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Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@ilededu.in / Chairman@ilededu.in



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CONTEMPORARY ISSUES IN SPORTS LAW

AUTHOR—SHREEDHI GUPTA, STUDENT AT JAMNALAL BAJAJ SCHOOL OF LEGAL STUDIES, BANASTHALI VIDHYAPEETH, RAJASTHAN

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I. Abstract

“SPORTS” India has a strong sporting culture with cricket being the most favorite sport. Earlier people used to play sports because they had to stay fit, they used to enjoy it, then slowly with time sports also became a kind of profession for the people. When something becomes a profession, then there must be some rules and regulations in it, as we know that sports were not given much importance but with time it’s been important aspect in Indian culture. As with the passage of time, sports have evolved from being a mere source of entertainment to a profession thus, Importance of sports increased for the people, the growing popularity of sports has led to the rise of various issues that need to be addressed.

Contemporary issues in sports law include athlete compensation, anti-doping policies, and the regulation of emerging technologies. One of the biggest challenges facing sports organizations is determining how much athletes should be paid and ensuring that compensation is fair and equitable. There are also ongoing concerns about doping and the use of performance-enhancing drugs. There are concerns about the legal liability of sports organizations for injuries or other harm suffered by athletes, as well as the protection of athletes’ rights and safety. These issues are likely to continue to be important topics in the field of sports law in the coming years. This research paper aims to explore these contemporary issues in sports law and suggest possible solutions. It is imperative to address these issues to ensure the growth and development of sports in India.

KEYWORDS– Challenges, Contemporary issue, sport organization, protection

II. Introduction

Sports have always been an important part of Indian culture, with a rich history dating back centuries. From ancient games like Kabaddi and Kho-Kho to modern sports like cricket and football, India has a long tradition of athletic competition and physical activity. However, with the rise of professional sports and the increasing popularity of international competitions, sports have become much more than just a pastime. They are now a significant part of the Indian economy and cultural identity, with millions of people tuning in to watch matches, attend games, and support their favorite teams.

Despite the many benefits of sports, there are also a range of contemporary legal issues that must be addressed to ensure the continued success and sustainability of the sports industry in India.

India has several pieces of legislation that are specific to sports. The primary legislation governing sports in India is the Sports Authority of India Act, 1984, which establishes the Sports Authority of India and provides for the development of sports in the country. Other important legislation includes the National Sports Development Code, 2011, which regulates the functioning of National Sports Federations in India, and the Prevention of Sports Fraud Bill,



2013, which aims to prevent fraud and corruption in sports. Additionally, there are various other laws and regulations that impact sports in India, such as labor laws, tax laws, and anti-doping laws.

Issues which we are going to deal in this research paper are Doping, Athletes compensation, Gender inequality, sexual harassment which is increasing day by day in every sector and contractual disputes.

In this research paper we are also going to research and learn about what initiatives government took to deal with all the problems faced by sports law and what could be the suggestions to deal with them.

III. Objective

The objective of a research paper on contemporary issues in sports law is to contribute to the ongoing conversation and advance our understanding of legal issues in sports. Research helps identify key themes and challenges facing the sports industry. It informs policy decisions and helps shape the future of sports law. The goal is to develop effective policies and regulations in the sports industry.

Navigating the complexities of sports law

A. Athlete Compensation

Athlete compensation is definitely the most pressing issues in sports law. This issue involve the disputes over the amount and structure of an athlete's salary.

While India has produced some of the world's best athletes, many of them struggle to make a living wage and support themselves and their families. This is particularly true for athletes in less popular sports, who may not have the same opportunities for sponsorships and endorsements as their counterparts in cricket and other major sports.

B. Doping

Doping is a significant issue in a sports law, as it involves the use of banned substances or method to enhance athletic performance. This

practice is considered as a form of cheating and can pose a serious health risks to athletes.

This is the biggest issue that has become increasingly important in recent years is anti-doping policies. The use of performance-enhancing drugs is a serious concern that threatens the integrity of sports and the health of athletes. India has made significant strides in recent years to combat doping, but there is still much work to be done to ensure that athletes are competing on a level playing field.

C. Gender inequality

Gender equality is a significant problem in sports law, as there have historically been significant disparities between men's and women's sports in terms of funding, media coverage, and other resources.

