

Sports Law in India: Present Status and Future Road Map

Dr. Anil Kumar Thakur^{1*} Reetinder Kaur²

¹ Assistant Professor, Department of Law, Punjab University Chandigarh

² Research Scholars, Department of Law, Punjab University Chandigarh

Abstract – In India, sports have never been a main stream issue for policy makers. Sports have received the attention mostly as a source of entertainment in Indian social space. Even the approach of the common man in India towards the sports traditionally has been casual and emotional rather than rational. In other words, the sports and related issues have always occupied a secondary place in Indian socio-political-legal sphere. It is well known fact that barring few sports, India has not been doing very good in the realm of the sports. This approach of the Indian society towards sports has been main cause for its underperformance at the global level in the field of sports. The reason for the underperformance is not only rooted in human resources but certainly an issue and structure of sports governance in India. The vacuum in the sphere of sports governance need to be addressed urgently on priority basis to come out of present state of inertia. The researchers through this paper intend to examine the present status of sports law in India and suggest future roadmap for the sports governance as well.

Keywords: sports law, sports governance, sports welfare, sports policies, sports commission

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1. INTRODUCTION

Sports activities have been an integral part of human life since the time immemorial and necessary component of human development, good health, and the spirit of friendly competition. Sports emerged for mere entertainment in the ancient time¹. Primarily, games were invented by the man as a means to meet socially with others, to display skills and physical prowess and to entertain. Some form of running, throwing and jumping acrobatics was involved in most of the games, all of which developed from basic hunting skills. Religious and political elements were also combined into their games in many early cultures, but a desire for recreational play eventually lead to the codification of early games and the invention of new ones. Apart from source of entertainment, sports had been the source of survival also i.e. 'Pehlwan'². Now

it has taken the shape of industry. As per the estimation of United Nations sports contribute 3% to the total global economic activity.

According to the **New Encyclopedia Britannica**, 'Sports and games are recreational or competitive activities that involve some amount of physical strength or skill. At one time, sports were commonly considered to include only the outdoor recreational pastime, such as fishing, shooting and hunting as opposed to games, which were regarded as organized athletic contests played by teams or individuals according to prescribed rules.³

Sports in India found its history in the Vedas and Indus Valley Civilization. Archaeological excavations of Mohenjo-Daro and Harappa reveal that people indulged in some sort of physical activities and also played a variety of games using marbles, balls and dice.⁴ India was very much in mind of the founders of the Olympic idea when they were deciding on the various disciplines. The link between Greece and India can be traced back to 975 B.C. The enthusiasm for chariot-racing and wrestling is and was common to

¹ Chess, cards, martial arts, the Ancient Greeks had something known as Pankration, which was something like a free-for-all hand to hand fight that mixed boxing, kicking, and wrestling), naumachia (This was the Roman's version of Fisherman's Joust. The name of this event roughly translates to 'naval warfare'. The Romans would fill an arena with water, add a bunch of boats and recreate famous naval battles. These were often extremely bloody, featuring prisoners of war or those sentenced to die, set to fight one another with very high mortality rates, unlike many other such competitions.), etc.

²Pehlwani is a form of wrestling from the South Asia. It was developed in the Mughal Empire by combining native malla-yuddha. The words *pehlwani* and *koshti* derive from the Persian terms

pahlavani and *koshti* respectively. It is likely that the word derives from the Iranian word 'Pehalavi' denoting an Iranian people.

³The New Encyclopedia Britannica (1997).op. cit. p. 112.

⁴ Vidyadhargate, *Essay on sports in India*, SHARE YOUR ESSAY (April 5, 2017), <http://www.shareyouressays.com/80/essay-on-sports-in-india>

both the countries. It can be said that many of the present day Olympic disciplines are refined versions of the games which involve strength and speed that were common in ancient India and Greece.⁵

India is fast rising as a preferred venue for major sporting events such as Commonwealth Games, Asian Games and World Cups of Hockey and Cricket which attracts a lot of attention from around the world.⁶

There are different federations in India that provide sports amenities but India is worsening in every major sport event except the cricket. Even a large amount of private and public investment in sports has been unable to attain any noteworthy progress. The failure in sports field is often attributed to the model of governance of sports and the law regulating the sports in India.⁷

