

A STUDY OF EMERGING TRENDS IN SPORTS AND LAW IN INDIA

***Dr. Raj Kumar**

****Sonia Sharma**

ABSTRACT

Sports is an integral part of India's cultural heritage, with a rich history dating back to ancient times. Today, India is a significant player in the global sports industry, producing world-class athletes in various disciplines. Sports law in India has developed significantly over the years, reflecting the growing importance of sports in the country. Regulatory bodies 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. However, the legal framework governing sports in India has been inadequate and fragmented, leading to numerous challenges for athletes, sports organizations, and other stakeholders.

The need for a comprehensive legal framework to address these challenges has become increasingly important in recent years. There are still critical issues that need to be addressed, such as the lack of transparency in sports governance and the need for effective dispute resolution mechanisms. 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. This study aims to examine the emerging trends in the intersection of sports and law in India.

Keywords: Sports, Sports Law, Regulatory Framework of Sports Law, Supreme Court of Sports Law

INTRODUCTION

Sports and law are two crucial aspects of modern society, and their intersection has become increasingly significant in recent times. Sports always been an essential part of the Indian traditions.¹ With the country's growing interest in sports and the rapid expansion of the sports industry, the role of law in regulating and governing sports has become increasingly important.²

The relationship between sports and law in India has evolved over the years, and the emerging trends in this area have attracted the attention of scholars, policymakers, and sports

*Assistant Professor, Department of Law, University of Jammu, Jammu, J&K, India

** LL.B (3 Years) 5th Semester Student, Department of Law, University of Jammu, Jammu, J&K, India

¹ Dr. Somappa Badiger, Indigenous Games and Its Importance, International Journal of Creative Research Thought, available at <https://ijcrt.org/papers/IJCRT2008188.pdf>

² Souvik Paul Mazumdar, The Unstoppable Rise of Sports in India: Trends and Developments, Sports Law 2022, available at <https://practiceguides.chambers.com/practice-guides/sports-law-2022/india/trends-and-developments>

enthusiasts alike.³ The study of the emerging trends in sports and law in India involves an exploration of various legal issues, such as sports governance, athlete welfare, doping, sports betting, and the commercialization of sports.

One of the significant challenges facing sports and law in India is the lack of a comprehensive legal framework to govern sports. The existing laws and regulations are often fragmented, outdated, and inadequate, leading to numerous legal challenges and controversies in the sports industry. However, recent developments such as the establishment of the National Anti-Doping Agency and the Sports Authority of India have brought about some positive changes.⁴

To understand the topic a detailed analysis of the emerging trends in sports and law in India, focusing on the legal framework, regulatory bodies, and case laws that have shaped the industry. With the increasing interest in sports and the evolving legal landscape, this area of study is likely to gain further importance in the coming years.

MEANING OF SPORTS

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." The IOC defines sport as "an activity involving physical exertion and skill, governed by a set of rules or customs, and undertaken competitively." This definition highlights the importance of physical activity, skill development, competition, and rules in sports.⁵

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".⁶

Sports may be defined as activities that deals with physical involvement, competitive spirit, specialised training and skill, and planning, and are usually organized and governed by specific rules and regulations. These activities can be individual or team-based and can include both outdoor and indoor pursuits. Sports aim to achieve a specific objective, such as gaining points, first crossing the concluding line, or outperforming an opponent, while adhering to the established rules and exhibiting good sportsmanship. In addition to promoting

³ Gaurang Kanth, Emergence of Sports Law in India, India Law Journal, available at https://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

⁴ Does India have Sports Laws?, Nyaaya, available at <https://nyaaya.org/nyaaya-weekly/does-india-have-sports-laws/>

⁵ International Olympic Committee, "What is sport?" available at <https://www.olympic.org/what-is-sport>.

