

Original Article

Legislative Landscape of Sports in India: An In-Depth Analysis of the Legal Framework Governing Sports Activities in India

Dr. Pooja Gupta¹ Richa Mittal²¹Assistant Professor, Madhav Vidhi Mahavidhyalya (Jiwaji University) Gwalior²Research Scholar, Madhav Vidhi Mahavidhyalya (Jiwaji University) Gwalior**Abstract**

It is a truth that the region of legislation of sport in India is comparatively new in with the another nations. This research paper focused the issue related to the sports legislations in India. The research aims to highlight the history of sports in India and highlights the importance of legislation in modern sports. The paper aims to elucidate the evolving nature of sports law in India, highlights its implications on athletes, coach and sport organization. The development of sport law in Bharat is an important aspect that is being done to ensure a safe and equitable environment in the field of sports. Its impetus is to improve sports ethics, court justice, and the system of sports organizations. The development of sports law makes players feel safe and empowered to promote their skills. Sports legislation in India has been enacted for various sports and their organizations, such as BCCI & IOA. Through these organizations, players have the right to play under fair and safe conditions and have the responsibility to comply with various sporting laws. In this research paper problems related to sports governs in India also focused and various initiatives of government to promote sport culture are also discussed.

Keywords: All India Council of Sports, Board of Control for Cricket, Olympic Association of India, National Sports Development Code of India, National Air Sports Policy, Right to information.

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INTRODUCTION & HISTORICAL BACKGROUND**Introduction**

Sports play a vital role in promoting national unity, health and economic growth. India's sports sector has grown notably, with increased participation & viewership. The shuddering of victory, the soreness of debacle sports has glamour the imagination of human being since ancient times. India which has its dignified cultural heritage and enthusiasm for sports, has emerged as a important player in the universal sports arena.

Although the sports law framework of country has stride a complex & dynamic journey which is shaped by colonial legacy, post-independence norms and challenges of modern day. The seeds of sports regulations in India were sworn during the era of British Colonial, when the English sports laws were introduced. The IOA was established in 1927, tagged the entry of India into the world sports arena. After independence the constitution of India

incorporated the right to practice any profession or occupation including sports under article 19(1)(g). The NSP and ISC indicated the commitment of government to sports advancement. Yet, the legislative framework governing sports activities in India remain spilled and not adequate and struggling to keep pace with the sporting impulsiveness of country.

Significant judgment of apex court like **D.B Distilleries Pvt. Ltd. v. Union of India**—1977 incorporated the intellectual property rights related to sports and the control of government over sports entities. This judgment laid down the root work for modern sports law in India. In recent years, progress in sports law by having NSP which focused on infrastructure of sports, identification of talent and governance. The SIU & OGSL addressed the challenges related to corruption and online gaming. However challenge adheres and Sports law framework of India remains going on.

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1.2 History of sports governance in India

The memorial of sports in India can be track back to Vedic era. Here is some detailed particulars on sports during Ramayana and Mahabharata times:---

Ramayana Era ---- Sports played a vital role in the Ramayana period which reflected the cultural and social values of composite values of India. The followings are the famous sports during this period:-

- a. Dhanurvedya
- b. Malla
- c. Chaturanga
- d. Gada-Yuddha

Famous Events-----

1. **The Swayamvara of Sita**-----An archery competition where Ram won.
2. **Mall Yudhh**---- Malla yudh between Sughriv and Bali , Indr Dev ji and Hanuman ji

Mahabharata Time---- During the period of Mahabharata we saw the development of sports with a focus on physical and mental discipline. The followings are the famous sports during this period:-

- a. Archery
- b. Wrestling
- c. Chariot racing
- d. Gada Yuddha

Famous Events-----

1. **Aechery tournament of Dronacharya**----- In this Arjun showcased his skills of archery.
2. **The Mahabharata war**

