

ILE

SPORTS LAW REVIEW

VOLUME 3 AND ISSUE 1 OF 2025

INSTITUTE OF LEGAL EDUCATION

ILE SPORTS LAW REVIEW

APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2

(OPEN ACCESS JOURNAL)

Journal's Home Page – https://slr.iledu.in/

Journal's Editorial Page - https://slr.iledu.in/editorial-board/

Volume 2 and Issue 1 (Access Full Issue on - https://slr.iledu.in/category/volume-3-and-issue-1-of-2025/)

Publisher

Prasanna S,

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Maudhanda Kurichi, Srirangam,

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ILE SPORTS LAW REVIEW

VOLUME 3 AND ISSUE I OF 2025

APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2

Published by

Institute of Legal Education

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INTRODUCTION TO SPORTS ARBITRATION IN INDIA

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BEST CITATION - ASTHA KOTHARI & ARRYAN MOHANTY, INTRODUCTION TO SPORTS ARBITRATION IN INDIA, *ILE SPORTS LAW REVIEW (ILE SLR)*, 3 (1) OF 2025, PG. 01-15, APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2.

Abstract

India's deep-rooted appreciation for sports has evolved, transforming it into a significant career path and entertainment source. The emergence of major leagues like the IPL, Pro Kabaddi League, and ISL has dramatically elevated sports' importance. This expansion, coupled with rising revenues, sponsorships, broadcasting rights, and concerns over fair play and athlete rights, underscores the critical need for a robust legal framework. India's sports law, however, remains nascent and fragmented, lacking a single unified statute. It draws from diverse legal areas including arbitration, intellectual property, contract, labor, and competition law. As the industry globalizes, incorporating international and non-traditional sports, legal complexities intensify. These intricate disputes, demanding swift and specialized resolution, are ill-suited for conventional litigation due to India's overburdened courts. While arbitration gains traction as an alternative, sports-related conflicts necessitate a unique blend of legal and industry expertise. To bridge this gap, the Indian government established the Sports Arbitration Centre of India (SACI), aiming to provide an effective forum for dispute settlement within the sector. The paper highlights India's sports laws and the crucial role of Alternative Dispute Resolution (ADR) in managing these specialized disputes.

Introduction

As an institution, sports have posed a unique set of legal difficulties and complexities over time. This article is the first in a series to clarify these matters and shed light on the different legal aspects of sports in India. Future articles will explore how Indian courts are involved in team selection, how urgently comprehensive sports legislation is needed, and how sports arbitration jurisprudence is developing. There are many urgent issues with how Indian sports governance is currently set up. Disputes have increased due to the lack of a single legal framework to govern all sports organisations and the opaqueness of sports federation operations. These include doping scandals and corruption scandals. Nonetheless, the selection of national teams for domestic and international competitions is a persistent problem regularly brought before Indian courts. This issue frequently results from disparities and a lack of uniformity in the selection processes used by various sports authorities. Because of this, many athletes who believe they were wronged turn to the legal system by submitting writ petitions, contesting the selection committees' rulings. These ongoing conflicts highlight the necessity of more stringent legal supervision and reform in India's sports administration.[1] ADR, which includes mediation, negotiation, and arbitration, is a new mechanism that promotes communication and teamwork while transforming conflicts into chances for positive results. It is becoming a more and more popular option for resolving

[1] Nishith Desai Associates, Sports Disputes in India: The Role of Courts in selecting National Teams https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Sports_Disputes_in_India.pdf (Last visited May 23, 2025)

disputes due to its emphasis on timeliness and efficiency, and it has a lot of room to grow. Sports are now a major cultural and economic force on a global scale. The sports industry is on the verge of becoming one of the biggest in the world due to its quick commercialisation. However, the drive to succeed at all costs has frequently eclipsed the spirit of sportsmanship, resulting in unethical behaviour that compromises the integrity of sports. Due to this change, the need for strong sports law frameworks and efficient implementation procedures has increased. Arbitration is becoming an increasingly vital tool to guarantee a timely and equitable resolution of sports-related disputes. To handle disputes in the sports industry and incorporate alternative dispute resolution (ADR) techniques, India created the Indian Court of Arbitration for Sports in 2011. Despite this step, many cases are still pending, underscoring ongoing delays in the administration of justice.[2]

Given the current reliance on sports governing bodies to handle disputes, it is difficult to predict the future of sports arbitration in India. Affected parties, including athletes, coaches, clubs, or federations, are forced to turn to the legal system when these organisations cannot provide satisfactory resolutions. Even though the Court of Arbitration for Sport (CAS) provides a platform for international arbitration, many Indians cannot afford it due to its high fees and administrative requirements, especially concerning domestic disputes. A significant barrier is establishing a strong and long-lasting sports arbitration infrastructure in the nation. Past efforts have not produced long-lasting outcomes, which may suggest that the Ministry of Law and Justice has not given them enough priority. It's possible that a formal arbitration body specifically for sports won't exist until the number and prominence of unresolved disputes force the government to step in. Institutional inertia is likely to continue until then. The lack of a dedicated sports arbitration tribunal highlights a significant gap in India's legal dispute resolution system. Policy change is unlikely unless significant public or judicial pressure exists to address this deficiency. A national sports arbitration mechanism might remain a long-term goal unless a noticeable increase in sports litigation requires immediate attention. Despite its drawbacks and inaccessibility for many, Indian stakeholders will need to rely on CAS in the interim.

