

Justice Off The Field: The Role Of Legal Mechanisms In Indian Sports Growth

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ABSTRACT:

The success of Indian sports extends beyond the field and is influenced by the legislative frameworks that ensure justice, honesty, and steady development. The primary focus of the research was on how legal procedures contribute to the development of the Indian sports ecosystem. Begins with the implementation of dispute resolution procedures for sports in India. The impact of national policies that regulate sporting activities and the intervention of statutory bodies are then examined in this article. The researcher also talked on the significance of different laws, rules, and regulations that are enforced by the governing bodies in order to maintain accountability, compromise, and efficient operations in the sports industry. By talking about arbitration and mediation, which make players pleasant, ways to settle sports conflicts, and stakeholder protection, Special concentrated on the alternative dispute resolution method. The function of the judiciary in settling sports conflicts was the researcher's final area of interest. Finally, the researcher offers conclusion and recommendations for improving the legal framework, promoting transparency, promoting the welfare of sports, and ensuring the long-term growth of sports in India.

Keywords: *Legislative, dispute resolution, accountability, judiciary, legal framework*

INTRODUCTION

JUSTICE ON THE FIELD is honesty in competition with rules will overrule, referee makes impartial decision, sportsman competing on equal footing. But **JUSTICE OFF THE FIELD** is speaking beyond the game addressing about the rules and regulations and moral responsibilities by the court, legislation and resolution. Sports, is looks as widely known word, has progressed in to a world industry with the substantial impact on economic, cultural and social. From cricket, development in the rising demand of sports along with the badminton, wrestling and athletics. This shift has been propelled by exceptional athletes who have brought international acclaim to Indian sports. Now a day Indian athletes are making mark in the world scenario. Behind this challenges and victories the complexity rises in the sports system that needs the legal framework. Due to development and progress of sports in India we need a proper governance and justice both on and off the field.

In order to provide equity, justice, and transparency worldwide, legal systems such as courts, alternative dispute resolution, laws, and regulations are essential. These systems deal with the problems in sports, making them more efficient and methodical. The legal system gained respect and contributed to global expansion by assuming responsibility for resolving conflicts. Without the legal system, administration, exploitation, and a lack of accountability obscured sports' growth and advancement. The fundamental tenet of this judicial system is that fairness off the field is equally as important as performance.

Indian sports have recently been embroiled in global scandals that call for more robust legal action to defend the poor administration of the sports federation, athletic exploitation, insufficient dispute resolution, sexual harassment in sports, and unfair treatment of women athletes. For athletes to receive justice both on and off the field, legal systems such as the court, laws, policies, rules and regulations, and alternative conflict resolution are crucial, and they are growing globally.

To address these issues, this article looks at how legal mechanisms, ranging from laws and regulations to judicial and resolution processes, ensure accountability and transparency in the sports system, protect athletic rights through enforceable contracts and mechanisms, establish a specialized disputes resolution body for disputes pertaining to sports, and analyse international best practices.

This article uses a qualitative technique to compare research from international model legal frameworks, analyse case studies by citing significant landmark judgments, and analyse policy by assessing specific codes and legislation.

This article examines how the legal environment has influenced the growth of the sports industry, including the role of national sports development, significant court rulings, and the impact of alternative dispute resolution on sports development in global sports jurisprudence.

This article's importance stems from its current analysis of a crucial but little-known aspect of Indian sports. The research emphasizes how bolstering legal systems might offer the institutional framework required to support athletes as India strives to become a global sporting powerhouse. The paper adds to continuing conversations on developing a more professional and fair sports ecosystem in India by bridging the gap between legal accountability and sports administration. The findings are intended to educate legislators, sports officials, and attorneys on the methodical changes required to guarantee that justice off the field is commensurate with the excellence displayed.

- **Sports law in india:**

In India law's on sports enclose with broad range of legal issues regarding of rules and regulations of sports, athlete contract, anti-doping, sports disputes, and intellectual property rights. Those are:

- **Statutory authority:**

National sports development code 2011:

The National Sports code of 2011 in India is a pivotal document that outlines the guidelines and regulations governing the administration and development of sports in the country. This comprehensive code was formulated with the aim of promoting transparency, accountability, and fairness in sports governance, thereby facilitating the growth and nurturing of athletic talent in India. Through its provisions, the National sports code has played a crucial role in shaping the structure of sports organizations, ensuring proper management, fostering athlete welfare, and encouraging the spirit of inclusivity and meritocracy within the Indian sporting ecosystem. With its emphasis on creating a robust framework for sports administration, the code has been instrumental in revolutionizing the Indian sports landscape and paving the way for the nation's athletes to strive for excellence on both national and international stages¹.