It maintains the same spirit as the classic Olympic oath. Concept of Zero and Basic Principles Apart from atoms, India has contributed many inventions to the world. The most famous of these is chess. The Gupta dynasty, which ruled from 280 to 550 AD, invented chess, also known as "Chaturanga". Chaturanga translates to 'four divisions' or 'four divisions'. It is then through the Arabs, who termed the game 'Shatranj' that Chess spread to the rest of the world and evolved into what it is today. Aside from chess, India introduced the globe several popular board games such as Snakes and Ladders, Suits, and Ludo. When it comes to the history of Indian sports, Buddhism played a major role in spreading the culture of sports and health throughout most of North India. This seems obvious given that the leader, Gautama Buddha, was a proponent of archery and hammer-throwing. Mallakhamb is referenced in the Chalukya classic Manas-Olhas, which was written 850 years ago. After 700 years, this game gained widespread popularity during the reign of Peshwa Bajirao. Manas-Olhas' works also cover archery (Dhanurvedya or Dhanur Vinod), duels with weapons (Anka Vinod), and horse sports (Vajivahyali Vinod). The Mughals enjoyed the game of polo, and when they arrived in India, they carried it with them, making it popular among the royals. Not just polo, rajas also adopted the game of kabbadi . Swami Vivekananda, one of India's finest personalities, once said, "You will be nearer to heaven through football than through the study of the Gita. "Vivekananda was a swordsman, boxer, gymnast, and swimmer, thus he understood the value

of athletics and how they might enhance people's lives.

The government has also attempted to reform sports laws so that players have the opportunity to play in a safe and equitable environment. Taking tough action against unethical or criminal conduct in sports and improving the judicial process are all part of the implementation of sports law. The development of sports law is necessary to understand and protect all aspects related to sports, so that sports remain a source of health, strategic participation, and morality in the Indian society. Sports law regulations of India has stride a long and winding road, shaped by legacy of colonial, ideals of post- independence and challenges in modern day. From gracious beginning to the current mingled landscape, in India sports law has grown tandem with the sporting ambitions of the country.

1.2.1 Colonial Legacy/ Pre independence period (1857-1947)---- The Britishers introduced western sports and legislations and laying the foundation for sports eco system of India. The establishment of IOA in 1927 observable entry of Bharat into the arena of global sports.

1.2.2 Post -independence period (1947-1970)— Article 19(1)(g) of Indian Constitution enshrined the right to practice any profession or occupation including sports. Central government established the AICS and at the time of Asian game, at the very first sports department was established and later on renamed as Youth affairs department. Furthermore the NSP & ISC signaled the commitment of government to sports development.

1.2.3 Emergence of Sports legislation (1970-1990)-- In 1984 the Policy for National Sport was declared.

1.2.4 Modernization of Sports Law (1990-2010)---- The Cable television networks (Regulation) Act, 1995 & Sports Signals Broadcasting Act, 2007 were passed. During the period of 2000, Youth affairs & sports department was replaced by Sports ministry. RTI Act, 2005 was enacted and increased the transparency in sports governance.

1.2.5 Periodic Developments 2010—Present)---- NSDI was notified in the year 2011 by Sports Ministry. NSP 2017 focused on sports infrastructure, talent identification and governance. Sports Integrity Unit & Online gaming and sports law focused on corruption & online gaming. During the period of 2022 NASP was also introduced.

1.2.6 Current model of sports governance in India

- Sports Ministry.
- Olympic Association of India.
- Olympic Association of State.
- Federation of National Sport
- Indian Sports Authority

NATIONAL SPORT CODE, 2011

The National Sports Code 2011 is a collection of rules and regulations related to Indian sports. This code acts as a guide and regulator in the sporting sector in India and ensures that sporting activities are carried out as per the rules. It clearly explains all aspects of the game, such as the court, traffic, and the rights and duties of the players. In terms of implementation, as per the National Sports Code 2011, efforts are made to promote the highest quality and ethics in the sports sector. These include a dedicated section on players' rights, drug testing, strict rules against batching of games, and the process of alliance of sports federations. Following the Code, a standard of support and expertise has been set towards ethics, responsibility, and quality improvement in the Indian sports sector.