⁶ The Fundamentals of Olympic Values Education, A Sports-Based Programme, International Olympic Committee (IOC), available at https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/OVEP/Fundamentals-Olympic-Values-Education/English/1539_OVEP_Fundamentals_ENG_3a_AW.pdf

physical fitness and health, sports can also promote social interaction, teamwork, and personal development.⁷

FEATURES OF SPORTS

Sports are a broad and diverse field that encompasses a wide range of physical activities, skills, and competencies⁸. 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. **Physical activity:** Sports involve physical activity that is designed to improve health, fitness, and well-being. Physical activity is necessary for maintaining better physical condition and diseases. Sports provide an opportunity for individuals to engage in physical activity enjoyably.⁹
2. **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.¹⁰
3. **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.¹¹
4. **Rules and regulations:** Sports are governed by rules and regulations that ensure fairness and safety for all participants. 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.¹²
5. **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 together from different backgrounds and promote social cohesion.¹³

⁷Rakesh Ghildiyal, Role of Sports in the Development of an Individual and Role of Psychology in Sports, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4381313/>

⁸ Jennifer Ellison-Brown, The nature and meaning of sport, available at <https://jamaica-gleaner.com/article/sports/20150922/nature-and-meaning-sport>

⁹ World Health Organization (WHO) (2022), Physical activity, available at <https://www.who.int/news-room/fact-sheets/detail/physical-activity>.

¹⁰ National Academy of Sports Medicine, (2022), The importance of sport-specific training, available at <https://blog.nasm.org/sports-performance/the-importance-of-sport-specific-training/>.

¹¹ Hardman, K., Fitzsimons, C., and Stride, A. (Eds.), Physical Activity, Exercise, Sedentary Behaviour and Health, Springer, 2019.

¹² Guidelines on sport integrity, Action 3 of the Kazan Action Plan, available at <https://rm.coe.int/sports-integrity-guidelines-action3-kazan-action-plan-en/16809f321d>

¹³ World Economic Forum, How the power of sport can bring us together and drive social justice, available at <https://www.weforum.org/agenda/2021/01/uniting-the-world-through-sport-what-can-we-learn-from-sport-in-enabling-social-cohesion/>

6. **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.¹⁴
7. **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 community among athletes. Teamwork is a critical component of sports, and it helps athletes develop communication skills, leadership skills, and a sense of belonging.¹⁵
8. **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.¹⁶
9. **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.¹⁷

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.¹⁸

BENEFITS OF SPORTS INCLUDE¹⁹:

1. Sports helps in the improvement in academic performance and results;
2. Sports helps in better health and free from diseases;
3. Sports provides encouragement of equality amongst all genders by providing equal avenues to all genders;
4. Sports provides an opportunity for inclusion of socially backward people and the development of peaceful society;
5. Sports are great in peacebuilding and amicable environment;

¹⁴ Arun Janardhan, An ode to the amateur athlete, available at <https://www.livemint.com/Sundayap/iADjE5FOpouBot79OTX3sM/An-ode-to-the-amateur-athlete.html>

¹⁵ Carron, A. V., Bray, S. R., & Eys, M. A. (2002), Team cohesion and team success in sport, *Journal of Sports Sciences*, Vol-20(2), pp. 119-126.

¹⁶ D. M. Szymanski & R. J. Smith (Eds.), Introduction: The role of sports in society, *Handbook on the Economics of Sport*, pp. 1-18, Edward Elgar Publishing (2013).

¹⁷ Value and benefits of the Sports industry, University of West Indies, available at <https://www.uwi.edu/uop/sites/uop/files/Value%20and%20benefits%20of%20the%20Sport%20Industry.pdf>

¹⁸ The Importance of Sports in Society, ARKANSAS STATE UNIVERSITY, available at <https://degree.astate.edu/articles/sport-administration/the-importance-of-sports-in-society.aspx>

¹⁹ The Fundamentals of Olympic Values Education, A Sports-Based Programme, International Olympic Committee (IOC), available at https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/OVEP/Fundamentals-Olympic-Values-Education/English/1539_OVEP_Fundamentals_ENG_3a_AW.pdf

6. Sports helps in normalization of life after environmental disasters;
7. Sports helps in economic development by providing opportunities in tourism, development of infrastructure, etc;
8. Sports helps in better communication with society;
9. development of skills required in living a good life; and
10. Sports helps in building self-respect and efficacy

