



SPORTS LEGISLATION IN INDIA: THE DARK SIDE OF THE COMPETITIVE WORLD

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Abstract:

Introduction:

The realm of sports law is new in India and time and again, there has been an in-depth inquiry and research into this. The emergent interaction between sports and law has shaped a new need for a greater understanding of how the law relates to the sporting world. The history of sports extends as far back as the existence of people as purposive, sportive and active beings. It also shows how society has changed its beliefs and therefore how changes in the rules are brought. The history of sports in India dates back to the Vedic era. Chess, wrestling, polo, archery and hockey are some of the games believed to have originated in India. But somewhere between the historical lineage of sports and sports in the modern era there is a gap of enthusiasm and encouragement. India needs expert sports law consultants to meet an amalgam of diverse legal disciplines such as sports law and policy, contract, tort, taxation, labor, competition, TV rights, match fixing and related criminal laws. . Little importance is left for sports at grass root level in India with every school concentrating only on academics. Though there are various federations in India that provide sports facilities but apart from cricket, India is largely failing in every major event for sports such as Olympics. One of the main reasons for it is the lack of uniform regulation in India for sports. There is a need for a legislation that governs sports and brings the various authorities into one roof. These laws have been applied to sporting context involving public order, drugs, safety, disciplinary measures, conduct and wider

issues relating to restraint of trade, anti competitivebehaviour, match fixing and the commercial exploitation of sports. Issues like defamation and privacy rights are also an integral aspect of sports law. In India sports figures in the State list of the Seventh Schedule (entry 33) of the Constitution.

Sports legislations in India

There is no national or state legislation for regulation of sports in India. The Ministry of Youth Affairs & Sports was set up by the Govt. of India to create the infrastructure and promote capacity building for broad-basing sports as well as for achieving excellence in various competitive events at the national and international levels. Sports promotion is primarily the responsibility of the various National Sports Federations (NSFs) which are autonomous in nature. The Ministry of Sports and Youth Affairs issues notifications and guidelines from time to time for the purpose of regulation of NSFs.

The Sports Law in India is governed and regulated by

- National Sports Policy
- Sports Law and Welfare Association of India
- Sports Authority of India
- The Sports Broadcasting Law in India.

National Sports Policy, 1984/2001

A Resolution on the National Sports Policy was laid in both Houses of Parliament in August, 1984. The National Sports Policy, 1984 was formulated with the objective of raising the standard of Sports in the

country. The National Sports Policy, 1984 provided inter-alia that the progress made in its implementation would be reviewed every five years to determine the further course of action, as may be necessary, following such review. Over the years, it has transpired that even as the National Sports Policy, 1984 encompasses various facets in respect of encouraging sports in the country, the implementation of the same is not complete. In order to reformulate the National Sports Policy 1984, National Sports Policy 2001, was drafted.

The objective of the guidelines of National Sports Policy 2001 is three fold:

- Firstly to define the areas of responsibility of the various agencies involved in the promotion and development of sports,
- Secondly, to identify National Sports Federations eligible for coverage under these guidelines, to set priorities, and to detail the procedures to be followed by the Federations, to avail of Government sponsorship and assistance.
- Thirdly, to state the conditions for eligibility which the Government will insist upon while releasing grants to Sports Federations.

In accordance with the provisions of the National Sports Policy, 2001, the Central Government pursues the objectives of “Broad-basing” of Sports and “Achieving Excellence in Sports at the National and International levels” in a combined effort with the State Government, the Olympic Association and the National Sports Federation. The Government of India and the Sports Authority of India, in association with the Indian Olympic Association and the National Sports Federations, are expected to focus specific attention on the objective of achieving excellence at the National and International levels. The National Sports Policy aims to pursue inclusion of “Sports” in the Concurrent List of the Constitution of India and introduction of appropriate legislation for guiding all matters involving national and inter-state jurisdiction.

Sports Law and Welfare Association of India

The Sports Law and Welfare Association of India is a national nonprofit and professional organization which work with the common goal of understanding, advancement, and ethical practice of Sports Law in India for the promotion of Sports, by bringing Legal Practitioners and Sports persons together. The Association provides consultancy on various matters including regulation of sports governing bodies, general sport and law issues, intellectual property issues in sport, online advocating in legal disputes of sports in court on behalf of sports persons and sports bodies, etc. The Sports Law and Welfare Association of India aims to further the discussion of legal problems affecting sports and to promote the exchange of a variety of perspectives and positions of sports law and provide a forum for lawyers representing athletes, teams, leagues, conferences, civic recreational programs, educational institutions and other organizations involved in professional, collegiate, Olympic, physical education and amateur sports.