National Anti-Doping Bill, 2022

The essentials of Bill are given as follows:

- Legislative approach in form of laws to enforce forbiddance of doping activities in sports giddiness in the nation.
- The recommend Bill will seek to fulfill the following:-
 - (i) Building institutional capacities for anti-doping work and enabling the hosting of major sporting events;
 - (ii) The rights of players being protected
 - (iii) Speedy justice to be ensure
 - (iv) to enhance balance between agencies to combat doping in sport;
 - (v) Strengthening the promise of our nation to other international agencies to purifying sport;
 - (vi) A free system for judgments of anti doping;
 - (vii) Provide legal identification to NADA & NDTL;
 - (viii) To Establish extra dope testing laboratories;
 - (ix) Creation of facility of job either directly or indirectly;
 - (x) To create chance for academic research, science & manufacturing related to anti doping; And
 - (xi) To establish standards for manufacturing of nutritional supplements for sports in India.

OBJECTIVES

- i. To analyze the existing laws and regulations governing sports activities in India.

- ii. To figure out strengths & weaknesses of the current legislative framework
- iii. To suggest the improvements for regulatory bodies

SIGNIFICANCE

The research aims to aid to the growth of a extensive and effective legal frameworks for sports in India. By analyzing the present regulations and suggesting reforms, this study can:-

- i. Enhance the development and growth of sports in India.
- ii. Reform the governance & administration of sports.
- iii. Protect the rights and interests of sportsperson and functionaries.
- iv. Categorize sports law framework of India with International best practices.

RESEARCH METHODOLOGY

This research employs a mixed-method approach:---

- i. Doctrinal research:--Analysis of existing laws and regulations
- ii. Comparative analysis:-- Comparison with international sports law regulations.
- iii. Judicial Approach:-- Analysis of specific disputes and controversies.
- iv. Primary Source---- Insights from athletes, coach, sports administrators, advocate, researchers the data is collected through questionnaires and the total respondents are 101.

PROBLEMS RELATED TO SPORTS GOVERNANCE IN INDIA -----Here are some problems related to sports governance in India:--**a. Structural Issues**

- i. **Split governance**—In India the sports are regulated and governed by multiple bodies, every sport has their own governing agency. No any united agency is here and the roles of every agency are overlapping.
- ii. **Ambiguities**----Ambiguous roles, responsibilities and powers among different governing agency.
- iii. **Not-effective communion**----- There is not proper and sufficient communication between national and state-level governing bodies. And this data is also collected through primary source and the findings are mentioned in Figure 1.

Do you agree that there is sufficient cooperation between union and state governments in sports administration?
101 responses

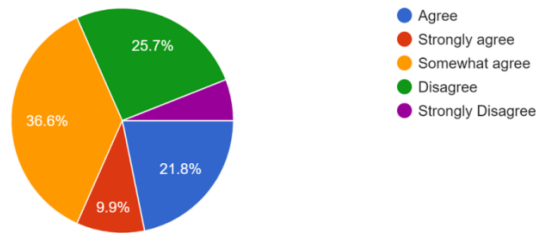


Figure 1

b. **Corruption and Limpidity**

- i. **Corruption----** There is various cases of embezzlement, favoritism and nepotism in the sport. Most controversial issue was in Cricket the son of Sachin Tendulkar got the opportunity over other best players.
- ii. **Want of limpidity & responsibility:** The present sporting pattern suffers from responsibility problems (like they enjoy limitless arbitrary powers), while revenue

management is irregular, as is a lack of limpidity in decision-making.

c. **Inefficacy in Administration-----**

- i. **Not adequate infrastructure----** There is inadequate stadiums, training facilities & sports equipment's. And this data is also collected through primary source and the findings are mentioned in Figure 2.