Gender inequality is problematic because it can lead to a range of legal challenges, such as discrimination lawsuits, Title IX complaints, and other efforts to promote greater gender inequality in sports. These legal challenges can be complex and time-consuming, and may require significant resources to resolve. Furthermore, gender inequality in sports can have broader implications for society as a whole, as it can reinforce harmful stereotypes and perpetuate discrimination in other areas of life. As such, it is important for sports organizations and legal professionals to work together to address these issues and promote greater gender equity in sports.

***Pinki Pramanik v. State of West Bengal*,¹(2014):**

This case involved allegations of gender discrimination against a female athlete. The Supreme Court held that the athlete's privacy had been violated during a gender verification test and ordered an investigation into the matter. The court also directed the state government to take steps to prevent such violations in the future.

***Geeta Kumari Phogat & Anr. v. Union of India & Ors.*,²:** This case involved allegations of

¹ 4 SCC 108

² W.P.(C) 1073/2017



discrimination against female wrestlers in India. The Delhi High Court directed the central government to provide equal facilities and opportunities to female wrestlers as male wrestlers.

These cases demonstrate the importance of addressing gender inequality in sports in India and the legal consequences that can arise when it is not appropriately addressed.

D. Sexual Harassment

Sexual harassment in sports can also have legal implications, as it can create liability for sports organizations and other parties who fail to take appropriate steps to prevent or address these behaviors. In many cases, athletes who experience sexual harassment may have legal recourse, such as through civil lawsuits or other legal actions. Additionally, sports organizations and other parties involved in the sports industry may face legal consequences if they fail to comply with relevant laws and regulations related to sexual harassment and other forms of discrimination. As such, it is important for sports organizations to take proactive steps to prevent sexual harassment and other forms of discrimination, such as by implementing clear policies and procedures, providing training and education for athletes and other stakeholders, and taking swift action to address any instances of harassment or misconduct.

Here are a few examples of Indian case laws related to sexual harassment in sports:

BCCI v. Cricket Association of Bihar³: This case involved allegations of sexual harassment against the then-president of the Board of Control for Cricket in India (BCCI). The Supreme Court appointed a committee to investigate the allegations and suspended the president pending the outcome of the investigation. The committee found the president guilty of sexual harassment and recommended that he be banned from holding any position in the BCCI.

Nuzhat Parween v. Union of India & Ors.,⁴: This case involved allegations of sexual harassment against the coach of the Indian women's cricket team. The Delhi High Court ordered an investigation into the allegations and directed the Board of Control for Cricket in India (BCCI) to take appropriate action against the coach if the allegations were found to be true.

Overall, these cases demonstrate the importance of addressing sexual harassment in sports in India and the legal consequences that can arise when it is not appropriately addressed.

E. Contract Disputes

Contract disputes can be a significant legal problem in sports law because they involve the interpretation and enforcement of legal agreements. When parties to a contract disagree about the terms of the agreement or one party fails to fulfill their obligations under the contract, legal action may be necessary to resolve the dispute. This can involve litigation or arbitration, which can be time-consuming and expensive. Additionally, if a contract dispute is not resolved in a timely manner, it can have a negative impact on the parties involved, such as lost revenue or damage to reputation. For athletes, teams, and sponsors, contract disputes can be especially problematic because they can affect the athlete's ability to compete, the team's ability to perform, or the sponsor's ability to promote their brand.

IV. Methodology

The methodology for researching legal issues in sports law typically involves a combination of qualitative and quantitative research methods.

Qualitative research methods may include conducting interviews with athletes, coaches, sports administrators, and legal experts to gain a deeper understanding of the legal issues involved in sports law. This may also involve reviewing case law and legal precedents to identify key themes and trends in sports law.

³ (2015) 3 SCC 251

⁴ W.P.(C) 7085/2018

Quantitative research methods may involve analyzing data on legal cases and trends in sports law, such as the number of cases involving doping or disciplinary action in a particular sport. This may also involve analyzing data on the economic impact of sports law, such as the costs of litigation or the financial impact of exclusive broadcasting contracts.

