

# Sports Regulations in India

**Dr. Anjina Reddy K. R.\***

LL.M., M.phil., Ph.D, Associate Professor, BMS College of Law, VV Puram, Bengaluru

**Abstract – This article provides of sports regulation in India, Sports law is employed in the field of sports, physical education and its related field. It is referred to as a complete law which governs the area where law interacts with Sports. Nowadays, there is growing trend of interaction between the law and the world of sports which in turn, has created demand for a greater understanding of the relation between law and sports. The aim of Sports Law is to provide educational opportunities and disseminate data and information regarding specific areas of sports Law. Sports law is based on how the law in general interacts with the sports activity. Different from theoretical laws, it is a pure law. Sports law is not only an applied law in the field of sports, physical education and its related fields but also a blend of laws in a number of jurisdictions.**

Human beings are drawn in sports activities since times immemorial. From the initial days of human civilization till date, the area of sports law is relatively new in our country. Nevertheless, it is an area of study that is worthy of definition and in depth academic inquiry and practice. From a mere source of entertainment and personal recreation, sports have grown into a highly competitive industry with global pervasiveness. It is one of the largest revenue generating industries in the world comprising 3% of the world trade. The sports industry is growing at a faster tempo. An industry of billions of dollars with an all-encompassing worldwide presence is bound to raise its own disputes. This has resulted in the growth and development of sports law as a separate regulation in its own right. Sports law is based on how the law in general interacts with the sports activity. Different from theoretical laws, it is a pure law. Sports law is not only an applied law in the field of sports, physical education and its related field(s); but also a blend of laws in a number of jurisdictions. Some jurisdictions have passed separate legislation relating to sports. For example, in India sports information is in the Concurrent list of the Seventh Schedule (entry 33) of the Constitution on which both the union and state legislatures are proficient to put together laws. There are 3 States; Rajasthan, Himachal Pradesh and Uttar Pradesh, which have enacted laws on regulating sports activity including registration, regulation and recognition of Sports Associations

## **NEED FOR REGULATION/ SPORTS LAWS**

The sporting world has been plagued by scandals and controversies in the past few decades. The Olympic Games Bidding Scandal, the recent IPL scam and allegations of sexual harassment by the Indian Women's Hockey Team have rocked the

nation. From six gold medals in a row from 1928 to 1956, the Indian Hockey team hit an all-time low failing to qualify for the 2008 Olympics. This incident exposed the maladministration and insularity of a defective system that drained our resources. Even the gentleman's game cricket has been marred by match fixing and payment by bookies. All these incidents expose the dark side of a highly competitive world. Sports law has an unusually well-developed pattern of globalized regulation and overlaps substantially with labor law, contract law, criminal law, public law, administrative law, antitrust law, competition law, intellectual property rights law, law of tort, media law, company law, human rights law etc. These laws have been applied to sporting context involving public order, drugs, safety, disciplinary measures, conduct and wider issues relating to restraint of trade, anti-competitive behaviour, match fixing and the commercial exploitation of sports. Issues like defamation and privacy rights are also an integral aspect of sports law.

## **ORGANIZATION OF SPORTS IN INDIA**

In the field of sports, the club is the basic unit at the grass root level. At the top of the hierarchy are the international sports bodies for each sports made up of national bodies of different countries. The national sports bodies again consist of the provincial or state bodies of different countries. The provincial state bodies comprise the different districts or clubs. In India, national sports bodies field the national team representing the country for participation in international competitions where good performance is a matter of pride for the entire nation. They consider the players for participation and selection. These bodies also award telecasting and broadcasting rights to the successful bidder for hefty

sums and also earn revenues from advertisement in sports events. They also take disciplinary action against the erring players including debarring them from the game.

## SPORTS LAWS IN INDIA

There is no national or state legislation for regulation of sports in India. The Ministry of Youth Affairs & Sports was set up by the Govt. of India to create the infrastructure and promote capacity building for broad-basing sports as well as for achieving excellence in various competitive events at the national and international levels. Sports promotion is primarily the responsibility of the various National Sports Federations (NSFs) which are autonomous in nature. The Ministry of Sports and Youth Affairs issues notifications and guidelines from time to time for the purpose of regulation of NSFs.

The Sports Law in India is governed and regulated by

1. National Sports Policy
2. Sports Law and Welfare Association of India
3. Sports Authority of India
4. The Sports Broadcasting Law in India.
5. Sports and Competition Law
6. Sports Law and Arbitration

### 1. National Sports Policy

A Resolution on the National Sports Policy was laid in both Houses of Parliament in August, 1984. The National Sports Policy, 1984 was formulated with the objective of raising the standard of Sports in the country. The National Sports Policy, 1984 provided inter-alia that the progress made in its implementation would be reviewed every five years to determine the further course of action, as may be necessary, following such review. Over the years, it has transpired that even as the National Sports Policy, 1984 encompasses various facets in respect of encouraging sports in the country, the implementation of the same is not complete. In order to reformulate the National sports policy 2001, was drafted.