Do you agree that the current legislations support sufficient training and development programs for athletes?
101 responses

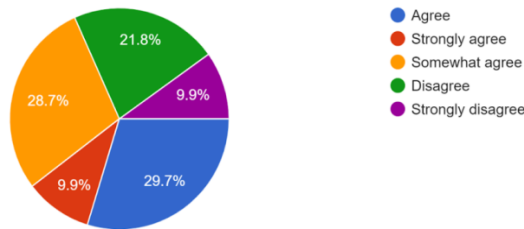


Figure 2

- ii. **Poor management---** inoperable event management
- iii. **Inadequate support and less protection----** For this problem the data is collected

through primary source and findings are given in figure 3. ---

Do you agree that the current sport legislations provide adequate support and protection for athletes?
101 responses

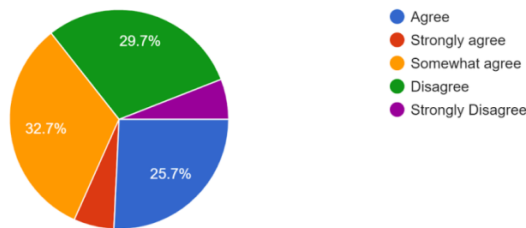


Figure 3

d. **Other issues----**

- i. **Anti-doping & Match fixing----**The problem of anti - doping and match fixing

are frequent and there is no appropriate legislature to resolve these disputes and for this purpose the data is collected through

primary source and findings are given in figure 4.

Do you agree that the issues liking match fixing and anti-doping are adequately addressed under current sports legislations?
101 responses

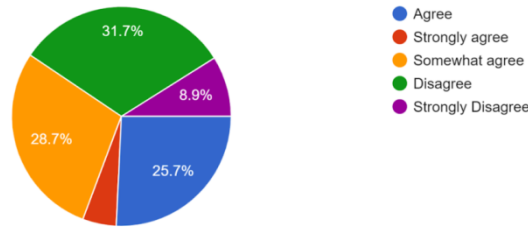


Figure 4

ii. **Gender difference----** Limited opportunities and support for women in sports. And for this purpose the data is collected through primary source and findings are given in figure 5 :--

Do you agree that there is enough representation of women in sports?
101 responses

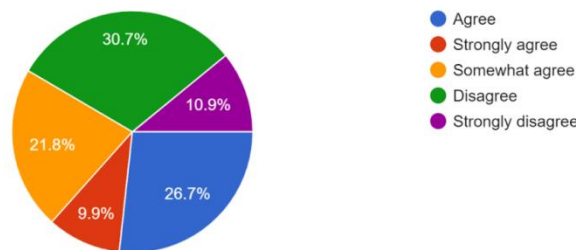


Figure 5

iii. **Issues related to sexual harassment---** The major controversy in sport specifically in kabbadi and wrestling is sexual harassment and unluckily there is also no any appropriate and separate legislation and the data is collected through primary sources and findings are given in figure 6.

Do you agree that the current legislations adequately addressed the issues (i.e., sexual harassment) of women athletes?
101 responses

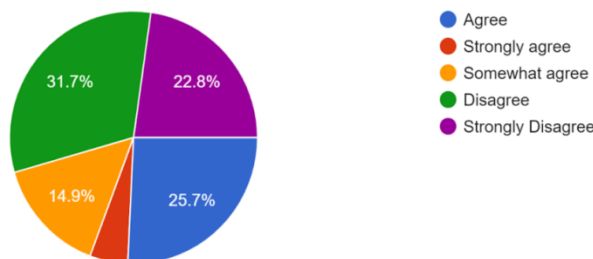


Figure 6

iv. **Primary focus only on cricket-----**The most common issue is Cricket gets the most attention while the other sports remain unattended. And for this issue data is collected through primary source and findings are given in figure 7.

Which sports do you think gets the most limelight ?
101 responses

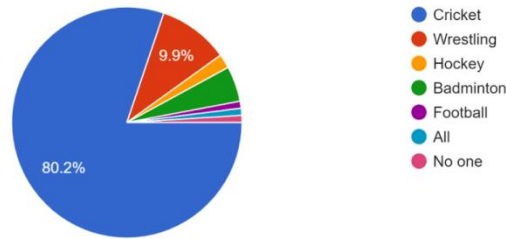


Figure 7

v. **Inadequacies of Technologies—** Technology play an important role in modern sports, improve performance, fairness and fan engagement. However

inadequate technology remains a significant issue in sports and as per the figure 8, 25.7% respondents are agree with this.