Lausanne, Switzerland, is home to many well-known international sports organisations, such as the International Olympic Committee (IOC), the International Council of Arbitration for Sport (ICAS), and the Court of Arbitration for Sport (CAS). The concentration of these critical organisations has solidified Switzerland's position as a global hub for settling sports disputes. When closely examined, Swiss law provides much procedural flexibility, giving disputing parties significant autonomy and control over the arbitration process.[3] The Court of Arbitration for Sport (CAS) is a widely acknowledged institution focused on settling disputes within the sports industry. Its authority derives either from particular clauses found in the constitutions of sports bodies or from agreements made between the parties to pursue arbitration. When then-IOC President Juan Antonio Samaranch recognised the need for an independent legal body to serve as the supreme authority in international sports dispute resolution, he created CAS in 1981. A working group headed by Judge Kéba Mbaye, a former member of the International Court of Justice, was tasked with creating the statutes for this new organisation, which was called the Court of Arbitration for Sport, during an IOC session in 1982. These statutes were officially approved by the IOC in 1983, and on June 30, 1984, CAS officially opened for business. CAS was founded in response to the Swiss Equestrian case and has since been involved in

[2] Jain, Aviral, Dispute Resolution and Sports: Analysing the Failed Mechanism Surviving on Bits (12 August 2023). Available at SSRN: https://ssrn.com/abstract=4841888 or http://dx.doi.org/10.2139/ssrn.4841888

[3] Kanika Arora and Vidyotma Malik, Arbitration in the Realm of Sports Law, SCC Online Times (April 13, 2022, 09:53 AM) https://www.scconline.com/blog/post/2022/04/13/arbitration-in-the-realm-of-sports-law/#_ftn1

ILE SPORTS LAW REVIEW

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various international sports-related disputes. In contrast, India adheres to the Arbitration and Conciliation Act, which is primarily based on the UNCITRAL Model Law and regulates arbitration processes within the nation. For the legal framework in India to align with global standards, especially concerning financial and commercial issues, the mechanisms for dispute resolution must advance to fulfil international expectations. Sports arbitration, as a specialized and growing area of alternative dispute resolution, requires inventive strategies to address the unique characteristics of disputes arising in the sports field. It should ensure fair and efficient outcomes while considering the distinctive dynamics of sports law.

Worldwide, CAS is considered the premier authority for resolving sports disputes and is frequently referred to as the highest forum for these issues. Its core principles have been adopted by numerous countries seeking to standardise their legal methods for sports arbitration. Unfortunately, in India, the potential of CAS is still considerably underutilised. An important exception is the case of IAAF v. Athletics Federation of India & Ors., in which four Indian athletes faced suspensions for doping violations imposed by the National Anti-Doping Disciplinary Panel.[4] During the appeal process, the World Anti-Doping Agency cited several CAS rulings to support the call for harsher penalties, underscoring the significance of CAS jurisprudence. Nonetheless, the advancement of sports arbitration in India encountered a setback after the Venture Global case.[5] In this significant ruling, the Supreme Court of India determined that awards issued by international arbitration tribunals could be examined and possibly set aside by Indian courts, depending on the particulars of each situation. This ruling marked a transition toward greater judicial involvement, thus undermining the intent of the Arbitration and Conciliation Act, which aimed to reduce court participation and enhance finality in arbitration.[6] While CAS has gained international recognition and efficacy, its impact within the Indian framework remains limited. The possibility of domestic courts overriding international arbitral awards raises concerns about the enforceability and definitiveness of such verdicts in India, challenging the credibility of international sports arbitration in the nation.[7]

Evolution of Sports Laws in India

The domain of sports law is a specialised and evolving area in India, where a limited number of legal practitioners possess the necessary technical skills and practical experience to engage in this field effectively. Unlike many other nations, India lacks a comprehensive central law that pertains solely to sports. Instead, oversight mainly relies on a small assortment of parliamentary policies and judicial decisions, especially those made by the Supreme Court. Furthermore, no dedicated and effective dispute resolution process can provide unbiased and prompt justice for athletes and other parties involved. Sports hold immense cultural, economic, and social significance in India. They represent a significant source of public entertainment and offer livelihood opportunities for athletes and sports organisations. The sports sector notably contributes to the national GDP and has experienced extensive commercialisation across various disciplines. The Indian government has undertaken several initiatives to advance and develop sports. At the same time, private organisations have introduced professional leagues such as the Indian Premier League (IPL), Indian Super League (ISL), Pro Kabaddi, and more. These leagues nurture emerging talent and generate considerable revenue for state and central authorities, further

[4] CAS 2012/A/2763
[5] 2010 (8) SCC 660

[6] The Arbitration and Conciliation Act, 1996, § 34
[7] Dr. Poornima Eknath Surve, Dispute Resolution Mechanism in Sports, Vol 10 Special Issue 4, IJIERM, 15-18 (2023) https://journal.ijierm.co.in/index.php/ijierm/article/view/1664/1247

underscoring the necessity for a strong legal and regulatory framework.[8]

According to Entry 33 of List II in the Seventh Schedule of the Indian Constitution, state governments have the authority to legislate on sports-related issues. However, in practice, no state in India has put in place specific laws on sports. On a central level, the Parliament has established the Ministry of Youth Affairs and Sports, which aims to enhance infrastructure, manage, and promote sports throughout the nation. This ministry is tasked with developing and executing policies to improve sports governance in India. A significant initiative is the National Sports Policy of 2001, introduced by Parliament to raise the country's sports standards. This policy offers a set of guidelines and notifications that designate agencies for sports disciplines. It aims to refine the eligibility criteria and bolster athletes' performance, while highlighting the importance of sports as a vital area of national interest.

The Sports Law and Welfare Association of India emerges as another crucial organisation, operating as a national non-profit group. Its primary mission is to connect legal professionals and athletes to tackle issues related to sports associations and stakeholders. The Association actively promotes ethical conduct in sports and provides legal advice, while making policy suggestions to both Central and State Governments. Following the successful hosting of the IX Asian Games in Delhi, the Sports Authority of India (SAI) was formed. Acknowledging the necessity for a coordinated approach to sports development, the government established SAI to oversee all sports-related activities and raise awareness about sports' significance and potential nationwide. Regarding broadcasting, the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act of 2007 was enacted to guarantee that nationally significant events reach the broadest audience possible through television and radio. This legislation requires that broadcasting rights for major sporting events be shared with Prasar Bharati, thereby enhancing public accessibility to sports. Another necessary regulation is the National Sports Development Code of India, 2011, which the Ministry of Youth Affairs and Sports issued. This code regulates the operations of National Sports Federations (NSFs), establishing criteria for eligibility, selection, governance, sponsorship, and disciplinary actions. It also specifies the standards for recognition and financial support for sports organisations from the government, ensuring that recognised NSFs receive government backing while retaining their independence.