Guidelines of 2001 laid down the following principles, which now stand subsumed in the National Sports Development Code of India 2011:

1. Clear role delineation between NSFs, SAI and the Government.
2. Grouping of sport disciplines into "priority", "general" and "others" for the purpose of determine the entitlement for government assistance.
3. Detailed guidelines for preparation of Long Term Development Plans. Provision made for annual sanction budgets of development plans.
4. Binding tripartite agreements between NSFs, the department and the SAI to be drawn up.
5. An emphasis on professionalizing an upgrading the administrative and financial management of federations.
6. An emphasis on systems to handle players' grievance.
7. The appointment of registered chartered accountants to ensure maintenance of proper and transparent accounts.
8. Recognition of the role of sports promoters, particularly in event management.²

¹ <https://www.g-spr.com/post/an-analysis-of-the-national-sports-code-2011-and-its-implementation-part-1> visited on 16.05.2025 at 15.02pm

² <https://yas.nic.in/sites/default/files/File918.compressed.pdf> visited on 16.05.2025 at 15.16pm

National Sports Ethics Commission Bill 2016

the document is an introduction of National Sports Ethics Commission bill of 2016 in India. The key points are:

1. It proposes to establish a National Sports ethics Commission to ensure ethical practices and eliminate issues like doping, match – fixing, fraud and sexual harassment in Sports.
2. The commission will consist of 6 members including 4 former Supreme Court or High Court judges.
3. Every sports federation will be required to form an ethics committee to deal with complaints and offences. They will submit annual reports and evidence of offenses to the commission.³

Sports Law And Welfare Association Of India

The sports law and welfare association of India is a non profit organization which promotes the development in the area of sports and it brings the legal practitioners and the sports persons together for resolution of disputes arising in the area of sports. It acts as a consultancy disputes resolution body in solving 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 main aim of the organization is to further the discussion of legal problems effecting sports and to promote the exchange of a variety of perspectives and position of sports law and provide an 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.⁴

Prevention Of Sporting Fraud Bill 2013

In the year 2013, the prevention of sporting fraud bill was introduced in the parliament.

It was drafted with goal of preventing and combating sports fraud, affects the integrity of sports and fair play in relation to national and international sporting events and matters connected with them.

This draft defines the act of sporting fraud in the following way:

- If a person tries to influence the result of the game for monetary gain, irrelevant of the fact whether the result actually is affected or not
 - If a person tries to alter the playing arrangements or internationally misapplies the rules of the sport for monetary gain
 - If a person intentionally underplays his true potential for monetary or any other benefits unless such performance is in the interest of the team.
 - If a person discloses any such information to any other person which is likely to affect the result of the match.
 - If a person omits to perform the duty of informing of any such activities in his /her knowledge.
- This draft bill proposed for stringent punishments and imprisonments. It suggested with maximum imprisonment term for 5 years and with a fine of five times the economic benefit derived from the act or 10 lakhs, whichever is greater.

The salient future of this bill is that this bill includes not only players but also the coaches, supporting staff, managers and administrators.⁵

National Sports Development Bill 2011

The national sports development bill, 2011 since 2011 February when the first draft was put up on the Ministry of Youth affairs and sports websites has been streamlined and edited. This has been done whilst taking into account the comments and suggestions received from the sportsperson, athletes, coaches,

³ <https://www.scribd.com/document/435666415/Sports-Billvisitedon16.05.2025at15.59pm>

⁴ <https://www.ijlmh.com/wp-content/uploads/2019/10/The-Emergence-of-Sports-Law.pdfvisitedon16.05.2025at16.18pm>

⁵ <https://blog.ipleaders.in/match-fixing-and-betting/visitedon17.05.2025at11.51am>

sport support personnel, national sport federation, the Olympic Association and the other ministers under the Government of India⁶.

Preamble:

1. The Bill has been formulated to celebrate the spirit of sport and fir play, imbibed the philosophy of Olympism.
2. The Bill sought to imbibe the practice of good governance accepted around the world, to the Indian scenario.
3. The Preamble had also addressed the public concern of accountability of the sport bodies.
4. The Preamble also stated that such legislation is of importance in the current scenario, since there exists a state of flux pertaining to sports in India. But the reach and effect of sport and working of sporting federations in India is felt worldwide.

The National Sports Development Commission Bill 2019

This bill is to provide for constitution of National Sports Development Commission for the overall development of sports, improving the quality of basic sports facilities in the country and for matters connected therewith or incidental thereto⁷.

- Policies

National sports policy 2007

The objectives of National Sports Policy, 2007 is to contribute to the recommendations made by the previous national sports policies and cater to the challenges arising in the 21st century. The focus of the National Sports Policy 2007 is the overall well-being of an individual, youth development, community development, peace and brotherhood.

The National Sports Policy 2007 aims at involving all the stakeholders in the process of ameliorating the condition of sports in India. It proposes the development of synergy between India Olympics Association, the sports authority of India, the National sports federations and their affiliated bodies at the state and district level, as well as corporate bodies. The National Sports Policy 2007 laid down certain important strategies and objectives which need to be achieved, namely:

- a. The concept of sports for all
- b. Universalize sports facilities in educational institutions
- c. Sports facilities in rural and urban areas
- d. Mass participation for sports culture and competitions
- e. Youth development and sport
- f. Health and well being
- g. Education and sports
- h. Leadership and team – work
- i. Building inclusive communities
- j. Promotion of indigenous sports
- k. Advocacy of benefits of sports
- l. Promotion of sport among young girls and women
- m. Sports and physical exercise for senior citizens
- n. Economic spin offs
- o. Excellence in sports through talent scouting pool, sports nurseries, setting up of centers for excellence of sports and establishing a National Sports Grid⁸