Do you agree that the current sports legislations adequately address the integration of technology in sports?
101 responses

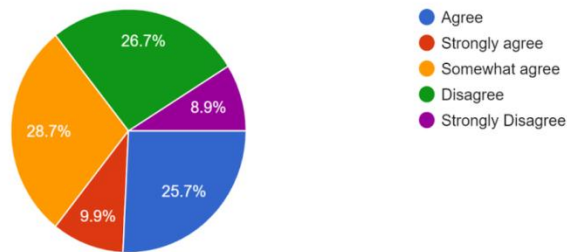


Figure 8

2 **Various initiatives of the government to promote sports culture**

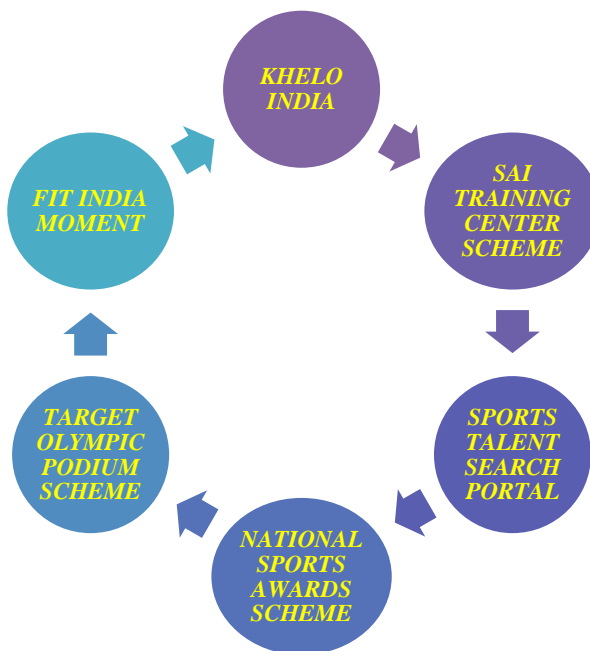


Figure 9

3 **Conclusion & Suggestions-----** The legislative landscape of sports in India need significant

reforms to promote growth, transparency and responsibility. This study provides a

comprehensive analysis of the existing framework and suggest recommendations for improvement.

How are sports related problems resolved in India?

There is no permanent way for the decision to interrupt the current game. Although the normal court system may involve, they are disabled and do not have the type of expertise required. The Court of Arbitration for Sport (CAS) was established in 1983 as the supreme international sports dispute resolution body. Subsequently, the Indian Court of Arbitration for Sports (SCI) was established in 2011 for a special robust dispute resolution mechanism in sports related matters. However, this proved ineffective. In the case of **Stehar vs. India**, the association put the solution to

the sports dispute in India on Prakash Kumar by addressing the shortcomings and the need for permanent reforms. Recently, in 2021 India's Sports Talent Center was established. The review of this center has not been proven yet.

Constitutionally, primacy is a part of State List 33 under Table 246 of the Seventh Schedule of the Constitution of India. Sports have been associated with entertainment, cinematic spectacle and amusement. There is also no specific Act for the entire country. Constitutionally, sports are a state subject. Furthermore some suggestions are given as per the findings which are mentioned in **Figures 10-17**. And as per the findings the most appropriate suggestion is only one that is **ONE CODIFIED SPORT LEGISLATION**.