In response to several Supreme Court judgments, the Ministry released a new set of guidelines in 2016 titled "*Safeguarding the Interests of Sportspersons and Provision of Effective Grievance Redressal System in the Constitution of National Sports Federations*." These guidelines were designed to create a transparent and equitable process for resolving disputes within sports federations. They also allowed for appeals to the Court of Arbitration for Sport (CAS) or the International Council of Arbitration for Sport (ICAS), aligning the resolution of sports disputes in India with international standards. Parliament introduced the Prevention of Sports Fraud Bill in 2013 to address betting and corruption in sports, specifically in cricket. However, this bill has not been effectively enforced, and there has been little legislative progress since its introduction.[9]

Despite these regulations and governing bodies, Indian sports law faces challenges due to the lack of a cohesive and efficient dispute resolution system. The absence of a unified legal framework for sports exacerbates the complexities and inefficiencies of sports administration. In disputes, the resolution options remain limited to internal mechanisms

[8] Mufaddal Paperwala, Viability of Sports Arbitration in India, iPleaders (February 7, 2021, 07:00 AM) https://blog.ipleaders.in/viability-sports-arbitration-india/

[9] Manvi Bhandari, Arbitration in Sports Dispute Resolution in India, Vol.1 Issue 9, IJRESM, 482-484 (2018) https://www.ijresm.com/Vol_1_2018/Vol1_Iss9_September18/IJRESM_19_112.pdf

through commissions set up by sports federations or litigation in High Courts or the Supreme Court. This fragmented structure highlights the urgent need for comprehensive reforms within India's sports law framework.

Unethical Practices in Sports

The commercialisation of sports has resulted in a notable decrease in the essence of fair competition. The Olympic slogan, *Citius, Altius, Fortius*—highlighting the goal of surpassing personal boundaries—has diminished in relevance today, where the pursuit of rapid success and immediate recognition frequently overshadows commitment and hard work. The rising level of competitiveness has incited unethical behaviour among athletes, officials, fans, and media participants. Contemporary society appears to have nurtured a culture of rivalry fuelled by financial interests, envy, shortcuts, and unethical actions, undermining sports' integrity. While competition plays a vital role in striving for athletic excellence and motivation, it can also lead some competitors towards dishonest practices. This underscores the critical need for ethics within the realm of sports. Current issues such as gambling, match-fixing, doping, corruption, disputes over tax and intellectual property rights, exploitation of players, discrimination based on gender, and sexual harassment represent significant threats to the credibility of the sports industry.

Despite the rapid expansion of India's sports sector, it remains hindered by social and economic inequalities, insufficient infrastructure, corruption, mismanagement, policy deficiencies, and inadequate resource allocation. Controversies and scandals have plagued the industry, demonstrating an urgent need for accountability and transparency in government entities and private organisations involved in sports governance. Considering the changing national and international sports landscape, specific legislation is critical to regulating sports in India. Creating a thorough and standardised legal framework for sports would be essential to tackle existing challenges and encourage ethical, efficient, and inclusive development within the sports field.[10]

During the 2012 Indian Premier League (IPL) season, numerous players were implicated in receiving money related to betting and spot-fixing activities. In response, the Board of Control for Cricket in India (BCCI) established a disciplinary committee to investigate the allegations. After conducting the inquiry, the committee imposed various bans on the players concerned. These disciplinary actions were challenged in the Bombay High Court, which ultimately upheld the BCCI's decisions and dismissed the petitions. An appeal was then lodged with the Supreme Court of India, aiming to overturn the BCCI's disciplinary actions and requesting the formation of an independent body for a more comprehensive investigation. Considering these developments, the Supreme Court appointed the Mukul Mudgal Committee as a special investigative panel. Following its investigation, the Committee presented its findings and recommendations to the Court. It determined that the measures taken by the BCCI were insufficient and ineffective. The Committee also advised against permitting players to be affiliated with franchise-related companies and highlighted the need for stricter regulations concerning player agents, improved investigative processes, and the implementation of more rigorous legal measures to combat match-fixing. After the Mudgal Committee's report, the Supreme Court established the Justice R.M. Lodha Committee in January 2015. One of its key recommendations was to create distinct administrative bodies for the BCCI and the IPL. It also suggested the formation of a Players' Association to safeguard the rights and welfare of cricketers. Furthermore, the Committee recommended reducing the number of members on both the IPL Governing Council

[10] Riya Gulati, Arbitration and Sports Law, Vol.2 Issue 1, MSJ, 1-3 (2021) https://www.researchgate.net/publication/390410990_Arbitration_and_Sports_Law#fullTextFileContent

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APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2

Published by

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and the BCCI's Working Committee to improve governance and accountability.[11]

Judicial Approach: What are the challenges before the Courts?

In India, the lack of a clearly defined legal framework for handling sports disputes has led many athletes to seek redress through the judiciary, particularly the High Courts, by invoking their writ jurisdiction to contest the actions of selection committees. A central challenge for the courts in these cases is to ascertain the level of judicial review that is permissible when evaluating the decisions made by these committees. The judiciary faces the responsibility of determining whether it can intervene in and possibly overturn the selection decisions made by authorities who typically have discretion in choosing teams for international events. In tackling these issues, courts have had to carefully consider their obligation to maintain fairness while also recognizing the potential risks of interfering in specialized sports decisions. This involves investigating whether judicial intervention could compromise the essential spirit of sportsmanship and the independence of sports governance. Additionally, the timing of these legal disputes presents another challenge, as many athletes often approach the judiciary just before significant competitions. This not only places pressure on the judicial system but also impacts the mental readiness and concentration of athletes who have already been chosen, now facing legal ambiguities right before a tournament. A particularly intricate concern has arisen concerning athletes who secure a "quota" for an event. These quotas are typically earned through outstanding performances in previous competitions. For example, wrestler Yogeshwar Dutt clinched a quota spot by winning a gold medal at the 2008 Senior Asian Wrestling Championship. This raises the legal question of whether earning such a quota guarantees an athlete's participation in the forthcoming international competition or if the final decision still lies with the appropriate national governing body. Consequently, courts have had to deliberate whether a quota represents a certain right to compete or merely signifies a right established for the nation rather than for the individual athlete.[12]