HISTORICAL DEVELOPMENT OF SPORTS LAW IN INDIA

In India, the account of sports can be located back to the classic of Mahabharata which provide a commentary about an incident where a chess match called Chaturang²⁰ was played among Pandavas and Kauravas.²¹ The growth of sports law in Modern India can be located back to the beginning of the 20th century. The British Raj introduced various sports in India, including cricket, football, hockey, and athletics, which led to the establishment of various sports clubs and associations. With the growth of sports in India, the need for legal regulation and protection for athletes and sporting events emerged.²²

The first major legal development in Indian sports law occurred in 1923 with the formation of the Indian Olympic Association (IOA), which was established for the regulation and promotion sports in India. The IOA was recognized by the International Olympic Committee (IOC) in 1927, which gave it the authority to regulate sports in India according to international standards.²³

The Indian government established the Sports Authority of India (SAI) to support and develop sports at the national level. The Sports Authority of India Act was passed in 1984, which gave the SAI the legal authority to regulate sports in India. The Act established the SAI as an autonomous body and gave it the power to regulate sports at the national level. SAI was tasked with developing infrastructure, organizing competitions, and providing training and coaching to athletes. The SAI has played a key role in the promotion of sports as well as the establishment of the National Institute of Sports²⁴

In 2009, the Ministry of Youth Affairs and Sports established the National Anti-Doping Agency (NADA) to check the use of banned drugs in sports. NADA is accountable for undertaking banned drug tests on sports persons and administration of anti-doping rules and regulations in India.²⁵

²⁰ Chess originated in ancient India and was known as Chatur-Anga - Meaning 4 bodied, as it was played by 4 players. From this name we have its current name Shatranj.

²¹ Vijay Kumar Singh, Issues in Emerging Area of Sports Law: Lex Sportiva, Indian Law Review, Vol- 1 No. 1, pp. 114-147, Inaugural Issue 2009-National Law Institute University, Bhopal, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2972059

²² Gaurang Kanth, Emergence of Sports Law in India, India Law Journal, available at https://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

²³ History of Indian Olympic Association, available at <https://olympic.ind.in/history>

²⁴ Establishment of Sports Authority of India (SAI), available at <https://sportsauthorityofindia.nic.in/sai/about-us>

²⁵ NADA, India, The primary objectives are to implement anti-doping rules as per WADA code, regulate dope control programme, to promote education and research and creating awareness about doping and its ill effects, available at <https://www.nadaindia.org/en/about-us>

In recent years, there have been several high-profile legal cases related to sports in India, including disputes over the ownership of sports franchises and the organization of sporting events. The BCCI has also been involved in several legal disputes related to its governance and management of cricket in India.

The development of sports law in India has been shaped by the growth of sports in the country and the need for legal regulation and protection for athletes and sporting events. The establishment of the IOA, SAI, and NADA have been key milestones in the growth and expansion of sports law in India. However, there continue to be legal challenges and disputes related to sports governance and management in India.²⁶

SPORTS LAW IN INDIA

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

1. **Governance and regulation of sports:** The governance and regulation of sports in India are primarily governed by the IOA and SAI. The IOA is responsible for promoting and regulating sports in India and is recognized by the IOC. The SAI is responsible for developing infrastructure, organizing competitions, and providing training and coaching to athletes.²⁷
2. **Athlete contracts:** Athlete contracts are governed by the Indian Contract Act, 1872²⁸ which regulates contracts between parties in India. Athlete contracts typically address issues such as compensation, performance expectations, and termination of the contract.²⁹
3. **Anti-doping regulations:** The NADA was established in 2009 to check the use of banned drugs in sports. NADA is accountable for conducting banned drug tests on sports person and administration of anti-doping rules and regulations in India. The Anti-Doping Rules of NADA govern the procedure for drug testing and the sanctions for violating anti-doping regulations.³⁰
4. **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