⁶ Mukul mudgal, law and sports in India, 2nd edition, Page number 63

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[https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/269%20of%202019%20as.pdf?source=legislation#:~:text=\(1\)%20This%20Act%20may%20be,in%20the%20Official%20Gazette%2C%20appoint.&text=Short%20title%2C%20extent%20and%20commencement.visitedon20.05.2025at14.49pm](https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/269%20of%202019%20as.pdf?source=legislation#:~:text=(1)%20This%20Act%20may%20be,in%20the%20Official%20Gazette%2C%20appoint.&text=Short%20title%2C%20extent%20and%20commencement.visitedon20.05.2025at14.49pm)

⁸ Mukul mudgal, law and sports in India, 2nd edition, Page number 48,49,50

National Sports Policy 2001

In terms of National sports policy 2001, the central government in conjunction with State Government, the Olympic Association and National sports federation will concertedly pursue the twin objectives of “broad – basing” of sports and “achieving excellence in sports at the national and international levels”. Sports activities, in which the country has potential strength and competitive advantage, need to be vigorously promoted. Towards this end, sports and physical education would be integrated more effectively with education curriculum.

In the National Sports Policy 2001 high priority will be accorded to the development of sports in the rural areas to harness the available talent and potential. In this context, the village Panchayats / goon sabhas as well as rural youth and sports clubs will be mobilized to facilitate development of the requisite infrastructure and for the identification of talent through an appropriate competition structure in the rural areas as also in the disadvantaged and remote parts of the country which appear to merit special consideration under various schemes including in the North East. Efforts will also be made for tapping such potential as swimming in coastal areas and archery in tribal areas. The available talent will be nourished and actively supported. Geographically disadvantaged regions will be extended additional support for the promotion of sports. There has been a strong tradition of indigenous and traditional games in practically all parts of the country through ages. Indigenous games will be promoted through schemes related to rural sports.⁹

Khelo India Programme

The Khelo India Scheme aims to encourage sports all over the country, thus allowing the population to harness the power of sports through its cross cutting influence, holistic development of children and youth, community development, social integration, gender equality, healthy lifestyle, national pride and economic opportunities related to sports development.

The Khelo India scheme aims to create sustainable physical and social infrastructure with convergent use of different schemes of the Government of India/ states / UT’s, Corporate social responsibility funds, public / private/community/corporate sponsorship, district mineral funds, etc. the scheme will use innovative financial models under public private partnership in furtherance of the objectives. The scheme envisages innovation at the local level keeping in view the broad national perspective of making sports a mass movement and promoting excellence in sports.¹⁰

Target olympic podium scheme:

In order to improve India’s performance at Olympic and Paralympics, the Ministry of Youth Affairs and sports(MYAS) started the Target Olympics scheme in September 2014. This was revamped in April 2018 to establish a technical support team for managing the TOPS athletes and providing holistic support. The scheme is fully functional and has been extending all requisite support to probable athletes identified for the 2020 olympic games and Paralympic games including foreign training, international competition , equipment and coaching camp besides monthly stipend of Rs. 50,000 /- for each athlete. The TOPS sponsored athletes gained relative success at the 2016 Rio Olympics and the 2018 commonwealth games. P V Sindhu and sakshi malik captured silver and bronze in Badminton and wrestling respectively at the 2016 Rio Olympics. In the 2016 Paralympic games, the TOPS Athletes won 2 gold, 1 silver and 1 Bronze demonstrating the effectiveness of the scheme. The recent success of the commonwealth games emphasized the efficacy of the scheme. Out of the 70 athletes who medals at the CWG, 47 of them were supported under the TOP scheme.¹¹

Fit India Movement

⁹ Mukul mudgal, law and sports in India, 2nd edition, Page number 46

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<https://yas.nic.in/sites/default/files/Operational%20Guidelines%20of%20Revised%20Khelo%20India%20Scheme%202021-22%20to%202025-26.pdf>visitedon24.05.2025at10.30am

¹¹ <https://sportsauthorityofindia.nic.in/sai/target-olympic-podium>visitedon24.05.2025at10.49am

Fit India Movement is a nation - wide movement in India to encourage people to remain healthy and fit by including physical activities and sports in their daily lives. It was launched by Prime Minister of India Narendra Modi at Indira Gandhi stadium in New Delhi on 29 August 2019. Samagra shiksha Gujarat implemented Fit India movement to all the schools (government / grant in aid/ self – financed) from class 1 to 12. Under Fit India movement different activities were conducted in schools. Schools are motivated to allow the children to play indigenous / local games.¹²

Promotion Of Rural And Indigenous / Tribal Game Policy

The “promotion of rural and indigenous / tribal games “ sub- component of the Khelo India scheme is specifically dedicated to the development and promotion of rural and indigenous/ tribal games in the country. Indigenous/ traditional games of Mallakhamb, Kalaripayattu, Gatka, Thang- Ta, yogasana and silambam have been identified for promotion under this component and these games are part of annually organized Khelo India University /youth games. Grants are sanctioned for infrastructure development, equipment support, appointment of coaches, training of coaches and scholarships to identified athletes under this component.¹³

- Enactment rules and regulations-

- National sports federation

The National Sports Federation of India promote the fundamental principles of sports at a national level within the framework of sports. NSFOI are committed to the development of athletes and support the development of athletes and support the development of sport for all the programs and high performance sport in country. We also participate in the training of sports administrators by organizing educational and sports programs.