National sports federations in India oversee choosing and fielding the national team at international competitions, where impressive performances serve as a source of pride for the nation. The highest bidders are also given broadcasting and telecasting rights by these organisations, which frequently make a sizable profit from these agreements as well as from advertising during athletic events. These organisations can also suspend or ban players as part of their disciplinary authority.[13] They have jurisdiction over domestic matches and tournaments in addition to international competitions. Ajay Jadeja v. Union of India was a seminal case that had a big impact on legal developments in Indian sports law.[14] This case brought to light several flaws, such as the lack of a methodical investigation procedure, worries about upholding sports integrity, and errors in complaint-handling procedures. In this case, the court noted that sports organisations are subject to the High Court's writ jurisdiction because they perform public functions. This decision upheld the idea that, despite their autonomy, sports organisations are subject to judicial review when their decisions have an impact on the general welfare or fundamental rights.

The principle that acknowledges sports organisations as carrying out public functions was further analysed in the pivotal Zee Telefilms Ltd. & Others v. Union of India & Others case, frequently regarded as the "Magna Carta" of Sports Law in India. The central issue in this case

[11] Ritu Paul, Exploring and Analysing Sports Laws in India, Vol.4 Issue 1, IJLMH, 2003-2015 (2021) https://www.ijlmh.com/wp-content/uploads/Exploring-and-Analysing-Sports-Laws-in-India.pdf

[12] Digvijay, Sports Legislation in India: The Need for a Comprehensive Sports Law, Vol.6 No.5, JPSP, 5266-5268 (2022) https://journalppw.com/index.php/jpsp/article/download/7506/4903/8722

[13] Zee Telefilms and Others v. Union of India & Others, (2005) 4 SCC 649

[14] 95 (2002) DLT 14

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revolved around the claimed arbitrary cancellation of a broadcasting rights agreement by the Board of Control for Cricket in India (BCCI). Zee Telefilms challenged this action by submitting a writ petition under Article 32 of the Indian Constitution,[15] which permits individuals to seek the Supreme Court's intervention for the protection of fundamental rights, provided the respondent is classified as a 'State' under Article 12.[16]

The Supreme Court determined that BCCI does not fit the definition of 'State' as outlined in Article 12, rendering the writ petition unmaintainable. Nonetheless, Justice Sinha, in his dissenting view, contended that BCCI should indeed be regarded as a 'State' due to the nature of its responsibilities and its influence over cricket in India. In addition to this case, the legal framework surrounding Sports Law in India has been influenced by several other significant rulings. In K. Murugan v. Fencing Association of India, Jabalpur, the Supreme Court addressed issues regarding the election of members to the executive council of the Indian Olympic Association (IOA).[17] The Court noted that such issues transcend individual rights according to societal rules and underscored the increasing importance of sports in contemporary society. It expressed concern over India's subpar performance in international sporting events, despite its large population, especially when compared to smaller countries achieving remarkable results in competitions like the Olympics.

The administration of sports in India remains disjointed due to insufficient coordinated State involvement. As a result, sports federations such as the BCCI (Cricket), AIFF (Football), and Indian Hockey Federation have taken on governing roles within their specific areas. At the top are bodies like the Sports Authority of India and the Indian Olympic Association. However, there is no unified authority governing all sports disciplines, aside from the Ministry of Youth Affairs and Sports, which primarily plays a supervisory role. Wealthy organisations like the BCCI have often maintained a distance from the Ministry, engaging only when it is financially advantageous. This concern was also highlighted in Zee Telefilms, where the Court acknowledged that sports organisations operate with limited accountability to the State or any overarching authority—an issue requiring improvement, given the increasing societal importance of sports.

Currently, the functioning of National Sports Federations is regulated by the National Sports Development Code, 2011, whose enforceability was confirmed by the Delhi High Court in Indian Olympic Association v. Union of India.[18] Nevertheless, since sports fall under the State List (Seventh Schedule) of the Indian Constitution, there exists a necessity for national legislation to ensure consistency. Two proposed central legislations—the Prevention of Sporting Fraud Bill, 2013, and the National Sports Development Bill, 2013—if enacted, would represent a significant advancement towards formalising Sports Law in India and improving legal clarity and accountability within the sports framework.

Procedures Involved in the Adjudication of Sports Disputes

There is currently no comprehensive and legally binding legislation in India that unifies all national sports organisations under a single set of rules. However, under the direction of Ajay Maken, who was the Minister of Sports and Youth Affairs at the time, the Indian government unveiled the National Sports Development Code of India ("National Sports Code") in 2011. In the case of Indian Olympic Association v. Union of India, the Division Bench of the Hon'ble Delhi High Court upheld the validity and enforceability of the National Sports Code. The Indian Olympic Association ("IOA") and the National Sports Federations ("NSFs") are legally required to abide by the Code's provisions, the Court ruled in this ruling. The procedure for

[15] The Constitution of India, 1949, Art.32
[16] The Constitution of India, 1949, Art.32
[17] 1991 SCC (2) 412
[18] W.P. (C) 2310/2012, CM APPL.4946 & 17545/2012

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choosing national teams to represent India in important international athletic competitions is described in Section 13 of the National Sports Code. The National Sports Federations oversee choosing teams under this section, and they must do so based on merit to find the best players or teams for competition.[19] These federations are directed to form a selection committee that includes the National Coach, the Federation President, and notable former athletes.[20] The government must also designate an impartial observer to oversee the selection procedure and guarantee its impartiality and openness. When evaluating selection-related disputes, courts have also considered Section 3 of the Guidelines for Efficient Management of Coaching Camps, Selection of Coaches & Selection of Athletes, published by the Ministry of Youth Affairs and Sports, Department of Sports, Government of India (referred to as the "MYAS Guidelines"), in addition to the National Sports Code. This clause makes it very evident that the respective NSFs alone have the power to choose which teams and athletes will compete internationally. The Sports Authority of India (SAI) and the government's role is restricted to making sure the selection procedure is fair and transparent. All parties involved, including the Observer, athletes, and coaching staff, must be fully informed of the selection criteria well in advance. Additionally, SAI and MYAS must receive these criteria and make them publicly available on their official websites. Additionally, the guidelines outline the dates for the selection trials: one month prior to the event for contact sports and at least two months prior for team sports.