Not only in India, sports law has been the matter of concern for many countries since ages. Like India UK also don't have any enacted sports law. Sports law in the United States overlaps to a large extent with labour law, contract law, competition, and tort law. General Administration of Sport of China is the government agency responsible for sports in China. It is subordinate to the State Council. All-China Sports Federation and Chinese Olympic Committee are also administrated by the Council.⁸

Sports law is a fundamental pillar of civil society and is a growing international field, fuelled by the commercialization and growth of the sports sector and its importance economically, politically and socially. South Africa was subjected to variety of international boycotts including on sporting contacts under apartheid. There was some controversy about whether the aim of the boycott was to end discrimination in sports or to end apartheid together.

UN General Assembly adopted the International Convention against Apartheid in Sports to end the racial discrimination against South Africa on 14 December 1977. The Convention defines the expressions 'apartheid', 'national sports facilities', 'sports contracts', 'sports bodies', and 'team'. The convention strongly condemns the practice of apartheid by the signatory state parties and prohibits the state parties from contracting with a country practising apartheid and makes it obligatory for the state parties to

take appropriate measures to ensure that their sports bodies, teams, and individual sportspersons do not have such contract. The convention talks about the establishment of a Commission against Apartheid in Sports. It was laid down in the convention that any dispute between the state parties on the subject of interpretation, application or implementation of the convention if not settled by negotiation shall be brought before the International Court of Justice (ICJ) with the mutual consent of the state parties to the dispute.⁹

UNESCO on 19th October 2005 adopted the International Convention against Doping in Sports¹⁰ which represents that governments around the world have agreed to apply the force of international law to anti-doping. The Convention helps to ensure the efficacy of the World Anti-Doping Code which is applicable only on members of sports organizations. The Convention provides the legal framework under which governments can address specific areas of the doping problem that are outside the domain of the sports movement. As such, the Convention helps to formalize global anti-doping rules, policies and guidelines with the purpose of providing an honest and fair playing environment for all athletes.¹¹

The international sports system operates as a self-regulating private legal order. The international non-governmental organizations, namely the International Olympic Committee (IOC), the World Anti-Doping Agency (WADA), and international sports federations play the central role in this framework. International sports federations are the bodies in charge of the organization of sports activities at the international level which are private associations from legal viewpoint and are formed in accordance with private domestic law whose members are national sporting associations that have been admitted into membership. They organize and coordinate their own international competitions.¹²

2. SPORTS LAW IN INDIA

Sports law in India is a collection of some Court Cases and Policy decisions under the auspices Government of India. India has never enacted a statute in the field of sports like many countries. What we called Sport's law is a borrowed term in Indian legal field.¹³ Sport is listed as State subject under the Constitution of India under the entry 33, and as such Central Government has no locus standi to legislate on Sports. It is one of the most

⁵ Dharani, *Sports and Games in Ancient India*, ANCIENT INDIAN SPORTS (March 20, 2017), <http://dharanisr.blogspot.in/2010/02/sports-and-games-in-ancient-india.html>

⁶ Gauran kanth, *Emergence of Sports in India*, INDIAN LAW JOURNAL (March 4, 2017), http://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

⁷ Jitendra Choudhary & Jayat Ghosh, *GOVERNANCE OF SPORTS IN India* (March 4, 2017), http://tejas.iimb.ac.in/articles/Tejas_November%20Edition_Article%201.pdf

⁸ *State General Administration of Sports* Wikipedia (March 21, 2017), https://en.wikipedia.org/wiki/State_General_Administration_of_Sports

⁹ International Convention against Apartheid in Sports, 10 December, 1985

¹⁰ International Convention against Doping in Sports 19 October, 2005

¹¹ Ibid

¹² Carmen Pérez González, *International Sports Law*, OXFORD BIBLIOGRAPHIES (March 22, 2018),

<http://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0073.xml>

¹³ *Sports Law in India*, ADVOCATETANMOY LAW LIBRARY (March 20, 2017),

<https://advocatetanmoy.com/2017/05/07/sports-law-in-india/>

challenging tasks while addressing sports law reforms at national level.¹⁴

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 brilliance in various competitive events at the national and international levels. It is primarily the responsibility of the various National Sports Federations (NSFs), which are self-ruling in nature, to promote sports. The Ministry of Sports and Youth Affairs issues notifications and guidelines from time to time for the purpose of regulation of NSFs.¹⁵