Register under Indian Government trust act, international standard organization certified foundation, ministry of micro small and medium enterprises, NITI ayog government of India, quality council of India.

Pledge with National commission for women – India Government of India, Rashtriya Ekta Diwas pledge Government of India, fuel conservation pledge government of India, Namami gange pledge government of India and Khelo India Government of India.¹⁴

- Indian Olympic Association

Indian Olympic Association was established in 1927. Sir Dorabji Tata and Dr. Noehren because the founder president and general secretary is affiliated to international Olympic committee. The election of the office bearers of the Indian Olympic association is held after every four years.

The main objectives of Indian Olympic Association are:

1. Enforcement of all rules and regulations of international Olympic committee and Indian Olympic association
2. Development and promotion of the Olympic movement.
3. To take disciplinary action against any federation for misbehavior or any other undesirable activity bringing discredit to the nation.
4. To co - operate with national sports federations / association organizing and control selection training coaching of the team that will represent India.
5. Admitting the members of state Olympic Associations/ national sports federation which submit their annual reports and audited statements of accounts necessary.

- Sports Authority Of India

¹² <https://repository.education.gov.in/wp-content/uploads/2021/04/19--fit-india-movement.pdf> visited on 24.05.2025 at 11.23am

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<https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2036941#:~:text=Under%20Khelo%20India%20Scheme%2C%20there,%2C%20Gatka%20and%20Thang%2DTa.> visited on 24.05.2025 at 11.36am

¹⁴ <https://nsfoi.com/> visited on 24.05.2025 at 12.18pm

Sports Authority of India was set up in 1984 to carry forward the legacy of the IX th Asian Games held in New Delhi in 1982 under the department of sports. SAI has been entrusted with the twin objectives of promoting sports and achieving sporting excellence at the national and international level. SAI was set up as a society registered of societies act 1860 in pursuance of resolution dated 25th January 1984 of the department of sports, government of India with the objective of promotion of sports and games as detailed in the resolution. SAI has played a significant role in shaping India's sports development by providing training to elite athletes and at the same time operating a number of schemes for the identification and development of young talent. The schemes are being implemented through various regional centers and training centers and training centers of SAI spread throughout the country. In addition to that, a number of academic programme in physical education and sports are also offered by SAI. SAI is also entrusted with the responsibility of maintaining and utilizing, on behalf of Ministry of youth affairs and sports.¹⁵

- **National Anti Doping Agency**

The National Anti Doping Agency was set up as registered society on November 24, 2005. The primary objectives of NADA are to make anti doping rules as per WADA code, to promote education and research and create awareness about doping and make Indian sports dope free. The NADA is the national organization responsible for controlling and monitoring the use of dopes in the all sports in India.

NADA deals with adoption and implantation of anti doping rules and policies as per the rules made by the world anti doping agency (WADA). NADA includes representatives and scientists from the Indian Olympic Association.

The primary objectives of NADA are:

- To implement the anti doping rules made by the WADA and to achieve compliance by all sports organization in the country.
- To promote dope free sports culture in India.
- To promote education, research and awareness on banned drugs in India.¹⁶

- **Ministry Of Youth Affairs And Sports**

The youth i.e those falling within the age group of 15-35 years constitute nearly 40% of the total population of India. This group, which is the most vibrant and dynamic segment of the country's population, constitutes potentially its most valuable human resource. To optimally tap their constructive and creative energies, the ministry pursues the twin objectives of personality building and nation building, i.e. developing the personality of youth and involving them in various nation building activities. As most of the issues concerning young people are the functions of other ministries/departments, like education, employment and training, health and family welfare etc., the role of ministry of youth affairs and sports is to act as a facilitator and catalytic agent.

The vision is to provide opportunities for developing the personality of youth so that they may achieve their full potential and involving them in various nation building activities on the one side, and "broad basing" of sports and "achieving excellence" at the national and international levels on the other.¹⁷

- **Contract law:**

Sports contracts, including player contracts, broadcasting rights, sponsorship agreement, and licensing deals, are governed by the Indian Contract Act 1872. Contracts are essential for defining the rights and obligations of all stakeholders involved in a sporting event. Breaches of contract, such as a players failure

¹⁵ <https://sportsauthorityofindia.nic.in/sai/about-usvisitedon24.05.2025at13.05pm>

¹⁶ <https://www.jagranjosh.com/general-knowledge/what-is-national-anti-doping-agency-nada-1565614916-1visitedon24.05.025at13.39pm>

¹⁷ file:///C:/Users/intel/Desktop/New%20folder/MYAS.pdfvisitedon04.06.2025at10.59am

to fulfill commitments or a sponsor withdrawing from a deal, are common disputes that are addressed under contract law.¹⁸

- **Intellectual property law:**

Intellectual Property plays a crucial role in modern sports, especially with the increasing importance of brand endorsements, trademarks and broadcast rights. The Trademark Marks Act 1999, and Copyright act 1957 govern issues related to IP rights in sports. These include ownership of team logos, merchandise, and broadcast signals. The protection of IP ensures that the economic interests of teams, players and event organizers are safeguarded.¹⁹

- **Competition Law**

In sports, competition law ensures that governing bodies do not misuse their dominant position or restrict free competition. For example, the competition act, 2002 was invoked in the context of the Board of control for Cricket in India, which was found to have engaged in anti competitive practices, preventing the formation of rival leagues. The competition of India monitors such activities to maintain fair competition in the sports industry.²⁰