Global Sports Arbitration Regime

The CAS Code: Adjudication Framework

Scope of Disputes Admissible Before CAS

According to Article R27 of the CAS Code, the jurisdiction of the Court of Arbitration for Sport (CAS) is activated when parties have agreed, either through an arbitration clause or as outlined in sporting regulations, to refer their disputes to CAS. Furthermore, CAS may consider appeals against decisions made by sports federations, associations, or other sport-related entities, provided that such appeals are explicitly allowed by their governing rules or through a separate agreement. Although the Code does not provide a clear definition of 'sports-related dispute,' CAS has consistently exercised its jurisdiction over a wide array of issues. These issues range from commercial disputes, such as those related to sponsorship agreements, broadcasting rights, or athlete contracts, to purely regulatory or disciplinary matters like doping infractions or in-game disputes. Due to the intersection with various legal fields, including competition law, intellectual property, contract law, and criminal law, CAS must evaluate the arbitrability of each issue presented to it.

Arbitration Seat and Applicable Law

Article R28 of the CAS Code states that Lausanne, Switzerland is the default seat for all CAS arbitrations. However, under exceptional circumstances, the actual location for hearings may be altered by mutual agreement of the parties involved. This sets CAS apart from many international commercial arbitration bodies where the seat is subject to negotiation. Thus, only the Swiss Federal Tribunal has the power to annul CAS awards, underscoring Switzerland's pivotal role in the sports arbitration landscape. Regarding applicable law, Article R45 of the CAS Code permits parties to choose the substantive law that governs their dispute. If they do not select, Swiss law will apply by default. For appeals arising under the CAS Appeals Arbitration Procedure, the rules differ slightly: should the parties neglect to select a law, the arbitral panel may apply either the law of the jurisdiction where the relevant federation or organization is located or any other legal principles deemed appropriate by the panel. This flexibility reflects CAS's acknowledgment of party autonomy while ensuring a default framework exists.

[19] The National Sports Development Code, 2011, § 13.1
[20] The National Sports Development Code, 2011, § 13.2

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Appellate Procedure before CAS

Article R47 of the CAS Code grants the right to appeal against decisions made by sports federations, associations, or even initial CAS rulings, if the relevant regulations permit such an appeal. The appellate process at CAS is markedly different from traditional appellate systems found in commercial arbitration. What distinguishes this structure is CAS's authority to conduct a de novo examination—reviewing both the factual and legal elements of the original ruling without being constrained by previous findings. This enables CAS to thoroughly reassess the dispute and deliver an independent ruling. Essentially, the appellate panel functions similarly to a court of first instance by engaging in a detailed re-evaluation of the case, which may include conducting new hearings when necessary. The panel has the capability to uphold, amend, or even reverse the prior decision in whole or in part, or it may send the case back to the original adjudicating body. Therefore, there is some debate as to whether the term "appeals procedure" accurately captures the role performed, as the CAS appellate body does more than mere review—it issues a new determination.[21]

Jurisprudence Evolving in Sports Arbitration

Judicial courts and arbitral bodies have dealt with a diverse range of conflicts in the realm of sports. Through their decisions, they have significantly influenced the establishment of legal principles in various areas—from specific procedural rules related to sports arbitration to larger issues like the overlap between sports and human rights, as well as the safeguarding of the social and economic integrity of sports. Institutions like the Court of Arbitration for Sport (CAS) have been instrumental in developing essential legal doctrines and creating key precedents. The resulting body of case law can be organized into thematic categories that reflect the types of issues presented and the rulings made.

Standards for Arbitrator Impartiality in Sports Disputes

A common concern in sports tribunals and courts revolves around the impartiality and independence of arbitrators overseeing the proceedings. Over time, both judicial and quasi-judicial entities have had to articulate and enforce the standards of fairness and neutrality that are expected in sports arbitration. While arbitration agreements are usually treated as the sole basis for procedural rules in international commercial arbitration, the CAS framework permits proceedings to initiate according to the regulatory structures of sports federations and associations, even when a separate arbitration agreement is not in place. This structural difference places a heavier responsibility on arbitral institutions and courts to ensure that procedural protections are adhered to rigorously. It is crucial for arbitrators' behavior and the overall process to uphold fairness, with institutions enforcing compliance with both internal regulations and broader standards of justice. Various court decisions have elaborated on what constitutes appropriate behavior and the criteria for impartiality within the realm of sports arbitration, establishing benchmarks for procedural integrity.

- World Anti-Doping Agency (WADA) v. Sun Yang: The crucial significance of arbitrator impartiality was highlighted by this case. The conflict started when the Court of Arbitration for Sport (CAS) suspended Chinese swimmer Sun Yang for eight years for breaking anti-doping regulations. Nevertheless, a revision request contesting the CAS decision was later granted by the Swiss Federal Supreme Court. The presiding arbitrator's social media posts, which suggested a possible bias against Chinese people, served as the basis for the challenge.