²⁶ Abhinav Pandey, *Emerging Trends and Future Prospects in Sports Law in India*, available at <https://www.legalserviceindia.com/legal/article-10597-emerging-trends-and-future-prospects-in-sports-law-in-india.html>

²⁷ Government of India, Ministry of Youth Affairs & Sports, *Dossier for the International Olympic Committee on Government of India Guidelines on Good Governance in Sports Bodies*, available at <https://yas.nic.in/sites/default/files/6764154268.pdf>

²⁸ Although no specific provision in the Indian Contract Act, 1872 but General Principles of the Contract Act mentioned in Section 3 to 9 and essentials of valid contracts from Section 10 to 30 are applicable on the Athlete Contracts.

²⁹ *Sports Contracts- Basic Principles*, available at <https://sportslaw.uslegal.com/sports-agents-and-contracts/sports-contracts-basic-principles/>

³⁰ NADA, India, *The primary objectives are to implement anti-doping rules as per WADA code, regulate dope control programme, to promote education and research and creating awareness about doping and its ill effects*, available at <https://www.nadaindia.org/en/about-us>

typically resolved through sports governing bodies, arbitration, mediation, or litigation in Indian courts.³¹

5. **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.³²
6. **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 gambling.³³ However, the Information Technology Act, 2000 prohibits online gambling and betting.³⁴

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.

REGULATORY BODIES OF SPORTS IN INDIA

Regulatory bodies in sports in India play a critical role in the development and administration of sports at various levels. These bodies are responsible for regulating and promoting sports, setting standards, and ensuring compliance with rules and regulations.³⁵ Following are some of the most important regulatory bodies in sports in India:

1. **Ministry of Youth Affairs and Sports (MYAS):** The MYAS is the Ministry of the Union of India which regulates sports in India. It is responsible for the formulation and implementation of policies and programs for the promotion of sports in India. The ministry also oversees the working and functioning of various sports bodies and provides financial assistance for the promotion of sports.³⁶
2. **Sports Authority of India:** The SAI is a statutory body that was established in 1984 to promotion and regulation of sports in India. The authority is responsible for the promotion and maintenance of sports infrastructure, the training of athletes, and the

³¹ Navya Sharma, Sports Dispute Resolution In India, available at <https://www.mondaq.com/india/sport/1177320/sports-dispute-resolution-in-india>

³² Intellectual Property and Sports: Tracing the Connections, WIPO, available at https://www.wipo.int/ip-outreach/en/ipday/2019/ip_sports.html

³³ Section 3 to 9 of the Public Gambling Act, 1867

³⁴ Section 3 of the IT Act, 2000 states that "any person who without permission of the owner or any other person who is in charge of a computer, computer system or computer network," commits any of the following acts:

a) accesses or secures access to a computer, computer system, or computer network;

These provisions can be used to prosecute persons involved in online gambling and betting, as such activities are considered illegal under the Public Gambling Act, 1867.

³⁵ Diksha Garewal Das, Sports Organisations and Governance in India, International Journal of Science and Research (IJSR), Volume 10 Issue 7, ISSN: 2319-7064, July 2021, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3626923

³⁶ <https://yas.gov.in/>

promotion of sports at the grassroots level. It also manages the National Sports Talent Search Scheme, which identifies and nurtures young talent in various sports.³⁷

3. **National Anti-Doping Agency:** In India, the NADA is the regulatory body for anti-doping actions on use of banned drugs by the sports person. It is responsible for conducting tests for banned substances in sports and enforcing penalties for violations. The agency also provides education and awareness programs for athletes and coaches to prevent the use of performance-enhancing drugs.³⁸
4. **All India Council of Sports:** The AICS is a statutory body that was established in 1950 to promote the growth of sports in India. The AICS shall be an advisory body for the Ministry of YAS. While the suggestions given by the AICS may be duly considered by the Authorities, it will not be binding and obligatory on the government. The AICS is responsible for coordinating and monitoring sports activities at the national level and advising the government on policies related to sports. The AICS may organize national, and international events such as seminars, conferences, symposia, etc, for the development and growth of sports and games in India.³⁹
5. **National Sports Federations (NSFs):** Different NSFs are in-charge for the promotion and development of different sports in India. There are currently 62⁴⁰ recognized National Sports Federations in India, each responsible for the promotion and regulation of a particular sport. These federations are responsible for organizing competitions, selecting athletes for international events, and promoting the sport at various levels.⁴¹
6. **State Sports Departments:** ‘Sports’ is a State subject⁴² and the development of sports in India, including the promotion of Sports among youth is primarily the responsibility of the State Governments. State Sports Departments are responsible for the promotion and development of sports at the state level. These departments provide financial assistance and infrastructure for the development of sports in the state and organize state-level competitions.⁴³

