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## Critical Review Of Sports Law In India

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### ABSTRACT

Sports and games have a strong bond with human evolution and civilization, since time immemorial. With the passing of time, sports as an entertainment took the stake of a profession. With more and more getting into this so did the unethical activities, creeping in due to the inflow of more money, name and fame, resulted in more disputes. These Sports disputes of any kind come under an amalgam of existing set of laws under various categories. Thus, leading to delay, sometimes false and under mined verdicts. The main cause being the absence of a single or any law related to sports. India the pioneer in social, cultural and sports realm lacks a confirmed Sports Law. Sports is one of the strong pillars of India that is still un finished due to its un organized presentation. Sports in India is still in the hands of autonomous sports bodies, their biased actions have led to unhappy sports personnel, who have nowhere to go, to raise a voice. On the contrary the rise in doping cases, financial frauds, contract breaching many more like this have become un accountable. This paper is trying to evaluate, analyses and embark upon the idea of a stringent legal doctrine for sports – The Sports Law in India. This as an umbrella to bring all sports related issues under itself and to resolve at the earliest under a single roof. The objective of this paper is to generate an awareness on the importance of the sports law in India for better sports, sports persons, with fair, easy and early trials of sports issues. This comparative study is an effort to establish the importance of a specific Sports Law in India.

**Keywords:** Sports-Evolution-Rules-Civilization-Doping-Gambling-Contract Breech-Broadcasting Law-Sports Disputes-Sports Law.

### INTRODUCTION

Sports and sports related laws, so called rules can be dated back to the period where God's reigned over this land. The Vedic era has a prominence to sports, archery, chess, Ludo, racing and wrestling to name a few and the laws pertaining to this. Only a single law or rule was followed by all, in all places, at all times then. Players played without any external interventions or influences. Sports and games have a very strong bonding with human evolution and civilization. This can be factified by our Vedic scriptures, the Ramayana and the Mahabharata, wherein we see the mention of many sports and games with their own strong rules and regulations. These sports changed the course of history of many great civilizations like the Indus Valley, the Greek and the Roman to name a few. The precursor of Olympics, the highest ranked sports activity is a standing proof to this. As time passed so did the integrity of the player leading to a huge gap between sports of yester years and the modern day, the main reason could be accounted to lack of uniform regulation. The need for uniform regulation

of sports can be attributed to some or all of the following, hence under the scanner now. The reasons lack of integrity in the player, un lawful monetary benefits, pledging the pride of the sport and the sportsman spirit, match fixing, doping, betting, sports gambling, corruption in sports, setting unachievable goals, setting the sports bar too high, making it practically unreachable. This uniform regulation or legislation is now termed as Sports Law and India the fore runner in sports has no such a law- while this is seen as the need of the hour in sports. Sports law in India through the hour glass.

## TIME LAPSE AND CHARACTERISATION OF SPORTS LAW IN INDIA

Sports Law refers to a specialized form of law practice that is concerned with issues concerning to the sports industry, it is not treated as a separate body of law. There is “no specific sport law in India”, even today all the work that has been channelized towards achieving this is at the periphery, a concrete Sports law is yet to come. In India many steps have been taken towards the working of a working Sports law, but this seems to be still in the making. In India we have an established National Sports Policy 1984/2001. In India Sports is represented in the state list of the 7th schedule (entry 33) of the constitution, list II as per this, Sports is considered to be a part of Education, included in the Human Resource Development broadly falling under the preview of the Ministry of Youth Affairs and Sports. The Club, is the basic unit of any sport, forming the district, then the state, the national and international bodies by hierarchy. As per the First National Sports Policy 1984 and National Sports Policy 2001, the main aim was to raise sporting standards. Then a Draft Sports Policy was presented in 2007. In 2011 the present Sports Law under the aegis of The National Sports Development Bill was presented. This bill is still pending. The National Sports Development bill was presented with an aim for sports development and to deal with exclusive sports issues. The idea behind this bill is to bring about accountability and transparency without infringing on the freedom and rights of those involved. Another Apex body of sports with its 8-member panel – The Indian Olympic Association is at present the highest authority to resolve sports related issues in India. Sport is seen by law as a special area whereby the law and the legal systems do not directly interfere with the specific rules in relation to that particular sport. (Sport & the law- In brief.co.uk) to quote. As for Sports law, it can be referred to as the set of laws that deal with regulation of sports that can be divided into amateur, professional and the international. In a country like India, where sports are governed by politicians, political bodies and polities, the situation now in the field of sports necessitates separate brand of study for the sports law. Sports does not come under the preview of any legal or governing body, but the recent time situations have changed the way sport is seen, now it is seen more so as a million-dollar business. As on date, in India, all aspects of concern and other sports issues fall under the category of Labour Law, Contract Law, Antitrust Law, Tort Law, Trade Law, Criminal Law, Tax Law, Broadcasting Law and more recently Negligence Law. Any sports related dispute is resolved by using the above laws. These days the issues of sports are seen as in resolved or there is delay in proceedings which is leading to great un certainty, differing awards and many more so. “Sports law then is an applied law, a blend of laws under many jurisdictions”, as rightly said by an author, hence Sports law should be treated as an individual special entity.