[21] Nishith Desai Associates, Time for Evolution of Sport Adjudication in India: Is Sports Arbitration the Way Forward? https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Time-for-Evolution-of-Sport-Adjudication-in-India.pdf (Last visited May 23, 2025, 10:16 AM)

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APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2

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The tribunal's impartiality was seriously called into question by these revelations. Consequently, the arbitrator in question was removed from the panel and the CAS ruling was reversed.[22]

- SA Sports Management International v. Serge Aurier (Mr. X): The idea of "double hatting" in sports arbitration—where a person works for the same arbitral organisation as both an arbitrator and legal counsel—was examined in this case. The dispute arose between a sports management company and professional football player Serge Aurier, who was then with Paris Saint-Germain, after their contract was terminated. The CAS-CNOSF Rules were used to start the arbitration. The agency objected to the player's attorney during the proceedings, pointing out that she was listed as an arbitrator with CNOSF at the same time, and requested that she be disqualified. The agency challenged the award before the Paris Court of Appeal after the tribunal rejected the objection. According to the Court, the parties had freely accepted the CAS-CNOSF Rules, which at the time did not forbid dual roles. It argued that the player's fundamental right to legal representation would be violated if his choice of counsel were prohibited. It was not enough to prove bias just because the attorney was on the list of arbitrators. The appeal was therefore denied. However, this case played a crucial role in CNOSF's 2020 rule revision, which specifically outlawed double hatting.[23]

CAS Jurisprudence on Human Rights in Sports

Even though sports have long been a means of bringing people of different races and nationalities together, a few human rights issues, including racial discrimination, violations of labour laws, and unfair treatment, have come up in relation to sporting events. Sports tribunals and courts have been instrumental in defending the rights of athletes who have been marginalised and subjected to discrimination in response to these issues. Support for FIFA and UEFA's decision to bar Russian teams from international and club-level competitions following Russia's military actions in Ukraine is a noteworthy illustration of how the Court of Arbitration for Sport (CAS) has addressed such issues. The willingness of CAS to respect human rights norms in the context of international sport was demonstrated by this ruling. As seen in the cases mentioned below, a few significant CAS decisions have influenced the legal framework for resolving human rights issues in sports.

- Manuel Henrique Tavares Fernandes v. FC Lokomotiv Moscow: In this case, the Court of Arbitration for Sport (CAS) addressed the application of the Russian Labour Code, specifically focusing on the employer's obligation to ensure equal pay for equal work. The Appellant had entered into a five-year employment agreement with the Respondent club. During this timeframe, the club compensated the player in Russian rubles (RUB). However, the player contested these payments, particularly disputing the exchange rate utilised by the club. Furthermore, the player asserted that match bonuses totalling RUB 4,435,000 were still owed. After issuing demand notices to the club that went unanswered, the player filed a claim with FIFA's Dispute Resolution Chamber (DRC). The DRC ruled in favour of the club, concluding that it had fulfilled its payment responsibilities. Dissatisfied, the player subsequently appealed this ruling to CAS. The CAS panel determined that the contract stipulated that remuneration was to be paid in euros, not rubles, indicating that the club had not adhered to the payment stipulations. Concerning the unpaid bonuses, the panel referenced

[22] 4A_318/2020

[23] RG no. 19/02245 - Portalis no. 35L7-V-B7D-B7LMV

the Russian Labour Code, which requires equal payment for equal work and prohibits discriminatory pay practices. The panel noted that at the conclusion of the 2014–2015 season, all players, except for the appellant, received bonuses for their success in the Russian Cup. This observation led the panel to conclude that the club had discriminated against the appellant and had failed to provide the due bonuses.[24]

- Josip Simunic v. Fédération Internationale de Football Association (FIFA): This case concerns disciplinary measures imposed on a player for actions deemed offensive to the dignity of a community following a match. The appellant, a footballer representing the Croatian National Team during the 2014 FIFA World Cup qualifiers, approached the center of the field alone after the match. Holding a microphone in one hand and a shirt in the other, he made a series of raised-arm gestures while chanting phrases such as "*u boj, u boj*" ("to the battle"), which were echoed by the spectators with "*za narod svoj*" ("for your people" or "for your nation"). He repeated the phrase "*za dom*" ("for the homeland") several times, each time met with the crowd responding "*spremni*" ("we are ready"). The FARE network later identified this phrase as a salute historically used by the fascist Ustaše movement during World War II. The FIFA Disciplinary Committee reviewed the matter and, applying Article 58(1)(a) of the FIFA Disciplinary Code, suspended the player for 10 matches. This sanction was upheld on appeal by FIFA's Appeal Committee. When the case reached the Court of Arbitration for Sport (CAS), the panel had to consider two key issues: the standard of proof required, and whether the crowd's responses could be attributed to the player. Regarding the standard of proof, the CAS panel determined that "comfortable satisfaction" applied— a level higher than the civil "balance of probabilities" but below the criminal "beyond a reasonable doubt." The responsibility to prove the violation rested with FIFA. On the question of attribution, the panel concluded that the player's actions clearly sought to engage the crowd, making their responses attributable to him. The panel also viewed his involvement of the supporters as an aggravating factor. Consequently, the CAS upheld the suspension, dismissing the appeal.[25]
- Keramuddin Karim v. FIFA: This case represented one of the first rulings by the Court of Arbitration for Sport (CAS) concerning sexual harassment within the sports arena. The appellant, who held the position of President of the Afghanistan Football Federation (AFF) from 2004 until December 2018, faced serious accusations that were examined by FIFA's Investigation Committee. The probe centered on claims of severe mental, physical, sexual, and rights violations against female players under his management. The Chairperson of the Committee released a final report confirming that the appellant had committed multiple infractions, including violations of Article 23 (Protection of physical and mental integrity) and Article 25 (Abuse of position) of the FIFA Code of Ethics. Therefore, he received a ban from all football-related activities at both the national and international levels. Throughout the CAS appeal process, testimonies from witnesses alleging sexual harassment were documented. Although CAS did not equate the case with a criminal

[24] CAS 2018/A/6045

[25] CAS 2014/A/3562

conviction, the panel deemed the existence of five distinct, coherent, and consistent statements from anonymous witnesses substantial enough to support the allegations. As a result, CAS dismissed the appellant's appeal.[26]

Jurisprudence on the Social and Economic Integrity of Sport

As the sports industry has transformed into a highly commercialized global sector, the urgency to protect its ethical and financial integrity has grown. The surge in doping scandals across multiple sports—including gymnastics, cricket, and football—has highlighted the necessity for rigorous oversight. Moreover, the financial transparency of sports has faced scrutiny, especially regarding notable club purchases by state-supported investment groups, like those involving Newcastle United, Paris Saint Germain, and Manchester City. These incidents have led to accusations of financial misconduct, such as money laundering and artificial inflation of transfer fees. Such patterns of ownership have resulted in soaring transfer costs, disrupting the competitive equilibrium and sidelining smaller clubs. In addition to financial issues, integrity challenges like bribery and match-fixing have further damaged the reputation of professional sports, undermining the fairness and credibility of competition on the field. Considering these challenges, judicial entities, and the Court of Arbitration for Sport (CAS) are tasked with maintaining the values of fair play and ethical behavior. CAS has delivered numerous decisions aimed at protecting both the social principles and economic equity within the world of sports.