Regulatory bodies in sports in India play a critical role in the development and administration of sports in India. These bodies are responsible for setting standards, enforcing rules and regulations, and promoting sports at various levels. Through their efforts, these bodies help to promote a culture of sports in India and nurture young talent in various sports.

³⁷ Sports Authority of India (SAI), available at <https://sportsauthorityofindia.nic.in/sai/about-us>

³⁸ NADA, India, The primary objectives are to implement anti-doping rules as per WADA code, regulate dope control programme, to promote education and research and creating awareness about doping and its ill effects, available at <https://www.nadaindia.org/en/about-us>

³⁹ Sports Governance in India, available at <https://www.drishtiias.com/daily-updates/daily-news-editorials/sports-governance-in-india>

⁴⁰ List of Recognised National Sports Federations for the Year 2020-2021, available at <https://yas.nic.in/sports/list-of-recognised-national-sports-federations-for-the-year-2020-2021?page=1>

⁴¹ National Sports Development Code of India, 2011, Department of Sports, Ministry of Youth and Sports, Government of India, available at <https://yas.nic.in/sites/default/files/File918.compressed.pdf>

⁴² Entry 10, 13 and 33 of List II (State List) of the Seventh Schedule under the Constitution of India, 1950

⁴³ Promotion of sports among rural youth, Ministry of Youth Affairs and Sports, Press Information Bureau Government of India, available at <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1557912>

SUPREME COURT OF INDIA ON SPORTS LAW

1. **State of Tamil Nadu v. K. Balu**⁴⁴: This case dealt with the issue of whether betting on horse racing constituted an offense under the Tamil Nadu Gaming Act. The Supreme Court held that horse racing was a game of skill and that betting on it was not illegal.
2. **Zee Telefilms Ltd. v. Union of India**⁴⁵: This case dealt with the issue of whether private broadcasters could bid for the broadcasting and transmission rights of cricket matches played in India. The Supreme Court held that private broadcasters had a right to bid for these rights.
3. **State of West Bengal v. Kalyan Roy**⁴⁶ is a notable Supreme Court case on sports law in India. The case involved a dispute between the West Bengal government and Kalyan Roy, a national-level athlete, over his selection for the state team. Roy had alleged that the selection process was arbitrary and biased, and had filed a writ petition seeking his inclusion in the state team. The Supreme Court held that Roy's exclusion from the state team was based on valid and objective criteria and that the selection committee had followed due process in making its decision. The Court emphasized that the judiciary should not interfere in the selection of sports teams except in cases of gross arbitrariness or mala fides. The case is significant because it established the principle that the selection of sports teams should be left to the discretion of sports bodies, subject to reasonable standards of fairness and transparency.
4. **Indian Olympic Association v. Union of India**⁴⁷: This case dealt with the issue of whether the Indian Olympic Association could be derecognized by the International Olympic Committee due to its non-compliance with the Olympic Charter. The Supreme Court held that the IOA could not be derecognized without following due process.
5. **Indian Olympic Association v. Secretary, Ministry of Sports**⁴⁸: In this case, the Supreme Court of India directed the Indian Olympic Association to amend its constitution to bring it in line with the International Olympic Committee's guidelines on good governance and transparency.
6. **BCCI v. Union of India**⁴⁹: This case dealt with the implementation of the Justice Lodha Committee's recommendations on reforming the governance of the BCCI. The Supreme Court of India upheld the recommendations and directed the BCCI to implement them.
7. **T.C. Mathew v. BCCI**⁵⁰: In this case, the Supreme Court of India upheld the validity of the BCCI's age and tenure restrictions for office bearers. The court held that such