- **Labour law:**

Labour law are essential in protecting the rights of athletes, especially in areas such as employment contracts, wages and working conditions. Although players often sign contracts as independent contractors, various labour laws like the minimum wages act 1948, and industrial disputes act 1947 can apply to certain aspects of their employment. There are also issues related to player union and their rights to bargain collectively.²¹

- **Broadcasting laws:**

Broadcasting rights have become a key revenue source for sports in India. The Sports broadcasting signals act 2007, ensures that sports events of national importance are available on free to air television. Private broadcasters must share live signals with prasar bharati to promote accessibility to these events. This law plays a critical role in making sports accessible to a wider audience, but its application has raised concerns, particularly about what constitutes an event of national importance.²²

Constitutional law:

The subject of sports comes under the state list of the Indian Constitution. The seventh schedule of the constitution of India is about the subject of the distribution of legislative powers between the Union and State that are defined under several articles.²³

According to the seventh schedule of entry 33 of the state list in the Indian constitution stipulates that the state has the authority to enact laws about any issue related to sports. Even though it is covered by state jurisdiction, yet it played both domestically and globally. Because to this national sports organization such as the Athletic Federation of India and the Board of control for Cricket in India are self governing however the supreme court of India and numerous High court rulings have declared that regardless of the national sports Article 12 of the Indian constitution does not include bodies as part of the definition of a state. Article 226 of the constitution grants High courts writ authority over them. This means that constitution of India as they carry out state like tasks such as choosing national teams and representing the nation in forums and international sporting events.²⁴

¹⁸ <https://lawbhoomi.com/sports-law-in-india/#:~:text=Sports%20contracts%2C%20including%20player%20contracts,involvement%20in%20a%20sporting%20event.visitedon04.06.2025at13.54pm>

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

²² Ibid

²³ <https://testbook.com/question-answer/the-subject-of-sports-comes-under-which-list-of-in-5e073e6df70ee40d06b18bfcvisitedon07.06.2025at10.24am>

²⁴ <https://ijlr.iledu.in/wp-content/uploads/2024/08/V4I2152.pdfvisitedon07.06.2025at10.58am>

Alternative Disputes Resolution

Disputes in sports can be purely commercial or contractual, and while some are regulatory, others can be quasi-criminal. Sports dispute resolution does not necessarily have fixed hierarchy or method. Parties involved in sports disputes have basically three ways of resolving their disagreement – firstly by complaining to the internal authorities available within the sporting federations both national and international, secondly, by instituting a writ petition or civil or criminal case in a court of law, and thirdly through alternative dispute resolution. The modern method of resolving disputes encompass any or all methods of resolving dispute in sports otherwise than through the traditional method of normal trial, through courts.²⁵

The advantages of adopting ADR for sports disputes are:

- A unitary system of dispute resolution

Having designated sports tribunal has helped in maintain uniformity and consistency decisions worldwide.²⁶

- Speed

Litigation in India can be an arduous and lengthy process and at time takes years to achieve finality. Settling through ADR ensures alternative and speedy resolution. Swift resolution of sports disputes is necessary because the careers of sportspersons are generally short, so lengthy periods of litigation could have a very significant detrimental impact on a sportspersons career.²⁷

- Expertise

Resolving sports dispute assumes an essential characteristic when the disputes are contingent on interpretation of the rules and conventions associated with the game. A person, who has associated with the sport and commands respect from his colleagues, is better suited to resolve the sporting dispute, than a judge in an ordinary court of law who will probably not have the same level of expertise. Having a sports industry expert also provides an opportunity to the parties to concentrate on the key issues rather than spending time and money on the preliminaries, which are avoidable in the case of judges/panel heads that are not well versed with sporting laws like anti doping.²⁸

- Cost

Methods of ADR like mediation involve significantly lesser cost than litigation. Even comparative ADR techniques like arbitration are less costly than litigation in courts. Often one party to a sports dispute is a federation or a club, which is financially a giant and the other party is an individual athlete, who struggles to meet the expenses or afford a costly resolution process. Thus reasonableness of costs involved in ADR is also a perceived advantage.²⁹

- Finality

Finality is an important factor in some ADR techniques. Both traditional litigation decisions and arbitration awards can be challenged. However other ADR techniques like mediation and reconciliation effectively provide a final outcome in the first instance itself.³⁰

- Enforceability

Sports bodies have been known to comply with awards achieved through ADR techniques. The domestic laws of various countries concerning arbitration, modeled on the UNCITRAL law, tend to facilitate this process.³¹

- Privacy

²⁵ Mukul mudgal, law and sports in India, 2nd edition, Page number 387

²⁶ Mukul mudgal, law and sports in India, 2nd edition, Page number 387, 388

²⁷ Mukul mudgal, law and sports in India, 2nd edition, Page number 388

²⁸ Mukul mudgal, law and sports in India, 2nd edition, Page number 389,390

²⁹ Mukul mudgal, law and sports in India, 2nd edition, Page number 390

³⁰ ibid

³¹ Mukul mudgal, law and sports in India, 2nd edition, Page number 390,391

Confidentiality is a key tenet of ADR techniques. Sport disputes often contain elements which could hamper large commercial prospects.³²

- Preservation of goodwill

Sports disputes involve preservation of goodwill, as the conflicting parties may have to continue in a subsisting relationship for mutual benefit. Litigation can get ugly whereas conciliation or mediation ensures that all the disputing parties leave on a common consensus and everyone is satisfied.