Md. Asif v. International Cricket Council (ICC): This case serves as a key moment in the legal context concerning match-fixing and corruption in cricket, particularly impacting the image of Pakistani cricket. In 2010, during a Test match held at Lord's between England and Pakistan, a sting operation conducted by a UK newspaper exposed a bookmaker, Mazhar Majeed, who correctly predicted the exact occurrence of three "no balls" during the match. This situation directly implicated Pakistani players Mohammad Asif, Mohammad Amir, and Salman Butt. Following the sting operation, the ICC launched disciplinary actions. The ICC Tribunal found the video evidence to be reliable and dismissed the defenses put forth by the players as unpersuasive. Consequently, significant bans were imposed on them. In parallel, the Crown Prosecution Service in the UK prosecuted the players, leading to prison sentences: six months for Amir, twelve months for Asif, and thirty months for Butt, who had acted as captain. When the case reached the Court of Arbitration for Sport (CAS), the players' appeals were evaluated. Asif argued that no money was found in his possession, trying to separate himself from the financial aspects of the scandal. However, the CAS Panel clarified that the ICC's anti-corruption regulations do not necessitate proof of personal financial benefit to establish a breach. As a result, CAS upheld the initial sanctions, highlighting the players' inability to present credible defenses. Although the CAS recognized the financial difficulties the players might endure due to the extended bans, it stressed the importance of implementing strict measures to maintain the integrity of the sport. Given the considerable damage inflicted on cricket's reputation by this incident, the Panel upheld the sanctions imposed by the ICC Tribunal to enhance deterrence. Hence, the appeal was ultimately denied.[27]

Sara Errani v. International Tennis Federation (ITF): This legal case played a pivotal role in shaping the jurisprudential understanding of the "balance of probabilities" standard, as well as the criteria under which an athlete's sanction may be mitigated in instances lacking substantial fault or negligence in relation to doping infractions. In the year 2017, professional tennis athlete Sara Errani underwent an out-of-competition doping examination at her residence, which indicated the presence of

[26] CAS 2019/A/6388

[27] CAS 2011/A/2362

ILE SPORTS LAW REVIEW

VOLUME 3 AND ISSUE I OF 2025

APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2

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letrozole—a prohibited substance categorized under "Hormones and Metabolic Modulators" in the 2017 WADA Prohibited List. Errani did not dispute the detection of the substance; rather, the matter presented before the ITF Independent Tribunal revolved around the suitable sanction to be imposed. The tribunal enacted a two-month suspension and invalidated Errani's competitive results from 16 February to 7 June 2017. Both Nado Italia and Errani subsequently appealed this ruling to the Court of Arbitration for Sport (CAS). Nado Italia sought a more severe sanction, proposing a range of two to twenty-four months, while Errani challenged the annulment of her results during the designated timeframe. The CAS convened a hearing in November 2017 in Lausanne, Switzerland. Following a thorough examination of the evidence, the Panel agreed with the ITF Tribunal's determination that the athlete had satisfied the burden of proof—according to the balance of probabilities—that the letrozole had inadvertently entered her system via accidental contamination. Specifically, it was concluded that the substance most likely originated from medication ingested by her mother, which unintentionally tainted a family meal consumed by Errani on 13 or 14 February 2017. In evaluating Errani's degree of fault, the Panel employed a bifurcated analytical framework: the objective component assessed the standard of care that would be anticipated from a reasonable athlete, while the subjective component examined Errani's unique circumstances and capabilities. Athletes are compelled to adhere to a high standard of personal accountability to preclude any banned substances from entering their system. The CAS reiterated this fundamental principle, underscoring that athletes bear strict liability for any prohibited substances or their derivatives detected in their samples.[28]

Sports Arbitration in India

Arbitration in India is mainly governed by the Arbitration and Conciliation Act, which is based on the UNCITRAL Model Law. This Act is split into two main sections: Part I deals with all arbitration proceedings occurring within India—both domestic and international—while Part II covers the enforcement of foreign awards and is applicable to arbitration proceedings conducted outside of India, in accordance with the New York and Geneva Conventions. In the sports sector, disputes are first addressed by the governing bodies of the respective sport, and if they remain unresolved, they may be escalated to the pertinent international federations. Due to the inefficiencies and delays in the Indian judiciary, alternative dispute resolution methods like arbitration have gained popularity for resolving conflicts related to sports. Several organizations are involved in the governance of sports in India, including:

a) The National Sports Policy,

b) The Sports Authority of India (SAI),

c) The Sports Broadcasting Laws, and

d) The Sports Law and Welfare Association of India.