In accordance with the provisions of the National Sports Policy, 2001, the Central Government pursues the objectives of "Broad-basing" of Sports and "Achieving Excellence in Sports at the National and International levels" in a combined effort with the State Government, the Olympic Association and the National Sports Federation. The Government of India

and the Sports Authority of India, in association with the Indian Olympic Association and the National Sports Federations, are expected to focus specific attention on the objective of achieving excellence at the National and International levels. The National Sports Policy aims to pursue inclusion of "Sports" in the Concurrent List of the Constitution of India and introduction of appropriate legislation for guiding all matters involving national and inter-state jurisdiction.

### 2. Sports Law and Welfare Association of India

The Sports Law and Welfare Association of India is a national nonprofit and professional organization which work with the common goal of understanding, advancement, and ethical practice of Sports Law in India for the promotion of Sports, by bringing Legal Practitioners and Sports persons together. The Association provides consultancy on various matters including regulation of sports governing bodies, general sport and law issues, intellectual property issues in sport, online advocating in legal disputes of sports in court on behalf of sports persons and sports bodies, etc. The Sports Law and Welfare Association of India aims to further the discussion of legal problems affecting sports and to promote the exchange of a variety of perspectives and positions of sports law and provide a forum for lawyers representing athletes, teams, leagues, conferences, civic recreational programs, educational institutions and other organizations involved in professional, collegiate, Olympic, physical education and amateur sports.

### 3. Sports Authority of India

The Sports Authority of India was established to fulfill the need of an apex body to coordinate various sports activities in India. The success of the IXth Asian Games at Delhi has raised sports consciousness and enthusiasm in India which in turn, motivated the Government of India to focus on sports development to encourage physical fitness among youth and to direct their energy towards excellence. The Sports Authority of India has gradually, extended its operations to promote broadbase sports. The other thrust areas of SAI include provision of strengthening of inputs for excellence and various supportive programmes, such as Academic Programmes, Coaching and Physical Education Awareness Programmes and Scholarship Schemes as incentives to sportspersons. The Sports Authority of India operates various Schemes at sub-junior, junior and senior level and endeavors to broadbase sports and develop excellence by upgrading the skills of Indian sports persons.

#### **4. The Sports Broadcasting Law in India.**

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act was passed in 2007 with an objective to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through mandatory sharing of sports broadcasting signals with Prasar Bharati and for matters connected therewith or incidental thereto. The Act provides that any content right owner or holder television or radio broadcasting service provider shall not 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 it 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.

#### **5. Sports and Competition Law**

Two teams playing against each other are like two corporate firms producing a single product. The product is the game, weighted by the revenues derived from its play. In one sense, the teams compete; in another, they combine in a single firm in which the success of each branch requires efficiency. Unequally distributed playing talent can produce "competitive imbalance". Remuneration of the team members largely depends on the level of competition between the teams in the particular sports. Sport is generally organized in a kind of a 'pyramid' structure, with a single governing body controlling most regulatory and commercial aspects of each sport, the governing body appears to be de facto 'dominant' and therefore claims relating to the abuse of monopoly.

#### **6. Sports law and Arbitration**

Arbitration, a form of alternative dispute resolution (ADR), is a legal technique for the resolution of disputes outside the courts, wherein the parties to a dispute refer it to one or more persons (the "arbitrators", "arbiters" or "arbitral tribunal"), by whose decision (the "award") they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides. Other forms of ADR include mediation (a form of settlement negotiation facilitated by a neutral third party) and non-binding resolution by experts. Arbitration in India is governed by the Arbitration and Conciliation Act 1996 ("Indian Arbitration Act"), which is based on the UNCITRAL Model Law. The Indian Arbitration Act is broadly divided into two parts. Part I applies to arbitrations held in India, whether domestic or international, and Part II applies to arbitrations held outside India. Part

II, incorporates the rules related to international arbitrations governed by the New York or Geneva Conventions. In sports, the disputes are first referred to the federations that govern a particular sport and subsequently the international authorities that govern the sport. e.g. in hockey disputes are referred to the Indian Hockey Federation and after that the International Hockey Federation.

#### **CONCLUSION**

The country has reached a stage where India needs a legislation that deals with sports law. India's failure in all the international sports events is an indication of poor infrastructure and corruption which exists within the federations. In order to meet the increasing demands of the changing scenario, national as well as international, it is important that a uniform sports regulation.

---

#### **Corresponding Author**

**Dr. Anjina Reddy K. R.\***

LL.M., M.phil., Ph.D, Associate Professor, BMS College of Law, VV Puram, Bengaluru

**E-Mail – [anjinareddybmscl@gmail.com](mailto:anjinareddybmscl@gmail.com)**