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BALANCING TRADITION AND MODERNITY: CURRENT SPORTS LAW ISSUES IN INDIA

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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.



The committee emphasised the need for increased accountability and transparency within the BCCI. It suggested putting in place a solid financial and governance framework, including the appointment of an impartial auditor to monitor the BCCI's financial operations. The committee discussed the subject of conflicts of interest inside the BCCI and suggested that all-inclusive conflict of interest policies be adopted. These rules were designed to stop people from taking on several responsibilities that would jeopardise their objectivity and morality.

The Lodha Committee's recommendations attempted to restructure the BCCI's current organisation and operation and bring it into compliance with good governance principles. The Supreme Court ordered the Lodha Committee's recommendations to be carried out in a number of rulings. The changes' implementation has, however, run into a number of obstacles and opposition from various sectors. The adoption of a new constitution for the BCCI and state associations is one example of how the Lodha Committee's recommendations have been put into practise. However, other difficult problems have still to be resolved. These consist of the cooling-off period, age limits, and tenure-based exclusions for officeholders. Due to practical considerations and the effect on seasoned administrators, the BCCI and state organisations have requested changes to these suggestions. The Lodha Committee's reforms have significantly contributed to India's attention being drawn to the problem of sports governance. They have sparked a larger debate about the necessity of openness, responsibility, and responsible leadership in other sports organisations. The reforms aim to promote professionalism, prevent conflicts of interest, and ensure that the interests of players and the game are paramount.

Despite difficulties, the Lodha Committee reforms have been a start in the right direction towards improving sports governance in India. It

emphasises the significance of adopting precise rules and procedures to guarantee the effective and open management of sports organisations. To eventually protect the best interests of Indian sports and athletes, ongoing efforts are required to achieve a balance between the autonomy of sports organisations and the requirement for accountability and openness.

Anti-Doping Measures and the Role of NADA

The integrity and fairness of sporting events depend heavily on anti-doping procedures. The National Anti-Doping Agency (NADA) in India is crucial to the implementation and enforcement of anti-doping laws. NADA is in charge of performing anti-doping tests, teaching athletes and stakeholders about the laws, and enforcing compliance with the World Anti-Doping Code as an independent agency within the Ministry of Youth Affairs and Sports. NADA employs thorough anti-doping measures, which include both in- and out-of-competition testing. Athletes are tested at random to look for the employment of illegal techniques or the presence of forbidden drugs. To guarantee accuracy and dependability of findings, samples are collected and analysed at recognised laboratories in accordance with the testing techniques used by NADA, which follow worldwide standards. NADA targets athletes who are more prone to engage in doping practises by using a risk-based approach to testing, hence enhancing the efficacy of its anti-doping initiatives.

Additionally, NADA actively participates in educational programmes to spread knowledge of the negative consequences of doping and the value of clean sports. To inform athletes, coaches, and sports federations about the dangers of doping and the moral implications of fair play, they organise conferences, seminars, and awareness campaigns. Through outreach and education initiatives, NADA hopes to instil a strong anti-doping mentality among Indian athletes and other sports stakeholders. NADA is in charge of starting disciplinary actions



when athletes are determined to have broken anti-doping laws. This involves holding hearings, acquiring data, and applying the proper penalties. Depending on the seriousness of the offence, NADA has the power to give warnings, disqualifications, and bans. These sanctions underscore the need for athletes to compete fairly and drug-free by sending a clear message that doping will not be allowed in Indian sports.

In conclusion, NADA is crucial to India's efforts to execute anti-doping regulations. NADA works to level the playing field for athletes and maintain the fairness of sporting contests by testing, instruction, and disciplinary measures. Ensuring that athletes may compete purely on their talent, skill, and devotion rather than using performance-enhancing drugs or techniques, their efforts help to maintain a clean and moral sports environment.

Sports Broadcasting and Commercial Rights

In India, commercial rights and sports broadcasting have grown to be important facets of the sports sector. The selling and exploitation of broadcasting rights, sponsorship agreements, item sales, and other activities have all resulted from the commercialization of sports. To safeguard their interests and maximise income, sports organisations and broadcasters manage intellectual property regulations and contractual agreements. The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act strikes a compromise between commercial interests and the public's ability to view significant sporting events by requiring that certain sports events of national importance be broadcast on public broadcaster Doordarshan. However, issues like piracy and the requirement for efficient IP rights enforcement continue to be a worry. Overall, the landscape of the sports sector in India has changed due to commercial sports rights and broadcasting, offering both possibilities and legal complications.

Sports Betting and Match-Fixing

Match-fixing and sports betting have been major problems in India, raising questions about the fairness of sporting events. The main piece of law controlling gaming in India is the Public Gambling Act of 1867. The majority of gambling activities are prohibited under this law, with the exception of a few states where certain restrictions and exemptions have been put in place. However, neither internet gambling nor sports betting are expressly covered by the statute. The Public Gambling Act is applicable to all types of sports betting, including those conducted online. The law forbids gambling on games of chance, but it makes no mention of sports betting. Sports betting is therefore surrounded by legal uncertainty in India. Due to this uncertainty, there have been talks and debates about regulating and legalising sports betting, with the main points of contention being the need to prevent illicit activity, generate income, and safeguard customers.

In India, match-fixing, or the manipulation of sporting events for illegal benefit, is a serious problem. It can have serious repercussions and compromise sports' objectivity and legitimacy. Spot-fixing, collusion, and bribery are only a few of the unlawful practises involved in match-fixing. The collaboration of several parties, including sporting authorities, law enforcement agencies, and betting regulating bodies, is necessary for the prevention and prosecution of match-fixing instances.