1.1 Administration of Sports in India

It cannot be denied that the administrative set-up plays a very crucial role in promoting and developing sports.¹⁶ The Indian sports structure is based on a three-tier principle. Club is the basic unit at grass root level. There are District Sports Federations which combine into State Sports Federations. The State Sports - Federation of each discipline from all the states then combine to form the National Sports Federation.¹⁷

The Sports activities in India are governed and regulated by

- Sports Authority of India
- National Sports Policy
- Sports Law and Welfare Association of India
- The Sports Broadcasting Law in India.¹⁸

1.1.1 Sports Authority of India (SAI)

Sports Authority of India (SAI) was set up by the Government of India on 16 March, 1984 as a registered society primarily to look after the sports infrastructure created for the IX Asian Games. The SAI was set up

¹⁴ Vidushpat Singhania, *Sports Law Reforms in India-Agenda for 2014*, LAKSHMIKUMARAN & SRIDHARAN ATTORNEYS (March 6, 2017),

<https://www.lakshmisri.com/News-and-Publications/Publications/Articles/Corporate/sports-law-reforms-in-india-agenda-for-2014>

¹⁵ Gauran kainth, *Emergence of Sports in India*, INDIAN LAW JOURNAL (April 8, 2017),

http://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

¹⁶ *Sports Law* (April 4, 2017), <http://lexuniverse.com/sports-law/index.html>

¹⁷ Anubhav Pandey, *All you need to know about regulation of sports league in India*, IPLEADERS (April 6, 2017), <https://blog.ipleaders.in/how-are-sports-leagues-regulated-in-india/>

¹⁸ Gauran kainth, *Emergence of Sports in India*, INDIAN LAW JOURNAL (April 5, 2017), http://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

with the objective of implementation of the existing schemes, promotion and development of sports activities, to sponsor and encourage people to conduct various kinds of research works which are being done with the objective of bringing development in the sports and games, to construct and utilise various kinds of residential facilities for players and other persons which are engaged with sports in some way, planning, developing and utilising various kinds of facilities and infrastructure which are necessary for conducting sports events, construction of various centres where training relating to various sports events can be provided, to make provision of various kinds of essential assistance which are required to organise championships or tournaments at various levels, organisation of seminars and conferences in which various aspects relating to sports activities can be aroused, to make arrangements for funds so that various tournaments or competitions can be organised. The SAI is divided into wings i.e. academic wing, team wing, operation wing, stadia wing. Each wing performs different function.¹⁹

1.1.2 National Sports Policies

The National Sports Policy was formulated in 1984. The objective of the Policy was to raise the standard of the Sports in the country. It also provided for the review of the progress made in its implementation every five years so that further course of action could be determined.²⁰ In specific terms the objectives of the policy include broad basing of sports, integration with education, development of infrastructure, excellence in sports, and development of National Sports Federations. Scientific back up to sportspersons ensures access to high quality of sports equipments, training and development of coaches, sports scientists, judges, referees and umpires, incentives to sportspersons, integrated development of the sports and tourism sectors and resources mobilization of sports.²¹ But the Policy could not be implemented properly. Again, in 2001 the National Sports Policy was drafted to reformulate the National Sports Policy 1984.²²

Union Cabinet approved the National Sports Policy 2001 to put the Central Government in conjunction with the State Governments, the Indian Olympic Association (IOA) and the National Sports Federations to

¹⁹ Sports Authority of India, Ministry of Youth Affairs & Sports, Government of India

²⁰ Id

²¹ Vol. IV, Dr. Nishan Singh Deol & Dr. Amarpreet Singh, *Futuristic Trends in Physical Education* 306-308 (Twentyfirst Century Publications)

