian sports outshines in the world to its proximity, slowly and gradually India has become one of the global leader in social and cultural heritage. India has produced legendary athletes who have made significant contributions to sports, setting examples for the world with its diverse sporting heritage. Thus, sports in in India is the cornerstone of law that remains a debated topic with many unresolved issues.*

*Sports law is a legal field that applies to people involved in sports. It covers various areas of law, including contracts, injuries, sponsorships, competition rules, labor rights, trademarks, discrimination, criminal matters, and taxes. Some laws depend on an athlete's status, while others vary based on the sport.*

### Introduction

Sports law has been developed up to a considerable amount in India reflecting its need and importance that is boosted as the reason of diversified sports fields. For the purpose of its regulation, there are various regulatory bodies established by the government of India such as the Ministry of Youth Affairs and Sports, the Sports Authority of India, the National Anti-Doping Agency, and National Sports Federations play a crucial role in the development and administration of sports in India.

In India sports are monitored and regulated by the federations which are autonomous is nature and these federations are operated on behalf of government of India. These federation are often

defined by its monopolistic character in respective of their sports field. However one of the major criticism against these federation is that whenever it comes to showcase accountability and transparency on their part they often tend to resist against any scrutiny. All this raise a vital questions about the amount of legitimacy it hold in regulating sports mechanism and its rules. One of the major reasons which have led judiciary enter in sports sphere is because of the number of growing legal battle and hours of endless litigation in diverse field of sports where aesthete are alleged for involving in unfair practices and use of banned medication in sports practices and tournament. But when it comes to regulation one of the basic question that impudes the

mind is that why there is no other distinctive authority other than the ministry of sports affairs to regulate sports?

Sports law in India has witnessed a substantial transformation over the years, mirroring the growing prominence of sports in the nation. The evolution of sports governance has led to the establishment of various regulatory bodies aimed at maintaining a structured legal mechanism. However, despite these developments, the existing legal framework remains inadequate and fragmented, resulting in several unresolved challenges that athletes, sports organizations, and other stakeholders continue to face. One of the most pressing concerns in this domain is the lack of transparency in sports governance, which raises significant questions about the credibility and efficiency of regulatory authorities. Additionally, the absence of a well-defined dispute resolution mechanism further complicates the legal landscape of sports in India. These loopholes often lead to prolonged legal battles, creating an atmosphere of uncertainty within the sporting ecosystem.

With India striving to position itself as a global leader in sports, the need for a comprehensive and well-structured legal framework has become more evident than ever. As the sporting industry continues to evolve, the legal dimensions surrounding it are expected to undergo significant reform, ensuring a more regulated and accountable system. This study aims to delve into the intricate intersection of sports and law in India, analyzing the emerging trends and the potential trajectory of sports law in the coming years.

The realm of sports law in India is marred by a multitude of issues that continue to hinder its progress and fair execution. Among the most pressing concerns are the monopolistic control exercised by office bearers, the persistent lack of proper equipment and facilities, deep-rooted corruption, widespread doping scandals, and the ever-growing menace of match-fixing. These factors collectively raise serious doubts

about the integrity and transparency of the sports governance system in India. A fundamental question that arises in the realm of sports governance is why there exists no central regulatory authority apart from the Ministry of Sports Affairs to oversee and streamline the functioning of sports in India.

The absence of a singular, autonomous governing body raises concerns regarding the efficiency of sports administration and the extent of governmental intervention in sporting affairs. Furthermore, the role and systematic functioning of distinct sports authorities regulating different sports remain a subject of scrutiny. These bodies, often operating with monopolistic tendencies, are entrusted with the responsibility of ensuring fair play and adherence to sporting regulations. However, the extent to which they effectively fulfill their mandates is a matter of debate.

Another critical aspect that demands consideration is the contribution of the Indian Judiciary in shaping sports jurisprudence. Whether the judiciary has played an active role in resolving legal complexities within the sporting domain or whether its involvement has remained negligible is an important question that warrants thorough analysis.

Additionally, with the rising number of disputes in sports, the efficacy of the Alternative Dispute Resolution (ADR) mechanism as an ideal means of resolving sports-related conflicts is another crucial issue that needs to be examined. The viability, efficiency, and effectiveness of ADR in ensuring swift and fair resolution of disputes must be assessed to determine whether it serves as a suitable alternative to prolonged litigation in the sports industry.

### Meaning of Sports

As per the International Olympic Committee (IOC), sport is not merely a recreational activity but an essential component of human life. It plays a crucial role in fostering physical and emotional development, strengthening social relationships, and encouraging a healthy

lifestyle. The IOC defines sport as an activity that demands physical exertion and skill, operates under a structured set of rules or customs, and is pursued in a competitive spirit<sup>1</sup>.