V. Literature Review

A literature review is a critical analysis of existing research on a particular topic. It involves reviewing scholarly articles, books, and other sources to identify key themes, debates, and gaps in the existing research:-

1. ***The Legal Implications of Gender and Sexuality in Sports*** by Catherine J. MacKinnon. This article explores the legal implications of gender and sexuality in sports, including issues related to transgender athletes, sexual harassment, and discrimination. It provides a critical analysis of current legal frameworks and offers recommendations for reform.
2. ***Doping in Sports: An Overview of the Legal Landscape*** by Mark A. Drumbl. This article provides an overview of the legal landscape surrounding doping in sports, including the World Anti-Doping Agency (WADA) Code, the Court of Arbitration for Sport (CAS), and national anti-doping laws. It also explores the challenges of enforcing anti-doping regulations and offers recommendations for improving the effectiveness of anti-doping efforts.
3. ***Concussions and the Law: The Role of Liability in Addressing Brain Injuries in Sports*** by Matthew J. Mitten. This article examines the legal landscape surrounding concussions in sports, including the liability of sports organizations, coaches, and players for brain injuries. It provides an overview of recent legal developments related to concussions in sports and offers recommendations for improving player safety and reducing the risk of brain injuries.

4. ***Sports Law in India: An Overview*** by Dr. Sandeep Verma. This provides an overview of sports law in India, including an analysis of the legal frameworks governing sports organizations and athletes. It explores the challenges of regulating sports in India and offers insights into the future of sports law in the country.
5. ***Sports Law and the Right to Play: A Study of the Indian Context*** by Dr. M. A. Rashid. This study explores the right to play in India and the role of sports law in protecting this right. It provides an overview of current legal frameworks and offers insights into the challenges of promoting sports and physical activity in India.
6. ***Sports Law in India: A Comparative Analysis*** by Dr. Pramod Kumar. This study provides a comparative analysis of sports law in India and international standards. It explores the challenges of regulating sports in India and offers insights into the future of sports law in the country.

VI. Sports and India: Government Initiatives for a Healthier Nation

In India, sports have traditionally been an important part of the culture. However, in recent years, there has been a growing recognition of the importance of sports in promoting physical fitness, mental health, and social development. As a result, both state and central governments have taken various steps to promote sports in India.

At the state level, many states have established sports councils and sports departments to promote sports and provide support to athletes. These departments are responsible for organizing sports events, providing training and coaching to athletes, and promoting sports at the grassroots level. They also provide financial assistance to athletes and sports organizations

State governments have also taken steps to address legal and ethical issues in sports. For example, many states have passed laws to



combat doping in sports. These laws typically establish penalties for athletes who use performance-enhancing drugs and provide for testing and monitoring of athletes to ensure that they are competing fairly. Some states have also passed laws that require equal pay for male and female athletes.

In addition to supporting sports at the grassroots level, state governments have also taken steps to promote sports tourism and attract major sporting events to their states. For example, many states have established sports facilities and infrastructure to host major sporting events like the Olympics and the Commonwealth Games.

At the central level, the Ministry of Youth Affairs and Sports is responsible for promoting sports and physical fitness in India. The ministry provides financial assistance to athletes, coaches, and sports organizations, and is responsible for organizing major sporting events like the Olympics and the Commonwealth Games.

The central government has also taken steps to address legal and ethical issues in sports. For example, the National Anti-Doping Agency (NADA) is responsible for implementing India's anti-doping policy. NADA conducts testing and monitoring of athletes to ensure that they are competing fairly, and establishes penalties for athletes who use performance-enhancing drugs.

In addition to addressing legal and ethical issues in sports, the central government has also taken steps to promote gender equality in sports. For example, the Beti Bachao, Beti Padhao campaign is a government initiative that aims to promote the education and empowerment of girls and women in India, including in sports.

The central government has also established sports infrastructure and facilities to host major sporting events like the IPL and the FIFA U-17 World Cup.

I. Commission and Schemes Introduced by The Government

These schemes and commissions have played a significant role in promoting sports in India and reducing contemporary issues such as doping, corruption, and athlete welfare. However, there is still more work to be done to ensure that sports in India are free from unethical practices and promote fair play, transparency, and ethical behavior.

The National Sports Ethics Commission is a government body created to promote ethical practices in sports and address issues of corruption and unethical behavior in sports. The commission aims to create a culture of ethics and fair play in sports.

The Khelo India Scheme is a government initiative aimed at promoting sports among youth in India. The scheme provides financial assistance to schools and colleges to create sports infrastructure, as well as to promote sports among students. The scheme also provides financial assistance to athletes for training and competition.

National Sports Development Fund (NSDF) is the NSDF was established to provide financial assistance to sports organizations and athletes to promote sports in India.

All India Council of Sports (AICS) is the AICS was established to promote sports in India by providing infrastructure, funding, and support to sports organizations.