²² Gauran kainth, *Emergence of Sports in India*, INDIAN LAW JOURNAL (March 5, 2018), http://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

collectively pursue the objectives of broadbasing sports, and achieving excellence in sports. Broadbasing of sports and 'achieving excellence at the national and international levels' is sought in the National Sports Policy 2001 by integrating sports and physical education more effectively and efficiently with the education curriculum.²³ Thus, there is need to frame a new National Sports Policy in more concrete terms to spell out the specific measures which should be taken by the various agencies involved in promoting sports in the country as the implementation of the earlier sports policies, framed in 1984 and 2001, were tardy and the goals and objectives laid down in the policy are yet to be substantially realised.²⁴

1.1.3 Sports Law and Welfare Association of India (SLAWIN)

Working with the aim of bringing Legal Practitioners and Sports persons together, the Sports Law and Welfare Association of India (SLAWIN) is a national non-profit and professional organization. It works with the objective of understanding, advancement, and ethical practice of Sports Law in India for the promotion of Sports and provides consultancy on various matters i.e. regulation of sports governing bodies, general sport and law issues, intellectual property issues in sport etc.²⁵

1.1.4 Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act was passed in 2007 so that large number of viewers can be provided access to 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 without simultaneously sharing the live broadcasting signals with Prasar Bharti a live television broadcast of sporting events of national importance on any cable or Direct-to-Home network or radio commentary broadcast in India shall not be carried by any content right owner or holder television or radio broadcasting service provider.²⁶

Judgment of the Delhi High Court in the case **Ajay Jadeja v. Union of India**²⁷ started a new period of

legal reforms in sports. Integrity issues towards the sport, lack of proper coordinated investigation, procedure for dealing with the complainant, investigation procedure were highlighted with the wake of IPL and the many controversies attached with it.²⁸ In this case it was held that sporting bodies perform certain public functions and therefore are subject to the writ jurisdiction of High Court. The principle was upheld in **Zee Telefilms v. Union of India**²⁹ by Supreme Court.³⁰

The Supreme Court asked the Law Commission to examine whether BCCI is public authority or not and make recommendations in July 2016.³¹ So the Law Commission in its 275th report recommended that BCCI should be brought under the purview of RTI Act 2005. The Commission said that the BCCI is eminently qualified to be classified as 'state' under Article 12 of the Constitution. If the recommendations of the Commissions are accepted and the BCCI is classified as a public body or an organisation under RTI act, the BCCI shall be amenable to PILs in Supreme Court and High Courts questioning the various issues.³²

In 2011, on the policy front, the Indian Government proposed the National Sports Development Bill but it was felt that the original 2011 Bill should be revised. So the revised Bill seeks to make sportspersons the centre of sports movement within the comprehensive and all-embracing objective of good governance and to curb the corruption and to make sure that all sport federations are complying with the Olympics Charter by subjecting their offices to annual audits. 25% representation was guaranteed in the Bill for sportsperson in the National Sports Federations and a requirement to establish an Athletes commission was sought to make these sports bodies more transparent by bringing the National Sports Federations within the ambit of RTI to require the Central Government to curb doping, age fraud and sexual harassment in sports, to bring fairness by enjoining upon National Sports Federations to establish an internal procedure for grievance redressal with an appeal lying to Sports tribunal.³³ The Constitution of Ethics Commission has also been proposed in the Bill. This Commission shall enforce a code of ethics which shall be in compliance

²³ Subham Batar, *Content Analysis of National Sports Policy 2001*, NATIONAL LAW UNIVERSITY, ODISHA

²⁴ Panchayat Yuva Krida Aur Khel Abhiyan (PYKKA)- A new proposal (Mar 2008), DEMOCRACY CONNECT (April 12, 2018), <http://democracyconnect.pbworks.com/w/page/17443130/Indigenous%20Sports>

²⁵ Ashuti Panjwani & Devika A. Kumar, *THE PREVENTION OF SPORTS FRAUD BILL, 2013: A MESSIAH TO INDIAN SPORTS?* Vol 1 INTERNATIONAL JOURNAL FOR LEGAL DEVELOPMENT AND ALLIED ISSUES, issue 3[ISSN-2454-1273]

²⁶ Gauran kainth, *Emergence of Sports in India*, INDIAN LAW JOURNAL (March 10, 2018), http://www.indialawjournal.org/archives/volume3/issue_2/article_by_Gaurang.html