This definition underscores the fundamental elements that constitute sports—physical engagement, skill enhancement, adherence to regulations, and the spirit of competition. It highlights the integral role that sports play in shaping individuals, instilling discipline, and promoting a culture of fairness and perseverance. The United Nations defines sport as encompassing all forms of physical activity that contribute to physical fitness, mental well-being, and social interaction. This broad definition includes recreational play, organized competitions, and even traditional indigenous sports and games, reflecting the diverse nature of sporting activities across cultures<sup>2</sup>.

Sports, in essence, can be characterized by key elements such as physical involvement, a competitive spirit, specialized training, and strategic planning. These activities are structured and governed by specific rules and regulations, ensuring fairness and discipline within the sporting framework. Whether pursued individually or as part of a team, sports encompass both outdoor and indoor engagements, reinforcing their universal significance in fostering physical and mental development<sup>3</sup>.

### History in India

The roots of sports in India can be traced back to ancient times, with references found in the great epic *Mahabharata*. One such instance describes a strategic game of chess, known as *Chaturanga*, played between the Pandavas and Kauravas, highlighting the historical significance of sports and games in Indian culture.

The development of sports law in modern India, however, can be linked to the early 20th century. During the British Raj, several sports, including cricket, football, hockey, and athletics, were introduced, leading to the formation of various

sports clubs and associations across the country. As sports gained prominence, the necessity for a structured legal framework became evident, prompting discussions on the regulation and protection of athletes, sporting organizations, and events<sup>4</sup>. This marked the beginning of India's journey toward establishing a formalized system of sports governance and legal oversight. The first significant legal milestone in the development of sports law in India can be traced back to 1923 with the establishment of the Indian Olympic Association (IOA). Formed with the objective of regulating and promoting sports in the country, the IOA played a pivotal role in shaping India's sporting landscape.

A major breakthrough came in 1927 when the International Olympic Committee (IOC) officially recognized the IOA, granting it the authority to oversee and regulate sports in India in accordance with international standards. This recognition not only elevated India's status in the global sporting arena but also laid the foundation for a structured and standardized approach to sports governance in the country. The Indian government took a significant step toward strengthening the sports ecosystem by establishing the Sports Authority of India (SAI), an institution dedicated to the promotion and development of sports at the national level. This initiative was solidified with the enactment of the Sports Authority of India Act in 1984, which conferred legal recognition upon SAI, granting it the authority to regulate and oversee sports administration across the country. As an autonomous body, SAI was entrusted with the responsibility of developing sports infrastructure, organizing national-level competitions, and facilitating specialized training and coaching programs for athletes. Over the years, SAI has played a crucial role in shaping India's sports framework, not only by nurturing talent but also by contributing to the establishment of the National Institute of Sports, further reinforcing the nation's commitment to athletic excellence<sup>5</sup>.

In 2009, the Ministry of Youth Affairs and Sports took a significant step in ensuring fair play and integrity in sports by establishing the National Anti-Doping Agency (NADA). This regulatory body was formed with the primary objective of curbing the use of banned substances in sports and upholding ethical sporting practices in India. NADA is entrusted with the responsibility of conducting drug tests on athletes, ensuring strict compliance with anti-doping regulations, and enforcing disciplinary measures against violations. By overseeing the implementation of anti-doping rules, NADA plays a crucial role in maintaining the credibility of Indian sports on both national and international platforms<sup>6</sup>.

### Acts and Legislation in India

Unlike many other nations, India has yet to enact a dedicated law exclusively governing sports. In the absence of a specific legal framework, various existing laws, such as contract law, employment law, tax regulations, and competition law, are applied to address issues concerning international, professional, and amateur sports. This fragmented approach has led to a lack of uniformity in sports governance, making legal regulation more complex.

In India, sports law is largely a product of government policy decisions and judicial pronouncements, rather than a codified legislative framework. Another major challenge in establishing national-level reforms arises from the constitutional status of sports as a State subject. This classification restricts the legislative authority of the central government, limiting its ability to introduce comprehensive and uniform sports regulations across the country. As a result, sports governance remains largely decentralized, often leading to inconsistencies in regulatory oversight and policy implementation<sup>7</sup>.

**Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007** : The enactment of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, commonly referred to as the *Sports Act*,

marked a significant legal development in India's sports broadcasting framework. The primary objective behind this legislation was to ensure that sporting events of national importance reach the widest possible audience, allowing citizens access to such events on a free-to-air basis<sup>8</sup>.

Under the provisions of this Act, sports broadcasters are mandated to share live broadcasting signals with Prasar Bharati, enabling the telecast of these events through Doordarshan channels. Section 3(1) of the Sports Act specifically lays down the legal requirement for such mandatory sharing, reinforcing the principle that access to sports should not be restricted solely to paid platforms but should be made available to the general public as a matter of national interest. Sec 3 read it as *"No content rights owner or holder and no television or radio broadcasting service providers shall carry a live television broadcast on any cable or Direct-to-Home network or radio commentary broadcast in India of sporting events of national importance, unless its simultaneously shares the live broadcasting signal, without its advertisements, with the Prasar Bharati to enable them to re-transmit the same on its terrestrial networks and Direct-to-Home networks in such manner and on such terms and conditions as may be specified"*<sup>9</sup>

**National Sports Policy:** In 1984, the Indian government introduced the *National Sports Policy* with the primary objective of enhancing the overall standard of sports in the country. However, recognizing the need for a more structured and comprehensive approach, the policy was reformulated in 2001, giving rise to the *National Sports Policy, 2001*.