## WHY A COMPREHENSIVE SPORTS LAW IS THE NEED OF THE HOUR OF SPORTING INDIA

Sports Law in India is highly undeveloped, more specifically can be said as non-existing, with no specific Code of Conduct for players. Many reasons can be attributed to this condition. India as a diversified nation with rich cultural and sports heritage suffers under the monopoly of the government and autonomous sports federations. We still follow the National Sports Development Code of India 2011 that was initiated somewhere in 1980's. The many sports authorities, as they are so called like Ministry of Youth Affairs and Sports, National Sports Federation, Sports Law and Welfare Association of India and Sports Authority of India, though seem to be autonomous bodies, succumb to political and sports pressures. To quote Salmond,” a person is subject to the rules of the game when he plays the game”, hence there seems to be a haphazard development of sports law being ruled by many organizations. Due to more money, more problem is created. This seems to be the helm of this affair. The many scandals, controversies, scams and economic disproportions in the sporting world, make the sporting law mandatory. Sports law is an umbrella to describe legal issues related to various sports, both national and international, be it amateur or professional (India law journal, Gourang Kanth). So

true, this inadequacy in legal infra structure for sports, more thrust on the civil laws like tort, competition, sponsorship, broadcasting law, leave loop holes that encourage virtualization, verbalization, gambling, betting and other unethical and immoral activities in sports. Sports as an entertainment earlier was an individual's and nation's pride, with good sports excellence and sportsman spirit, this is lacking these days, apart from urge for more monetary gain. In a country like India, the activity of sports development as it is called is primarily under the responsibility of sports federations, since these are autonomous in nature, their rules, norms and regulations vary. This very aspect brings disparity amongst the sporting fraternity and the organizations involved.

## SURVEY TO UNDERSTAND THE STATUS AND STATURE OF SPORTS LAW IN INDIA

A small private, individual survey was conducted between the period of August 15 2022 to October 31st 2022. A one to one discussion on this Sports law was done, across various sporting activities, types and levels. Individual sports personnel and also those associated with sports federations were interacted with. Even some personnel with indirect relation to sports were contacted, in person or on phone. Some of the personnel and their responses to the topic of Sports Law is recorded herewith (many wanted anonymity).

1. Dr. Gurunadh Sarma, Vijayawada, Robotic Orthopedic surgeon, is of the opinion that many of the sports injuries are very costly, most of them caused by negligence or opponent fury. An individual may lose his sporting passion for a lifetime. He has no idea on the existence of sports law but felt that would be very useful.
2. Dr. Rupa, Physiotherapist, many players and sports personnel come to her with muscle and bone issues due to sports injury. She felt even sports personnel should be brought under a single umbrella, that will aid a player in the time of pain. sports law will give them strength.
3. Mr. Vijay, Cricket Coach, Vijayawada says there is no law in sports leave alone for sports.
4. Mr. Prasad, Karate Master, Vijayawada, has no idea on sports law at all.
5. Mr. Arun Kumar, Swimming Coach, OSA, Odisha, "Sports Law may be only on paper not in reality".
6. Mr. O. Phani Kumar, Swim Coach, Andhra Police, "In India sports law is very naïve".
7. Mr. Yona Raj, Krishna Dist., Kabaddi Association Secretary, "Sports Law needs to be developed very important now".
8. Mr. Prudhvi, NIS Coach & Advocate, "sports till now has no specific law in India for sure but if one can be brought into existence will be very helpful to the sporting fraternity".
9. Mrs. Anusha, Mother of State Skater Dattatreya, "sports law can be very useful in removing partiality and favoritism in sports and also to help the talented to have their say".
10. Mr. Nagaraj, SAAP Authority, Andhra Pradesh, "now that sports is improving so also is the need for a stringent sports law. Since it is yet to be materialized many irregularities still exist".
11. Mr. Trimurthy Raju, Ex corporator, "sports law is very important since many have taken up sports as a profession not just a passion".