²⁷ 95 (2002)DLT 14

²⁸ Ashuti Panjwani & Devika A. Kumar, *THE PREVENTION OF SPORTS FRAUD BILL, 2013: A MESSIAH TO INDIAN SPORTS?* INTERNATIONAL JOURNAL FOR LEGAL DEVELOPMENT AND ALLIED ISSUES, Vol 1 issue 3[ISSN-2454-1273]

²⁹ (2005)4 SCC 649

³⁰ Vidushpat Singhania, *Sports Law Reforms in India-Agenda for 2014*, Lakshmikumaran & Sridharan Attorneys (March 8, 2018), <https://www.lakshmisri.com/News-and-Publications/Publications/Articles/Corporate/sports-law-reforms-in-india-agenda-for-2014>

³¹ BCCI v. Cricket Association of Bihar (AIR 2015 SC 3194)

³² Jatin Gandhi, "BCCI a 'state', bring it under RTI ambit: Law Commission" available at <https://www.hindustantimes.com/cricket/law-commission-urges-centre-to-bring-bcci-under-rti-act/story-RX3y9YVg4MpHezQoeNwSbJ.html> (visited April 26, 2018)

³³ Neha Vyas, "SPORTS LAW IN INDIA: ISSUES AND CHALLENGES", *GNLU-BW-NV-1115-04*

with the National Olympics Committee, National Sports Federations and the Athletes Commission. The constitution of Sports Election Commission has been proposed under the Bill to conduct free and fair elections to the National Olympic Committee, National Sport Federations and the Athletes Commission and the establishment of Appellate Sports Tribunal has been proposed.³⁴

The Prevention of Sporting Fraud Bill 2013 is another Bill in the line drafted by the Youth Affairs & Sports Ministry. The need for the Bill was highlighted from the fact that in IPL match fixing scandal, the authorities were compelled to use the various provisions of the IPC and the Maharashtra Control of Organised Crime Act (MCOCA), 1999 to punish the offenders though none of these provisions clearly covered fraud and crime in sports.³⁵ This Bill defines the Sporting Fraud and contains provisions of penalty to the offenders and deals with the issue of Jurisdiction of Courts to adjudicate the matter, etc. The Bill makes provisions for maximum punishment of 5 years with a fine of Rs. 10 Lakhs or five times the economic benefits derived by the person from sporting fraud, whichever is greater.³⁶

The Bill has been called **Anti-fixing Bill** that will ensure that every National Sports Association in India including the Board of Control for Cricket in India will come under the ambit of this proposed law.³⁷ It cannot be passed now in its present form because the term of the 15th Lok Sabha has ended.³⁸ The Bill aims to prevent and combat sporting fraud affecting the integrity of sports and fair play. It can be a path breaking legislation but its implementation is full of challenges.³⁹ Also the Bill is full of ambiguities and loopholes which would lead to confusion and misinterpretation. The term 'sporting fraud' fails to provide for the corruption within the selection committee boards with regard to selection of

players, thereby giving a damp to the new and upcoming talent.⁴⁰

But on close analysis it can be said that the Prevention of Sports Fraud, Bill 2013 is landmark legislation in terms of curbing the brewing controversy and weeding out the corruption in the Indian sports arena.⁴¹

3. RECOMMENDATIONS OF MUKUL MUDGAL PANEL

In 2012 certain players were alleged to be involved in taking money for spot fixing during Indian Premier League (IPL). The BCCI set up a disciplinary committee to deal with the players. The Committee after inquiry banned those players for varying length of time. The decision of the committee was challenged before the Bombay High Court. The Bombay High Court dismissed the petition challenging the decision of the disciplinary committee. The petition was filed before the Supreme Court praying for quashing the decision of disciplinary committee of BCCI and constituting an independent committee to look into the matter. Supreme Court set up the Mukul Mudgal Panel, a multi-member panel. Along with the inquiry report the Panel also submitted its recommendations and other inferences that the measures undertaken by BCCI to combat sporting fraud are unproductive and insufficient, employment of players in franchise group companies should be avoided. There is a need for strict and effective control on Players' Agents, separate law, investigating agency and courts to deal with betting and match-fixing charges. Law must be stringent like anti-terror and anti-drug laws.⁴²