This policy operates on a threefold framework. First, it focuses on the promotion and development of sports across the nation. Second, it establishes guidelines and procedural directives for the functioning of National Sports Federations, ensuring accountability and efficiency in their operations. Third, it emphasizes financial support by

providing sponsorships, grants, and other forms of assistance to various National Sports Federations, facilitating the growth of sports infrastructure and athlete development.

Under the *National Sports Policy, 2001*, key stakeholders such as the National Sports Federations, the Sports Authority of India, the Indian Olympic Association, and the Central Government are required to collaborate, working collectively toward achieving excellence in both national and international sporting events. This policy serves as a foundation for streamlining sports governance and fostering India's competitive standing in the global sports arena<sup>10</sup>.

### Judicial Approach

The case of *Ajay Jadeja v. Union of India*<sup>11</sup> marked a significant turning point in the legal landscape of Indian sports, ushering in a new era of judicial scrutiny and regulatory reforms. This case highlighted several critical concerns, including the absence of a well-coordinated investigative mechanism, issues related to integrity in sports, procedural lapses in handling complaints, and various controversies surrounding sports governance.

A landmark ruling emerged from this case, wherein the court held that sporting bodies, by virtue of performing public functions, fall within the ambit of writ jurisdiction under the High Court. This judgment reinforced the principle that sports organizations cannot operate in isolation but must remain accountable for their actions, ensuring greater transparency and fairness in sports administration.

The legal precedent established in *Ajay Jadeja v. Union of India*<sup>12</sup> was further reinforced in the landmark case of *Zee Telefilms & Others v. Union of India & Others*<sup>13</sup>, often regarded as the *Magna Carta* of sports law in India. This case centered around the arbitrary termination of a broadcasting rights agreement by the Board of Control for Cricket in India (BCCI), raising fundamental questions about the accountability of private sports bodies.

In this case, Zee Telefilms, as the aggrieved party, approached the Supreme Court by filing a writ petition under Article 32 of the Constitution. However, since a writ under Article 32 can only be issued against authorities classified as 'State' under Article 12, the court was faced with the crucial question of whether BCCI qualified as a 'State' under constitutional parameters.

The Supreme Court ultimately ruled that BCCI does not fall within the definition of 'State' as per Article 12. However, in a notable dissent, Justice Sinha held a contrary view, asserting that BCCI, due to its monopolistic control over cricket and its public functions, should be considered as a 'State' under constitutional law. This case remains pivotal in shaping discussions on the regulation and legal status of private sports federations in India.

### Conclusion

For sports and athletes to truly flourish, the development of sports law in India is not just desirable but imperative. The role of the Legislature becomes crucial in ensuring that the legal framework governing sports evolves in tandem with the growing complexities of the sporting world. India must recognize that sports are no longer just about a group of athletes competing for supremacy; rather, they encompass a wide array of intricate legal challenges that can directly impact an athlete's entire career. From contractual disputes and governance issues to doping regulations and ethical concerns, the legal dimensions of sports demand structured and comprehensive legal oversight.

With a distinct branch of law emerging in the realm of sports, it is essential that it receives due attention and structured legislative intervention to safeguard the interests of athletes and uphold the integrity of sports in the country. Sports law has undoubtedly emerged as a promising and dynamic field, offering immense opportunities for legal professionals.

There is a pressing need to strengthen the sporting ecosystem through well-defined legal mechanisms, ensuring that sports governance aligns with principles of fairness, transparency, and accountability. Sports today are not merely a source of entertainment; they symbolize national pride and global recognition. These developments highlight the growing complexities of sports law and underscore the urgent need for a more robust legal framework to regulate the evolving landscape of Indian sports.

In light of these evolving dynamics, it becomes evident that the regulation of sports through a comprehensive legal framework is not merely an option but a necessity. A structured legal framework must be established to ensure transparency in sports administration, protection of athletes' rights, and fair resolution of disputes. The need for an independent regulatory authority, separate from governmental intervention, is becoming increasingly crucial to oversee and standardize sports governance across different disciplines. As India continues to make its mark on the global sports stage, the significance of sports law will only expand. It is essential for policymakers, legal professionals, and sports administrators to collectively work towards creating a robust and inclusive legal structure that not only preserves the integrity of sports but also paves the way for a more just and competitive sporting environment.

#### ENDNOTES

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9 Sports Broadcasting Signals act 2007, Sec 3.

10 Supra 7.

11 Ajay Jadeja v. Union of India 95 (2002) DLT 14

12 ibid

13 Zee Telefilms & Others v. Union of India & Others 2005 4 SCC 649