Many more like this opined, summarizing the survey, sports injuries cannot be treated like normal accidents, especially when any organ is injured. Most of the players are brought with an injury due to an opponent, whether it is fraudulent or not, not ascertained. The treatment expenditure is mostly borne by the player and their family or association. No specific insurance law to help them tide over the situation. Many players are left out by the sponsors at the cross road with no help in sight, they just go back on their word, players do not have a place or platform to go and ask and fight for their right. The player, if approaches the court of law, the sports allegations or disputes do not come under either civil or criminal category. They are to be put under different schedules and sections, that deal with normal general disputes. Sports cases do not get that importance from the player's end since only the media and money is given importance. The players do not have a say in their defence, the player becomes a lonely fighter rather a spectator of his own issue, his career and passion destroyed. Even the men in authority do not really have an idea of the laws or sections pertaining to any sports, as per our IPC. So even these have to bear the fury of the time which may be years or decades, before that the player is gone for good. This survey or interaction with the cross section of the community involved wither directly or indirectly with sports or sports law, has the following conclusions and recommendations.



## CONCLUSION

As per a recent study, sports contracts account to nearly 3 – 5 % of world trade with highest commercial exploitation and highest bidding. Formula 1 racing, Premier leagues in Cricket, Kabaddi, Football have made law more important here since these involve large sums of money. This is more apparent here since this law has to safe guard the interest and respect of the players and all those involved. As it has been rightly said “In India there is development in Sports and Law but not in Sports Law”. (Sports Law in India). Sports law though seems to be developed, but many have tried to work on it time and again, it is still incomprehensive. Increased interaction between sports and law touching varied areas of legal aspects related to sports, the stumble block would be the absence of a specific sports law. Sports when governed by various other laws which are dealt by non-players, who know very little about the sport and its related activities, will not be fruitful or useful. Sports requires a separate, an exclusive dispute or grievance redressal system. Sports law denotes to a legal framework which requires implementation and formulation for regulation. The sports law cannot be confined to this since civil disputes take longer time to be settled and this cannot work here. (Developing Sports Law in India – Subhrajit Chanda). In this issue, our National Sports Policy 1984/2001 that was presented with an objective to define areas of responsibility of the agencies involved, to identify federations eligible for government assistance and sponsorship, to frame eligibility conditions, to release the grants pertaining to sports. But nowhere is there a mention for the necessity of any sports law adhering to which all the above said are to be done. In India it is not the legislation but the sports association that have taken up this task to a certain extent, like the Sports law and welfare association of India, is a National nonprofit and professional organization that is working and understanding the ethical practice of the Sports Law in India, they are trying to bring legal practitioners and sports personnel under one roof. The other SAI (Sports Authority of India), this is an apex body to coordinate sports activities in India.

## RECOMMENDATIONS

With regular increase in the number of sports related disputes, India requires an independent authority that is specialized in sports related problems and solutions. There is an immediate need for a legislation that governs only sports. This legislation to ensure speedy trials of sports issues like sexual harassment, age fraud, doping, payment issues etc., This law should promote rules of ethics and spirit of sportsmanship. Ethical solution to legal issues will boost the morale of the player. The practices that prevent the entry of the new players into any sport should be ruled out. There should be tenure and payment capping. Presence of a strong sporting law within a strong framework is the need of the hour. This is the basic requirement for the development of sport and to maintain sporting spirit. This law should be enriching and insightful sports law will help not only the sport and the sports person but will also enhance accountability preventing its violation. With so much money and name involved sports disputes are on the rise, there is a need for a sports Ombudsman (many others also have this opinion) with sport and sporting knowledge, all laws pertaining to the game, coaches and other officials concerned, clearly demarcated. The sports law will enhance transparency, accountability and good governance in sports. This will help to maintain credibility of the player, fair trial and amenability. In India sports law is still in its nascent and incessant stage with greater perspective, the need of the hour in Indian Sports.

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