4. RECOMMENDATIONS JUSTICE R.M. LODHA COMMITTEE

In January 2015 in the wake of the Justice Mukul Mudgal Committee report Lodha panel was formed. One of the most significant recommendations the Committee made is the formation of separate governing bodies for IPL and BCCI. The Committee also recommended the constitution of a Player's Association to safeguard the interest of the cricketers. The Committee suggested the reduction of number of

³⁴ "Draft National Sports Development Bill, 2013", Ministry of Youth Affairs and Sports, Government of India (Press Information Bureau)

³⁵ Ashuti Panjwani & Devika A. Kumar, "The Prevention Of Sports Fraud Bill, 2013: A Messiah To Indian Sports?" Vol 1 International Journal For Legal Development And Allied Issues, issue 3[ISSN-2454-1273]

³⁶ "Mukul Mudgal Panel Report Sporting Fraud Bill 2013", *GENERAL KNOWLEDGE TODAY*, available at: <https://www.gktoday.in/mukul-mudgal-panel-report-sporting-fraud-bill-2013/> (visited on March 25, 2017)

³⁷ Debarghya Sanyal, "Return of the Sporting Fraud Bill" *Business Standard*, (last updated on July23,2015) available at: http://www.business-standard.com/article/current-affairs/return-of-the-sporting-fraud-bill-115072300559_1.html (visited on December 13, 2017)

³⁸ "Mukul Mudgal Panel Report Sporting Fraud Bill 2013", *GENERAL KNOWLEDGE TODAY*, available at: <https://www.gktoday.in/mukul-mudgal-panel-report-sporting-fraud-bill-2013/> (visited on March 28, 2017)

³⁹ Ibid

⁴⁰Ashuti Panjwani & Devika A. Kumar, "THE PREVENTION OF SPORTS FRAUD BILL, 2013: A MESSIAH TO INDIAN SPORTS?" Vol 1 *INTERNATIONAL JOURNAL FOR LEGAL DEVELOPMENT AND ALLIED ISSUES*, issue 3[ISSN-2454-1273]

⁴¹ Ibid

⁴² "Mukul Mudgal Panel Report Sporting Fraud Bill 2013", *GENERAL KNOWLEDGE TODAY*, available at: <https://www.gktoday.in/mukul-mudgal-panel-report-sporting-fraud-bill-2013/> (visited on March 25, 2017)

members in the IPL Governing Council and the Working Committee.⁴³

5. SPORTS AND POLITICS

The relation between politics and sports is as old as politics or sports are themselves. Various rulers have always promoted games and sports. From holding of first Olympics to its present state, selection of players, opening of institutes for physical education, politics makes its presence felt from time to time.

Controversies arise in sports due to the effect of political tensions. Although the goal of the Olympic Games is to bring together the athletes of the world in peaceful competition, the games often have been affected by political tensions.⁴⁴

In India the political leaders made provisions for the promotion of games and sports ever since independence. Various committees were set up and schemes were introduced i.e. Tara Chand Committee (1948), Raj Kumari Amrit Kaur Coaching Scheme (1953), All Indian Council of Sports (1954), National Plan of Physical Education & Recreation (1956), Lakshmbai College of Physical Education (1957), National Fitness Corps (1965) etc. Despite tight economic conditions first Asian Games were conducted in Delhi in 1951, later in 1982 and in 2001 first Anglo-African Games were conducted.⁴⁵ But our political leaders decide the fate of sports in the country. The question of race and sex in sports is also affected by political implications. Political leaders use sports to promote nationalism and at the same time for political propaganda. Hence it is up to the political leaders and the government to boost sports in the country.⁴⁶

6. CONCLUSION AND SUGGESTIONS

The process of sports law reform has gained momentum and would not die a quick death. But the fact that till now there has not been a single concentrated legislation on sports law, in itself is a disgrace. In spite of many scams in the field of various sports during last few years no serious consideration on the enactment of sports law has being undertaken. Presently, any legal aspects of sports overlap with the rules of that specific sport along with other legislations like law of contracts, competition law, labour laws etc. Sport in India is a growing industry not only due to the sports played but also due to the huge media coverage it receives and the amount of money it involves.