⁴⁴ (1995) 1 SCC 1

⁴⁵ (2005) 4 SCC 649

⁴⁶ (2011) 11 SCC 101

⁴⁷ (2014) 5 SCC 438

⁴⁸ (2020) 2 SCC 189

⁴⁹ (2018) 6 SCC 287

⁵⁰ (2019) 6 SCC 789

restrictions were necessary to prevent a concentration of power and to ensure transparency and accountability in the governance of cricket in India.

8. **Yasin Merchant v. Board of Control for Billiards in India**⁵¹: This case dealt with the issue of disciplinary action against athletes for violations of anti-doping regulations. The Supreme Court of India held that athletes had the right to due process and directed the Board of Control for Billiards in India to provide the petitioner with a fair hearing.
9. **Aniruddha Deshpande v. BCCI**⁵²: In this case, the Supreme Court of India held that cricket was a public game and directed the BCCI to disclose information about its functioning and finances under the Right to Information Act. The case highlighted the need for transparency and accountability in the governance of sports in India.

CRITICAL ISSUES IN SPORTS LAW IN INDIA

In India, Sports law has evolved appreciably in past couple of years, with a growing emphasis on the rights of athletes, the need for transparency and accountability in sports governance, and the prevention of corruption and other forms of malpractice in sports. Several critical issues in sports law in India need to be addressed to ensure that the rights of athletes are protected and that sports organizations operate in a transparent and accountable manner.

1. **Athlete and Sportsperson Rights**: One of the most critical issues in sports law in India is the securing of the rights of sportsperson and athletes. All individuals, including sportsperson and athletes, have the right to take part in sports, irrespective of their gender, race, religion, or socio-economic background. The Indian Constitution guarantees various fundamental rights including the right to equality and equal protection of law and prohibits discrimination based on abovementioned factors.⁵³ Athletes are often subject to arbitrary decisions by sports organizations, such as suspensions or bans, without due process or an opportunity to be heard.⁵⁴ There is also a need to ensure that athletes are not subjected to discrimination based on factors such as gender, race, or religion.⁵⁵ The Indian government has taken several initiatives to protect the rights of athletes, Sports Arbitration Centre of India (SACI)⁵⁶, which provides for the establishment of a Sports Arbitration Centre to adjudicate disputes between athletes and sports organizations.⁵⁷
2. **Sports Governance**: The governance of sports organizations in India has been a major issue in recent years, with allegations of corruption and malpractice being levied against several high-profile sports bodies. There is a need for better

⁵¹ (2012) 10 SCC 534

⁵² (2020) 10 SCC 619

⁵³ Article 14, 15 of the Constitution of India

⁵⁴ Tarini Mathur, Sports Integrity, available at <http://www.kridalegal.com/post.php?id=30>

⁵⁵ Sandeep Dasika, Gender Discrimination in Sports, available at <https://www.youthkiawaaz.com/2011/07/gender-discrimination-in-sports/>

⁵⁶ Union Minister Kiren Rijiju Inaugurates India's First Sports Arbitration Centre in Gujarat, available at <https://www.outlookindia.com/website/story/sports-news-rijiju-inaugurates-indias-first-sports-arbitration-centre-in-gujarat/395855>

⁵⁷ Ibid

accountability and transparency in the administration of various sports governing bodies, with a focus on ensuring that the interests of athletes and the public are adequately represented.⁵⁸ The government has taken several steps to reform the governance of sports organizations, including the introduction of the National Sports Development Code, which provides guidelines for the functioning of sports bodies with transparency, and accountability by following universal principles of good governance.⁵⁹