Sports Authority of India

The Sports Authority of India was established to fulfill the need of an apex body to coordinate various sports activities in India. The success of the IXth Asian Games at Delhi has raised sports consciousness and enthusiasm in India which in turn, motivated the Government of India to focus on sports development to encourage physical fitness among youth and to direct their energy towards excellence. The Sports Authority of India has gradually, extended its operations to promote broadbase sports. The other thrust areas of SAI include provision of strengthening of inputs for excellence and various supportive programmes, such as Academic Programmes, Coaching and Physical Education Awareness Programmes and Scholarship Schemes as incentives to sportspersons. The Sports Authority of India operates various Schemes at sub-junior, junior and senior level and endeavors to broadbase sports and develop excellence by

upgrading the skills of Indian sports persons.

The Sports Broadcasting Law in India
The Sports Broadcasting Signals (Mandatory Sharing with PrasarBharati) Act

was passed in 2007 with an objective to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through mandatory sharing of sports broadcasting signals with PrasarBharati and for matters connected therewith or incidental thereto. The Act provides that any content right owner or holder television or radio broadcasting service provider shall not carry a live television broadcast on any cable or Direct-to-Home network or radio commentary broadcast in India of sporting events of national importance, unless it simultaneously shares the live broadcasting signal, without its advertisements, with the PrasarBharati to enable them to re-transmit the same on its terrestrial networks and Direct-to-Home networks in such manner and on such terms and conditions as may be specified.

Proposal and Conclusion

The Indian Sports industry has progressed by leaps and bounds. Sports have assumed a corporate form with the number of commercial interests involved. With increasing market maturity and the need for clear and comprehensive legal documentation, sport issues are slowly becoming a major focus as contracts must be able to clarify parties' expectations and commitments, must protect the athlete's and the brand's big-picture interests and must factor in regulatory, legal and other risks inherent in the industry. The country has reached a stage where India needs a legislation that deals with sports law. India's failure in all the international sports events is an indication of poor infrastructure and corruption which exists within the federations. In order to meet the increasing demands of the changing scenario, national as well as international, it is important that a uniform code for sports be promoted.

Like India, USA and UK do not have a national legislation to regulate sports and

the sports federations in the country. However, the enactment of legislations in all the three categories of sports law i.e. amateur, professional and international athletes of US gives protection to the interest of the sportsmen. The key issues faced by the Indian sports include:

- Inefficient or inappropriate deployment of funds
- Mistakes in management Non-accountability for results
- Prejudice in selection procedures for national teams
- Undemocratic or unethical electoral practices in sports bodies

Thus India needs a national legislation for promotion, development and uniform regulation for sports in India. Sport figures in the State list of the Seventh Schedule (entry 33) of the Constitution. Though there was a proposal to include sports in Concurrent List over which both state as well as centre will be competent to make laws, however, the government has failed to do so. Further the government has failed to implement National Sports Policy of India even after its repeated attempts. The Parliament must enact a national legislation on sports wherein:

Firstly, it shall provide for establishing a Sports Commission to regulation of sports in India. The Sports Commission shall:

- advise the Ministry of Sports and Youth Affairs regarding sports.;
- support talent identification and promote and foster development and participation in sports at all levels of foundation, participation, performance and excellence;
- ensure an adequate allocation of funds and resources to national and provincial sports federations and their affiliated bodies;
- monitor and take measures to ensure the proper use of funds allocated by the Sports Commission to sports federations;
- must oversee the implementation of sports policies in India etc.

Secondly, the legislation on sport shall aim at promotion of sport, right from the school level by integrating sports with education by making it a compulsory subject of learning up to the Secondary

School level. An appropriate Inter-school and Inter- College/University competition structure shall be introduced at the National, State and District levels.

Thirdly, in addition to the Union and State Governments, the sustained involvement of other agencies, including the Panchayati Raj Institutions, Local Bodies, Educational Institutions, Sports Federations/Associations in the creation, utilization and proper maintenance of the Sports infrastructure like play fields and stadium, both in rural and urban areas.

Fourthly, the sports federations and associations shall no more be autonomous and shall register itself under this legislation instead of Societies Registration Act and the allocation of funds to these federations shall be routed through the Sports Commission established under the Act. These federations must be accountable to the Sports Commission in respect of fund. The Sports Commission shall have the power to carry out investigation in respect of any misappropriation of funds.

Fifthly, the Sports Commission shall be empowered to carry out dispute resolution. It shall be empowered to constitute panels for adjudicating disputes and punish offenders for violation of code of conduct, offenders under national anti doping rules etc.

Sixthly, the organization like Sports Authority of India shall be under the control of the Sports Commission and shall solely aim at coordinating various sports activities in India.

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