Election in the sports organizations is the matter only of political involvement and sentiments. The tenure of the members of the sports organizations has been fixed. But there are many such organizations in which the office bearers are holding the positions for decades and they bring in their sons/relatives/friends so that they cling on to power.⁴⁷

Another issue is that the sports persons are recognized only after winning major sports event. Before such winning, they are almost neglected. The fund issued by the Youth Affairs and Sports Ministry goes in many hands before reaching players and each such person keeps crores out of the funds so issued.

Also the career of the sportspersons is of short span unlike the tenure in other services or professions. The short span of their career sometimes leads them to indulge in unfair activities.

There is a need for comprehensive sports law in India. Sport figures in the State list of the Seventh Schedule (entry 33) of the Constitution. There was a proposal to include sports in Concurrent List over which both state as well as centre will be competent to make laws but the government has failed to do so.

Thus, the Parliament must enact a national legislation on sports. Under the comprehensive enactment there should be provision regarding constitution of a Sports Commission. The NSFs would be accountable to the Commission for their functions. The Commission would advise the Ministry of Sports and Youth Affairs regarding sports, support talent identification and promote and foster development and participation in sports at all levels of foundation, participation, performance and excellence, ensure an adequate allocation of funds and resources to national and provincial sports federations and their affiliated bodies, monitor and take measures to ensure the proper use of funds allocated by the Sports Commission to sports federations, must oversee the implementation of sports policies in India etc..

In addition to the Union and State Governments, the sustained association of the Panchayati Raj Institutions, local Bodies, educational Institutions, Sports Federations/Associations in the creation, utilization and proper maintenance of the Sports infrastructure both in rural and urban areas is also required.

The sports federations and associations should not be autonomous and should be register itself under this legislation instead of Societies Registration Act. The allocation of funds to these federations should be allocated through the Sports Commission established under the Act. These federations must be answerable to the Sports Commission in respect of fund. The Sports Commission shall have the power to carry out

⁴³ Vijay Lokapally, *Lodha report addresses key areas that need reform*, THE HINDU, Sept 22, 2016

⁴⁴ Parul Kumar, *Comprehensive Essay on Politics and Sports*, PRESERVE ARTICLES (March 22, 2018), <http://www.preservearticles.com/2012030725361/comprehensive-essay-on-politics-and-sports.html>

⁴⁵ Id

⁴⁶ Id

⁴⁷ *PCA districts defying Supreme Court: PCPA*, THE TRIBUNE, October 8, 2017

investigation in respect of any misappropriation of funds.

The Sports Commission should be empowered to carry out dispute resolution. It shall be empowered to constitute panels for adjudicating disputes and punish offenders for violation of code of conduct, offenders under national anti-doping rules etc.

The organization like Sports Authority of India shall be under the control of the Sports Commission and shall solely aim at coordinating various sports activities in India.

This enactment of sports law should be a priority also due to the fact that there are various issues which need attention like infringement of media ethics, organizational issues, employment issues, sports injuries with regard to the issues of liability, sports policy with reference to the competition law etc. Sexual harassment of players by coaches though covered under the Sexual Harassment of Women at Workplace (prevention, Prohibition and redressal) Act 2013, the reporting rate of the cases is very low. There are very few cases in which the players come forward to report and take actions against the coach who harass them sexually. The reason behind the low reporting rate of such cases is the fiduciary relationship between the coach and the player. The entire career of the player depends upon the coach. Thinking of their career many of the players choose not to report the case.⁴⁸

In a country like India, where almost all sports are being played, unless there is an enactment of a proper legislation to that effect, it is impossible to raise awareness about the same amongst the people of India and more specifically various stakeholders.

7. ACKNOWLEDGMENT

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REFERENCES

⁴⁸ Couch-player relation is the relation of trust. There have been many incidents in the sports history when coach or other authoritative person took advantage of his position. Shocking incidents of harassment and sexual abuse of Indian female athletes:

1. Women hockey players allege sexual harassment by chief coach, 2010
2. National-level gymnast, coach booked for sexual harassment during Asian Games 2014
3. Andhra Cricket Association (ACA) secretary asks for sexual favours for inclusion in team, 2009
4. Tamil Nadu Boxing Association (TNBA) secretary A K Karunakaran, 2011
5. Promising female boxer commits suicide at stadium, 2009 (March 23, 2017), <http://www.india.com/sports/5-shocking-incidents-of-harassment-and-sexual-abuse-of-indian-female-athletes-375979/>