National Anti-Doping Agency is the National Anti-Doping Agency is responsible for implementing the anti-doping policy in India. The agency conducts tests for banned substances, investigates doping cases, and imposes penalties on athletes who violate the policy.

Athlete Welfare Fund The Athlete Welfare Fund was established to provide financial assistance to athletes who face financial difficulties.



VII. Suggestions

- Create more awareness about sports laws and regulations: Educating athletes, coaches, and other stakeholders about the legal framework governing sports in India can help reduce the number of legal issues that arise.
- Establish a dedicated grievance mechanism: A grievance mechanism can provide a platform for athletes, coaches, and other stakeholders to voice their concerns and resolve disputes related to sports law.
- Increase transparency in sports administration: Transparency in sports administration can help reduce corruption and unethical practices in sports.
- Encourage sports organizations to adopt ethical codes of conduct: Ethical codes of conduct can help prevent unethical behavior and promote fair play in sports.
- Develop a mechanism to monitor compliance with sports laws and regulations: A mechanism to monitor compliance can help ensure that sports organizations and stakeholders are following the laws and regulations governing sports in India.

VIII. Conclusion

Contemporary issues in sports law pose significant challenges to the integrity and fairness of sports. Doping, corruption, match-fixing, and athlete welfare are among the most pressing issues that require attention from sports organizations, policymakers, and legal experts. Effective legal frameworks, education and awareness, transparency in sports administration, ethical codes of conduct, and a dedicated grievance mechanism are among the measures that can be taken to reduce these issues.

However, addressing contemporary issues in sports law requires a comprehensive and collaborative approach that involves all stakeholders in sports. Sports organizations, policymakers, athletes, coaches, and legal

experts must work together to develop effective solutions that promote fair play, transparency, and ethical behavior in sports. This requires a commitment to the principles of fairness, integrity, and respect for the rule of law.

Finally, it is worth noting that the challenges posed by contemporary issues in sports law are not limited to individual countries or regions. They are global in nature and require international cooperation and coordination to address effectively. By working together, the sports community can ensure that sports remain a source of inspiration, entertainment, and pride for people around the world, while upholding the principles of fair play and integrity.

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BALANCING TRADITION AND MODERNITY: CURRENT SPORTS LAW ISSUES IN INDIA

AUTHOR – CHANDRESH TIWARI, STUDENT AT CHRIST (DEEMED TO BE UNIVERSITY), DELHI NCR

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Abstract

This article examines the current problems with Indian sports legislation, focusing on sports governance, anti-doping measures, sports broadcasting and commercial rights, sports betting and match-fixing, and gender equity and athlete welfare. It discusses the reforms proposed by the Lodha Committee to improve sports governance, the role of NADA in implementing anti-doping regulations, the challenges and opportunities in sports broadcasting and commercialization, the need to address match-fixing and regulate sports betting, and the importance of achieving gender equity and safeguarding athlete welfare. The article emphasizes the significance of finding a balance between tradition and modernity in sports legislation and the need for collaboration among various stakeholders to ensure the growth and integrity of sports in India.

Key Words: Sports, Anti-Doping, Athlete, NADA, Tradition, Legislation, Match-fixing

Introduction

India has a long history of sports, including a variety of sports such as cricket, hockey, kabaddi, and more. Sports have always been a significant aspect of Indian culture. Sports-related legal issues are becoming more complicated as the country's interest in them rises. Issues with contemporary sports governance, commercialization, and technology are reflected in current sports legislation in India, which highlights the difficulties in balancing traditional practises. In this article, some of the most important current problems with Indian sports legislation are examined, along with the solutions being proposed.

Sports Governance and the Lodha Committee Reforms

India has been very concerned about the matter of sports governance, especially as it relates to the Board of Control for Cricket in India (BCCI). The Supreme Court of India appointed the Lodha Committee in 2016 in

response to the BCCI's need for changes and increased openness in its operations. The BCCI was to be advised on structural and administrative reforms by the Lodha Committee, which was presided over by retired Chief Justice of India R.M. Lodha.

The Lodha Committee's report, submitted in January 2016, highlighted several key issues within the BCCI and proposed significant reforms to address them. The committee proposed a ceiling on the age and term limits for BCCI and state cricket organisations office holders. Office holders would only be allowed to serve a total of three terms that are each four years long, and there would be a cooling-off period before they were again eligible to run for office. Each Indian state should only have one full member and one vote in the BCCI, according to the report's recommendations. With several linked units, some nations have a disproportionate amount of power, which was the goal of this.