- Consistency and transparency

The emergence of CAS for sport disputes resolution has provided greater consistency in decisions worldwide and has created a body of case laws, often termed as Lex Sportiva. Awards issued by CAS are regarded as authoritative precedent, by subsequent arbitral tribunals if facts are similar. Otherwise previous awards are regarded as being of highly persuasive value, even if they are not considered as binding legal precedents.³³

- **Governing bodies: rules and regulations:**

Governing bodies exercise a disciplinary function in relation to enforcement of the rules of the game and other regulations. While the rules of the game govern how a particular sport is to be played on the field, there is another set of rules and regulations that govern how the participants should conduct themselves on the field.³⁴

If the disputes are within the rules of the game, the procedures set up by the governing body of the game are to be followed. The governing body has certain in built mechanisms, like imposing a penalty during the match, or sending a player off the field. There can also be disciplinary sanctions imposed by the governing body after the vent of the game, questioning the breach of rules by the player. Initially, it was purely an internal affair, with the disciplinary body drawn from within the sport itself.³⁵

In addition, where disputes arise but are outside the disciplinary context, the governing body of the sports submits it to some form of ADR. Governing bodies make use of ADR in various ways and at different stages of disputes. This also involves charges to be heard by the disciplinary tribunals that follow arbitral or quasi arbitral procedures. The procedure by which the governing bodies decide matters should be carefully structured and applied due to the special position of sports to maintain the autonomy of the tribunals. A recent trend has been to incorporate external elements into the disciplinary process, so that the disciplinary panels are manned by the people who are independent of the governing body or event organizer itself, and or there is a provision for reference o an external body.³⁶

Dispute resolution ‘on field’

The primary dispute resolution body for a sports dispute, if it takes place during the playing of a sport, is the designated official under the rules of the sport. This can be ‘referee’ in football or boxing, an ‘umpire’ in cricket, or a ‘race director’ in case of formula. It is officials present on the field that are responsible for enforcing the rules of a particular game. It is very difficult to maintain uniformity in decisions on the field of play since an official as to judge the gravity of the offence that has been committed, the intention behind the offence, the surrounding circumstances and sometimes even the status of the player and the impact of his decision on the game, all the real time. Thus meticulous compliance with every rule and technically cannot be ensured at the time of on field dispute resolution. It is sufficient of the decision is reasonable and probable in light of the facts and circumstances and merely because some other view is possible in light of the facts and circumstances and merely because some other view is possible the said decision on the field should not be interfered with. The governing bodies make considerable attempts to bring about uniformity in the decisions of the officials through training, exams and various other tests , however a certain degree of improbability still remains. The on

³² Mukul mudgal, law and sports in India, 2nd edition, Page number 391

³³ ibid

³⁴ Mukul mudgal, law and sports in India, 2nd edition, Page number 392

³⁵ ibid

³⁶ Mukul mudgal, law and sports in India, 2nd edition, Page number 392,393

field jurisdiction of the referee or the umpires is derived from the rules and regulations of the game, which enumerate in depth the duties to be performed by the officials.³⁷

Internal Disciplinary Procedure

The second step towards the resolution of a dispute in sports take place under the auspices of the governing body of a particular sport. At this level the subject of the disputes is not limited to disputes relating to sporting actions only on the field. But disputes at this level vary from on field disputes to disciplinary disputes, code of conduct violations, operational rules violations, contractual disputes, doping violations and disputes as to misappropriations of property. An example of an internal disputes body is the Dispute Resolution Chamber of the FIFA or the IPL's Disciplinary committee/commission. The level at which the disputes is addressed for resolution depends upon the level at which the dispute has arisen, the entities involved and the gravity of the offence. These are often referred to as Internal Dispute Resolution measures. If a dispute arises at an international level, it is generally the international governing body which exercises jurisdiction over the defaulting party. However in case a dispute arises at the national level the national governing body addresses the dispute.³⁸

A fundamental requirement at this level of dispute resolution is the application of the legal principle of natural justice. Every disciplinary body is bound to follow the three cardinal tenets of natural justice:

- Nemo debet esse iudex in propria causa: no man should be a judge in his cause
- Audi alteram partem: giving a hearing to both sides
- Speaking orders or reasoned decisions.³⁹

Every person is entitled to a fair hearing. An important aspect which a governing body has to consider is that in sports, the governing body is the prosecutor as well as the judge; therefore, the application of principles of natural justice becomes even more important.⁴⁰

TYPES OF ADR IN SPORTS:

- Arbitration:

In order to understand how sports arbitration works in India, it is a must to understand the structure of sporting bodies in India. The formal sporting bodies in India are divided into the district, state and national levels. The District sport federations govern the sport on a district level and compete in state level tournaments. They have the responsibility of framing regulations binding the DSF member athletes. The various DSF'S of the state form part as members of the state sports federations. These SSF's are bestowed upon with the function of organizing the state level competitions wherein member athletes of the various DSF's across the state compete. At the national level, one body is recognized as the national sports federations for the sport by the ministry of youth affairs and sports, the Asian sports federation as well as the international sports federation.⁴¹