These organizations work alongside the formal legal system to manage sports-related matters, although there is currently an absence of all-encompassing national or state-level legislation focused expressly on sports law. To address the demand for a specialised forum for efficiently resolving sports disputes, India opened its first arbitration centre in Delhi in 2009. In a bid to enhance this framework, the Indian Olympic Association (IOA) founded the Indian Court of Arbitration for Sports (ICAS) in 2011. Led by Dr. A.R. Lakshmanan, a former Supreme Court judge and past chairman of the Law Commission of India, the ICAS was established to address all sports-related disputes within the nation. Narsingh Yadav, an Indian wrestler, was involved in a doping scandal shortly before the 2016 Rio Olympics, which caused his career to end abruptly. Yadav, who was slated to compete in the men's freestyle 74 kg division, tested positive for a prohibited anabolic steroid. The World Anti-

[28] CAS 2017/A/5301

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VOLUME 3 AND ISSUE I OF 2025

APIS – 3920 – 0053 | ISBN - 978-81-964391-3-2

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Doping Agency (WADA) appealed this ruling to the Court of Arbitration for Sport (CAS) despite being initially cleared by Indian authorities. After considering the case through its ad hoc division, the CAS upheld WADA's appeal and banned Yadav from competing in the Olympic Games for four years. This incident made clear how urgently comprehensive national laws governing Indian sports are needed. Athletes' careers have suffered because of administrative inefficiencies and protracted disputes brought on by the lack of a unified regulatory framework. To protect athletes' rights and simplify sports governance, the Indian legislature must intervene and create clear, consistent policies considering the sports industry's evolving legal environment. Athletes should not have to spend their best years mired in legal disputes.[29]

While the body of jurisprudence involving the Court of Arbitration for Sport (CAS) concerning Indian sports is relatively small, several significant rulings have emerged from disputes originating in India. These cases have generally involved anti-doping appeals, the legitimacy of national sports organizations, challenges against international sports regulations, and contractual matters such as salary disputes between athletes and clubs. Notable cases include:

Indian Hockey Federation (IHF) vs International Hockey Federation (FIH):

This case centered on a dispute between two entities — the Indian Hockey Federation (IHF) and Hockey India (HI) — both claiming to be the rightful national governing body for hockey in India. While the IHF was previously recognized, HI later gained support from both the Ministry of Youth Affairs and Sports (MYAS) and the international governing body, FIH. The IHF contested this recognition before CAS. However, CAS upheld FIH's decision to acknowledge HI, concluding that the recognition aligned with FIH's rules and procedures. Consequently, CAS declined to investigate the legitimacy of IHF's derecognition.[30]

Dutee Chand vs Athletics Federation of India & IAAF:

In this landmark case, athlete Dutee Chand contested the regulations established by the International Association of Athletics Federations (IAAF) concerning hyperandrogenism. She had been disqualified from competition due to naturally high androgen levels. Chand argued before CAS that the regulations unjustly discriminated against women and compelled them to undergo potentially harmful medical interventions for compliance. CAS ruled in favor of Chand, determining that the rules were not substantiated at that time and temporarily suspended the regulations for two years. During this period, the IAAF was tasked with providing solid scientific evidence to support the policy. Following this ruling, the IAAF revised its policy and introduced new regulations for athletes with Differences of Sexual Development (DSD), effectively replacing the previous hyperandrogenism rules.[31]

Club Royal Wahingdoh FC vs Othello Banei:

This matter concerned a salary dispute filed by Nigerian footballer Othello Banei against Indian club Royal Wahingdoh FC. The player had approached FIFA's Dispute Resolution Committee (DRC) to seek payment for unpaid wages. The DRC ruled in his favor, instructing the club to meet its financial responsibilities. Despite this, the club did not appeal the DRC's decision within the allotted timeframe. When enforcement actions commenced before FIFA's Disciplinary Committee, the club attempted a late appeal to CAS — incorrectly naming the player as the respondent instead of FIFA. CAS ruled that it lacked jurisdiction due to the misnaming of the party, even though it could

[29] Deepanshu Verma, Arbitration in the Realm of Sports :Law, Vol.4 Issue 1, IJLSI, 214-220 (2022) https://ijlsi.com/wp-content/uploads/Arbitration-in-the-Realm-of-Sports-Law.pdf

[30] CAS 2014/A/3828

[31] CAS 2014/A/3759

have reviewed the case afresh under normal circumstances.[32]

Conclusion

Ensuring that justice is served promptly and effectively to individuals in all areas of society is a key objective. The sports sector, like any other, needs a framework that respects due process, guaranteeing timely and fair conflict resolution. In today's interconnected economy, where sports have become heavily commercialized and essential to many livelihoods, the significance of lex sportiva—the legal principles governing sports—has notably grown. Athletes often have brief career spans, which makes lengthy legal disputes impractical and harmful to their prospects. Therefore, alternative dispute resolution methods, such as those provided by the Court of Arbitration for Sport (CAS), have become crucial. These arbitration processes present a timelier solution than conventional court proceedings, aiding in the resolution of issues within a suitable timeframe.[33]

Arbitration has established itself as an efficient and trustworthy alternative to litigation in the sports sector. It guarantees that legal matters are resolved in a manner that upholds fairness and adherence to regulations, benefitting both athletes and sports organizations. Over time, arbitration has not only supported the judicial system but has also functioned as an essential mechanism to bridge gaps in sports-related legal issues. India has made progress in advancing sports arbitration through innovative policies and the establishment of institutions, most notably the Sports Arbitration Council Institution set up in 2021 in Ahmedabad. However, this institution remains in its early stages and is anticipated to become fully operational within the next five to six years. The growing intricacies of legal matters in sports highlight the necessity for a clear and comprehensive legal framework. There is also an increasing need for specialized experts in sports law who can navigate the intersecting realms of law and athletics. In summary, the ongoing progression of sports arbitration in India is crucial. Cooperation between legal professionals and athletes is essential to foster an ethical and effective sports legal system capable of addressing emerging challenges in the field.[34]

[32] CAS 2015/A/4179

[33] Aman Sisodia & Dr. Ekta Gupta, A Contemporary Analysis of Sports Arbitration in India, Vol.4 Issue 2, IJIRL, 187-202 (2022) https://ijirl.com/wp-content/uploads/2024/04/A-CONTEMPORARY-ANALYSIS-OF-SPORTS-ARBITRATION-IN-INDIA.pdf

[34] Divya Shekhawat and Tanya Mathur, The Role of Arbitration in Resolving Disputes in Sports Law, Academike (January 9, 2025, 11:24 AM) https://www.lawctopus.com/academike/the-role-of-arbitration-in-sports-law/#:~:text=Recently%2C%20the%20government%20inaugurated%20the,legal%20issues%20related%20to%20sports.