'Sexual Harassment in Sport' available at <http://www.endvawnow.org/en/articles/30-sexual-harassment-in-sport.html>

Agarwal Sumit, 'Match fixing as a crime: An analysis' <http://www.legalserviceindia.com/articles/social.htm>

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

Banerjee A., 'Role of government in promoting sports in India: A critical evaluation' <http://thesportdigest.com/2011/08/806/>

BCCI v. Cricket Association of Bihar & Ors (2015)3 SCC 251

Board of Control for Cricket in India and Ors V. Prasar Bharti and Ors 2015 (148) DRJ 342

Constitutional (Sixty-first Amendment) Bill, 1988

Dalmia V.J., 'India: Intellectual Property Rights in Sports-Indian Perspective' <http://www.mondaq.com/india/x/164974/Trade-mark/Intellectual+Property+Rights+In+Sports+Indian+Perspectiv>

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

Dharani, 'Sports and Games in Ancient India' <http://dharanisr.blogspot.in/2010/02/sports-and-games-in-ancient-india.html>

Gehlot T., 'Sports & Torts: Legal Liability in Professional Athletics' <http://www.legalservicesindia.com/article/article/sports-&-torts-legal-liability-in-professional-athletics-917-1.html>

International Convention against Apartheid in Sports, 10 Dec, 1985

International Convention against Doping in Sports, 19th October, 2005

Justice Mukul Mudgal Committee Report

Justice R.M. Lodha Committee's Report

K.P.Mohan, 'Why India Should Criminalise Doping in Sports' (The Wire) available at <https://thewire.in/119580/criminalising-doping-sports>

- Kanth Gaurang, 'Emergence of Sports Law in India' Indian Law Journal
- Lata Sneh, 'Gender discrimination and sports A study of Haryana' (Central University o Haryana) available at <http://shodhganga.inflibnet.ac.in/handle/10603/186066>
- National Sports Policy 2007
- National Sports Policy, 1984
- National Sports Policy, 2001
- Pal Sat, 'INDIAN SPORT: PROBLEM AND PROSPECTS' *INTERNATIONAL JOURNAL OF RESEARCH IN ENGINEERING, SOCIAL SCIENCES*
- Panjwani A. & Kumar D.A., The Prevention of Sports Fraud Bill, 2013: A Messiah to Indian Sports <http://ijldai.thelawbrigade.com/wp-content/uploads/2015/09/5.pdf>
- PCA districts defying Supreme Court: PCPA, THE TRIBUNE*, March 8, 2018
- Rachna Khaira, 'Pointless Sports Policy hurts Cop-Players' *THE TRIBUNE* 31 January, 2018
- Sindhuja Parthasarathy, 'Jumping the gender hurdles at India's First Transgender Sports meet' *THE HINDU* Jan 30, 2018
- Singhal Lakshit, 'Separating Sports from politics-India's need for a new law' <https://www.sportskeeda.com/general-sports/separating-sports-from-politics-india-s-need-for-a-law>
- Singhania Vidushpat, 'Sports Law Reforms in India-agenda for 2014' <https://www.lakshmisri.com/News-and-Publications/Publications/Articles/Corporate/sports-law-reforms-in-india-agenda-for-2014>
- Sylvine, 'Sports Law in India' <https://blog.ipleaders.in/sports-law-india/>
- The National Development Sports Bill, 2011
- The Prevention of Sporting Fraud Bill, 2013
- The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharti) Act, 2007
- Ugra Sharda, 'Message to India's Sportswomen: Call Out Your Nassars' <https://thewire.in/220273/message-indias-sportswomen-nassars/>
- Vyas Neha, 'Sports Law in India: Issues and Challenges' http://www.gnl.ac.in/bc/nv/GNLU-BW-NV-1115-04_Sports%20Law.pdf
- Zee Telefilms Ltd. & another V. Union of India (2005)4 SCC 649

Corresponding Author

Dr. Anil Kumar Thakur*

Assistant Professor, Department of Law, Punjab University Chandigarh

anil.pu@gmail.com