Match-fixing is being fought against, and sports betting is being regulated in India. To address concerns like match-fixing and the entry of black-market operators, the Law Commission of India has suggested legalising and regulating sports betting. While enforcing severe penalties for illicit activity, proposed regulatory frameworks seek to provide systems for licencing, monitoring, and taxing of sports betting operations. These actions are intended to defend consumers, preserve the fairness of sporting contests, and provide money for the country's sports industry.



Gender Equity and Safeguarding Athlete Welfare

In India's sports environment, gender fairness and athlete welfare are important considerations. Despite recent great advances, there are still obstacles to be addressed in order to provide equal opportunities and preserve athletes' welfare, particularly in light of gender differences and the requirement for all-encompassing athlete protection systems.

A major issue in Indian sports is still gender fairness. Access to sporting opportunities, resources, and support has historically been hampered for women by prejudice. The gender equality gap has, nevertheless, been attempted to close. The Beti Bachao, Beti Padhao campaign and the Khelo India initiative are only two examples of initiatives that have been launched with the goal of promoting girls' involvement in sports and giving them equal opportunity to succeed. The Ministry of Youth Affairs and Sports has also put policies and programmes into place to address gender imbalances and encourage the presence of women in sports administration and decision-making bodies.

Another crucial area that requires emphasis is making sure athletes' wellbeing is ensured. Athletes encounter a variety of difficulties, such as problems with their physical and mental health, a lack of suitable medical care, insufficient financial stability, and the possibility of exploitation. Athlete welfare committees and methods have been established in order to address these problems. Elite athletes have access to financial assistance and top-notch training facilities under the Target Olympic Podium Scheme (TOPS). Athlete support systems, such as sports medical and rehabilitation facilities, dietary assistance programmes, and counselling services, have been established by the Sports Authority of India (SAI). In addition, the National Athlete Welfare Fund was established with the intention of helping athletes with financial difficulties.

A greater emphasis has been placed recently on protecting athletes from abuse, harassment, and other types of wrongdoing. Guidelines for preventing sexual assault and harassment in sports have been released by the Ministry of Youth Affairs and Sports. To address these challenges, a number of sports organizations—including the Indian Olympic Association and national sports federations—have put in place awareness campaigns, codes of conduct, and grievance procedures. However, more work has to be done to strengthen systems for protecting athletes, enhance reporting processes, and build a climate of safety and support for athletes.

It is crucial to keep working to advance gender parity and protect athlete welfare in Indian sports. This entails giving women in sports equitable opportunity, putting in place efficient procedures for supporting athletes, giving people access to high-quality medical care and counselling services, addressing abuse and harassment concerns, and establishing reliable channels for reporting and restitution. For India's athletes to have a sports environment that is inclusive, egalitarian, and safe, collaboration between sports authorities, federations, government organisations, and civil society organisations is essential.

Esports and Regulatory Framework

In India, esports have become quite popular and have become a thriving industry. Though it is still in its infancy, India's regulatory environment for esports is becoming more established. Esports in the nation are not yet covered by any formal laws or regulating bodies. As a result, a number of problems and difficulties with player contracts, intellectual property rights, taxes, licencing, and consumer protection come up.

The vagueness of player contracts is one of the main issues in the lack of a regulated framework. Organisations and individuals in esports sometimes rely on individual contracts that could not offer sufficient security or handle



crucial issues like income sharing, sponsorship arrangements, and dispute resolution procedures. Contractual conflicts and the abuse of players' rights may result from the lack of standardised agreements and rules. In the world of esports, intellectual property rights are also relevant. Game names, trademarks, character designs, and broadcasting rights can all have complicated ownership and licencing situations. Without clear legislation, disagreements over the usage and commercialization of intellectual property may occur, which would have an adverse effect on the development and viability of the Indian esports market.

The taxation of esports activity is another significant factor that needs consideration. Esports competitions, prizes, streaming fees, and sponsorships all bring in a sizable income. Confusion and potential legal problems between esports organisations, players, and tax authorities may result from the lack of clarity in the tax legislation that are special to the esports industry. Additionally, the lack of a legislative framework makes it difficult to certify and licence esports organisers and events. To guarantee the efficient and impartial operation of esports competitions, standardised norms and processes for event approvals, safety precautions, and adherence to anti-doping legislation are required. There have been suggestions regarding the necessity for an esports regulating agency specifically for India to deal with these issues. Such a body may be in charge of developing and enforcing rules and guidelines, accreditation and licencing procedures, player welfare programmes, and dispute resolution methods. Establishing an esports-specific legal framework will bring clarity, encourage fair competition, safeguard the rights of participants and stakeholders, and help to the general expansion and development of the Indian esports market.

In conclusion, despite the fact that esports is a booming sector in India, the lack of a thorough legal framework presents difficulties in a

number of areas. It would be possible to handle concerns with player contracts, intellectual property rights, taxes, licencing, and consumer protection by creating a special regulatory framework for esports. It will bring clarity, safeguard the interests of participants and stakeholders, and open the door for the esports sector's sustainable growth and development in India.

Conclusion

India's current state of sports legislation is a reflection of how sports government, commerce, and technology are changing. By tackling issues like sports governance reform, anti-doping policies, commercial rights, gambling, gender equity, athlete welfare, sports injuries, and the regulation of new sports like esports, efforts are being made to find a balance between tradition and modernity.

It is essential that all parties, including sports administrators, policymakers, legal experts, athletes, and the courts, work together and properly solve these concerns in order to ensure the sustained growth of sports in India. India can set the path for a strong and fair sports environment that develops talent, preserves integrity, and inspires pride in the country by encouraging openness, accountability, and inclusion.

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