Sports policy in India witnessed its enlightenment in the year 1984 with the creation of the sports authority of India. Subsequently the National sports policy was formulated in the same year, which was a milestone for the welfare of sports in India. However the drawback of the 1984 policy was that its focus was more driven towards promoting sports as part of school curriculum instead of creating institutions prescribing formal rules towards the development of sports on a countrywide level. Owing to the same, a new national sports policy was formulated in 2001, which focused on both school curriculum as well as competing in international sports events.⁴²

The advent of a vision towards promoting sports arbitration in the country was seen with the creation of the Indian Court of Arbitration for Sports in 2011 with Dr.A.K.Lakshmanan appointed as the

³⁷ Mukul mudgal, law and sports in India, 2nd edition, Page number 394

³⁸ Mukul mudgal, law and sports in India, 2nd edition, Page number 396,397

³⁹ Mukul mudgal, law and sports in India, 2nd edition, Page number 397

⁴⁰ Mukul mudgal, law and sports in India, 2nd edition, Page number 397, 398

⁴¹ https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Time-for-Evolution-of-Sport-Adjudication-in-India.pdf visited on 13.06.2025 at 13.42

⁴² ibid

chairman. The institution was created with the objectives of setting up a robust dispute resolution mechanism pertaining to sports disputes. One of the major drawbacks of the sports arbitration procedure in India has been the lack of specialized dispute resolution mechanism. Generally the dispute are first brought before an internal commission appointed by the concerned sports federation. Subsequently the aggrieved party is bound to take the traditional litigation route by approaching the respective High courts or the Supreme Court. The issue with the adoption of the traditional litigation route in the resolution of sports disputes is the lack of expertise in the specialized area of sports coupled with the issue of technical and procedural hurdles with courts in India, which in turn makes the redressed extremely time consuming. This could have a major impact in the realm of sports, considering the nature of the time span of the careers of athletes. However, of the sports arbitration center of India in 2021. The vision and objectives behind the creation of the SACI was to create an institution that could serve as an independent body for the purpose of resolution of sports disputes in an amicable, expedient and efficient fashion. One of the biggest advantages of the SACI is the backing of the Ministry of Law of Justice, which in many ways endures a higher level of accountability of the redressed mechanism.⁴³

Although there exists very limited jurisprudence surrounding CAS vis a vis Indian sports, there have been a number of reported awards passed by CAS originated from India. Most of these awards have pertained to Anti-Doping appeals, recognition of the National sports federation or awards dealing with challenges against the International sports federations' regulation and player club salary disputes.

IAAF verses Athletics federation of India and others:

This case serves as one of the first anti-doping appeals involving Indian Athletes wherein the dispute was subjected to the jurisdiction of CAS. The case involved six Indian athletes, whose samples revealed the presence of prohibited substances and therefore the case was first heard by the National anti-Doping agency anti-doping disciplinary panel.⁴⁴

Indian Hockey federation verses International Hockey federation:

The dispute was raised by IHF before the CAS, claiming recognition as the NSF for hockey in India. However the CAS held that there is no scope of interference in FIH's decision to grant recognition of HI, as the same was in accordance with the FIH regulations. Therefore the CAS did not require adjudicating on the validity of the derecognizing of IHF as the NSF.⁴⁵

- Mediation

The importance of mediation in relation to sports disputes cannot be over emphasized. The court of Arbitration of sports introduced mediation in its rules in May 1999. Mediation involves submission of disputes to an impartial person who tries to assist the parties in negotiating a settlement of the dispute. Generally all mediation discussion are confidential and without prejudice. The mediator holds joint and private meetings with the parties, and facilitates the settlement of the disputes by finding common ground and focusing on common interest rather than the areas of strife. This is a very successful method of resolving sports disputes, as parties harmoniously resolve their differences. The Delhi Ranji team selection controversy which was solved by the intervention of the President of the Delhi district Cricket Association shri Jaitely, may be regarded as a successful mediation which avoided litigation and consequent acrimony.⁴⁶

In India, in cases where a settlement is achieved through mediation, it is enforceable as a contract, unless it is embodied in an arbitration award or a court order, and this settlement becomes enforceable as a decree of the court as per section 89 of the code of Civil Procedure 1908.⁴⁷

⁴³ ibid

⁴⁴ ibid

⁴⁵ ibid

⁴⁶ Mukul mudgal, law and sports in India, 2nd edition, Page number 404,405

⁴⁷ Mukul mudgal, law and sports in India, 2nd edition, Page number 405

Judiciary And Sports Law

The Judiciary has played a pivotal role in governing issues concerning sports and its stakeholders. The judiciary has often stepped in to ensure accountability and good governance in the sports industry. The issue in question usually not only concerns sports but also encroaches on other legal landscapes as well, for example – protecting the rights of athletes and combating corruption. Let us glance over some multi-faceted landmark judgments by the judiciary concerning sports law:⁴⁸

Zee Telefilms Ltd. And others verses Union of India and others:

Article 226 of the Constitution of India gives the High Courts an expansive power to issue writs. However, this power can be invoked for the enforcement of fundamental rights under the constitution of India. The Supreme Court in the case of Zee Telefilms verses union of India held that the BCCI is not a “state” under Article 12 of the Constitution of India and therefore not amenable to Article 32. It introduced a new conundrum with respect to Article 226 of the Constitution. The Supreme Court held that the person aggrieved by the activities of BCCI can approach the High court under Article 226 of the constitution and can accordingly claim remedies for the violation of their rights. This act enabled the High court to issue writs to non-state entities as well. This case formed the basis of the “private body exercising public function test”.⁴⁹

Board of control for cricket verses Cricket association of Bihar and others:

The BCCI is a private entity registered under a statute but wields immense power in Cricket administration, with tacit governmental support. The Supreme Court in BCCI verses Cricket Association of Bihar clarified that:

- While the BCCI does not qualify as a “State” under Article 12, it performs public functions.
- Its actions in this capacity are subject to judicial review under Article 226.

This judgment underscored the need for accountability in entities exercising public functions, even if privately managed, ensuring they operate transparently and within the bounds of law.⁵⁰

Indian poker Association verses State of Karnataka

Justice M.Nagaprasanna, in his ruling, reaffirmed that poker is a game of skill and does not fall under gambling laws. He reference key legal precedents to support this conclusion. In Indian Poker Association verses State of Karnataka, the court determined that Poker, when played as a skill based game, does not require a gambling license and should not be subject to undue interference from authorities. In All India Gaming Federation Verses State of Karnataka, the court applied the predominance test to distinguish between games of skill games of chance, assessing whether skill outweighs chance. Additionally, in DM gaming Pvt. Ltd. verses State of Uttar Pradesh, the Allahabad High Court upheld Poker and rummy as skill based games and ruled against the arbitrary denial of gaming licenses.

The court emphasized that a game involving a substantial degree of skill does not constitute gambling, even when played with stakes. It further stated that law enforcement cannot interfere with lawful recreational activities under the pretense of enforcing gambling laws and must ensure that no illegal activities occur without acting as agents of harassment. Consequently, the court quashed the FIR and directed authorities to adhere to all prior court rulings regarding gaming clubs. While allowing police to inspect premises based on credible information, the ruling strictly prohibited arbitrary interference in lawful gaming operations.⁵¹

Percept D’Markr (India) Pvt.Ltd verses Zaheer Khan and Anr

⁴⁸ <https://www.nayalegal.com/navigating-the-role-of-the-judiciary-in-sports-lawvisitedon16.06.2025at14.32pm>

⁴⁹ <https://blog.ipleaders.in/zee-telefilms-ltd-v-union-of-india-2005-4-scc-649/visitedon17.06.2025at13.14pm>

⁵⁰ <https://lawbhoomi.com/bcci-v-cricket-association-of-bihar/#:~:text=Conclusion,12%2C%20it%20performs%20public%20functions.visitedon17.06.2025at13.25pm>

⁵¹ <https://g2g.news/poker/karnataka-high-court-poker-skill-based-game-fir-quashed/#:~:text=In%20Indian%20Poker%20Association%20v,All%20India%20Gaming%20Federation%20v.visitedon17.06.2025at14.38pm>

The court held the contract of agency as one entered here between the parties is of personal in nature such that forcing the negative covenant will mean compelling the defendant to get his affairs managed by the plaintiff company even after the initial agreement has not been breached and has been lawfully terminated, this will be in restraint of his right to trade with any person in any manner he chooses. So long as it is sought to enforce the covenant while the subsisting of the agreement it is valid, but the moment it is sought to be enforced after the contract has been terminated, it will be violative of section 27 and hence, void and unenforceable.⁵²

All these cases highlight the role of judiciary system on protecting the sports in India.

CONCLUSION AND SUGGESTIONS:

Conclusion:

The Legislative framework that governs sports in India is largely responsible for its growth. However, India's sports law has evolved to provide a legislative framework that has gradually addressed the country's sporting issues through sports governance. The enforcement of sports development in India is mostly dependent on statutory authorities, policies, enactments and regulations. In order to facilitate the resolution of sports conflicts, alternative dispute resolution has been introduced in conjunction with the legislative framework. Ultimately, the involvement of the judiciary strengthens the Indian sports system.

However, due to inadequate execution, delayed decision making, and uneven sports regulation in India, there are still loopholes in the legal system. The development of sports on the national and international levels requires a centralized and specialized regulatory mechanism.

Recommendation:

In order to regulate and uphold sports governance, India should focus on a single, codified sports law that is governed by a fully central legal framework.

Transparency and enforcement capacity should be strengthened by regulatory bodies in order to strike a balance between the legal system and sports governance.

In order to settle sports conflicts with reputable arbitration facilities and qualified experts, the alternative disputes resolution process ought to be promoted as the first choice.

All stakeholders, athletes, sports administrators should participate in a training and awareness program about the legal procedures pertaining to sports disputes.

In order to minimize needless delays, the judiciary can also assist in resolving sporting conflicts through expedited trials.

To address the difficulties in sports conflicts, policies and regulation should examine how international sports laws are applied.

To solve the issues in sports, legal frameworks at the local and state levels should be developed.

⁵² <https://indiancaselaw.in/percept-dmarkr-india-pvt-ltd-v-zaheer-khan-anr/vistedon17.06.2025at14.46pm>