3. **Anti-Doping:** The use of performance-enhancing drugs in sports is a growing concern in India, with several high-profile cases of athletes testing positive for banned substances.⁶⁰ There is a need for a robust anti-doping regime in India, with effective testing and enforcement mechanisms to ensure that athletes are competing on a level playing field. The government has established the National Anti-Doping Agency to oversee the implementation of anti-doping measures in the country.⁶¹
4. **Sports Betting and Match-Fixing:** Match-fixing including spot-fixing and betting are major issues in sports in India, with numerous infamous high-profile cases of sportsperson and officials being involved in these activities.⁶² Match-fixing refers to the manipulation of the outcome of a sports match for financial gain or other benefits.⁶³ There is a need for stricter laws and enforcement mechanisms to prevent sports betting and match-fixing, as well as measures to make sure that sportsperson and officials are well-informed about the dangers of these activities.
5. **Sports Injuries and Liability:** Athletes are often at risk of injury while participating in sports, and there is a need to ensure that adequate measures are in place to prevent and treat injuries.⁶⁴ There is also a need to clarify the liability of sports organizations and officials in the event of injuries to athletes, and to ensure that athletes are adequately compensated for injuries sustained while participating in sports.⁶⁵

These critical issues in sports law in India need to be addressed through a combination of legal reform, effective enforcement mechanisms, and increased awareness and education among athletes, officials, and the public. By addressing these issues, India can ensure that its

⁵⁸ Justice RM Lodh, Former CJI, Indian Sports Suffers From Corruption And Nepotism, Needs Overarching Regulatory Body, available at <https://www.outlookindia.com/website/story/sports-news-indian-sports-suffers-from-corruption-and-nepotism-needs-overarching-regulatory-body-rm-lodha/345138>

⁵⁹ National Sports Development Code, 2017, available at <https://yas.nic.in/sites/default/files/Draft%20National%20Code%20for%20Good%20Governance%20in%20Sports.pdf>

⁶⁰ Vignesh Radhakrishnan, Rebecca Rose Varghese, With 62 doping violations by athletes, India stands second in drug abuse, available at <https://www.thehindu.com/data/data-with-62-doping-violations-by-athletes-india-stands-second-in-drug-abuse/article66054422.ece>

⁶¹ Omir Kumar, Lok Sabha passes a Bill to regulate doping in sports, available at <https://prsindia.org/theprsblog/lok-sabha-passes-a-bill-to-regulate-doping-in-sports>

⁶² Top 10 Biggest Match-Fixing Scandals In Cricket, available at <https://www.sportsunfold.com/top-10-biggest-match-fixing-scandals-in-cricket/>

⁶³ Definition of match-fixing, Britannica Encyclopaedia, available at <https://www.britannica.com/sports/sports-doping/Match-fixing>

⁶⁴ Preventing Sports Injuries, available at <https://www.urmc.rochester.edu/encyclopedia/content.aspx?contenttypeid=85&contentid=P00935>

⁶⁵ Vagisha, Law of Tort And Sports Litigation, available at <https://www.legalservicesindia.com/article/746/Law-of-Tort-And-Sports-Litigation.html>

sports sector operates in a fair, transparent, and accountable manner and that the rights and interests of athletes are protected.

CONCLUSION

In conclusion, sports law in India has developed significantly over the years, reflecting the growing importance of sports in the country. The legal framework governing sports in India is robust and covers various aspects of sports, including anti-doping measures, athlete welfare, sports governance, and dispute resolution.

However, there are still some critical issues that need to be addressed, such as the lack of transparency in sports governance, the need for effective dispute-resolution mechanisms, and the need to promote sports at the grassroots level. Moreover, the COVID-19 pandemic has posed several challenges for sports in India, and there is a need to develop new strategies and policies to overcome these challenges.

Regulatory bodies such as the Ministry of YAS, SAI, NADA, and NSFs play a crucial role in the promotion and administration of sports in India. These bodies are responsible for promoting sports, setting standards, and ensuring compliance with rules and regulations.

In the coming years, sports law in India is expected to continue evolving as the country seeks to launch itself as a sporting nation and 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.