Do you agree that there should be single codified law to govern all sports activities in India?
101 responses

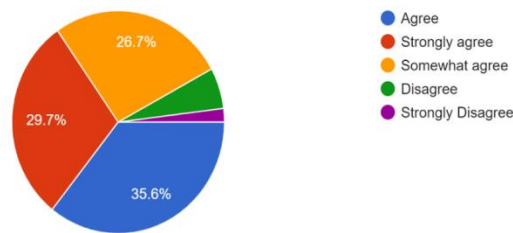


Figure 10

Do you agree that codified sports law will impact grassroots sports development, promoting inclusivity and diversity in sports and address issues...rruption and malpractice in sports administration?
101 responses

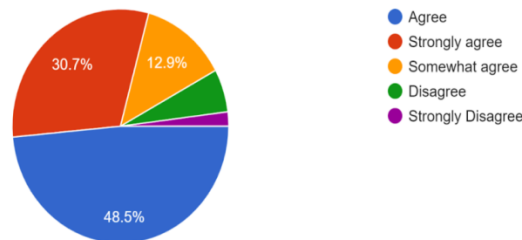


Figure 11

What are the major challenges faced by sports authorities in implementing sports legislations in India? (you can choose more than one option)
101 responses

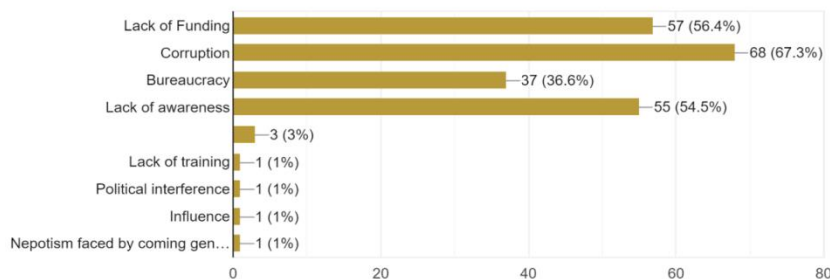


Figure 12

What benefits do you think a codified sports law would bring? (you can choose more than one option)

101 responses

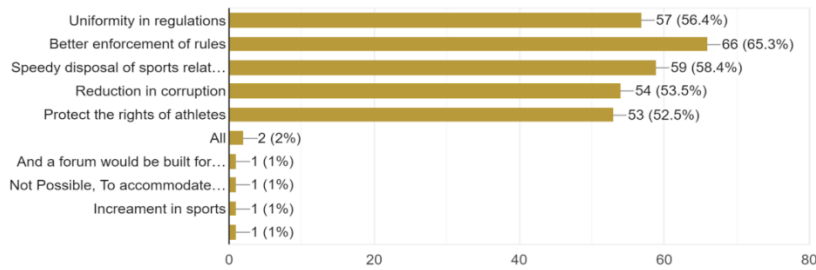


Figure 13

What challenges might arise from implementing a codified law? (choose any two)

101 responses

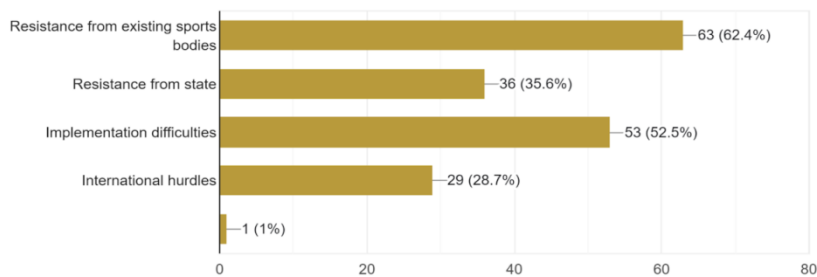


Figure 14

Do you agree that stakeholders (athletes, coaches, sports federations) are important in drafting a codified sports law?

101 responses

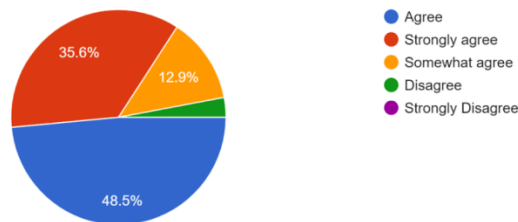


Figure 15

Which areas should a codified sports law focus on primarily? (choose any three areas)

101 responses

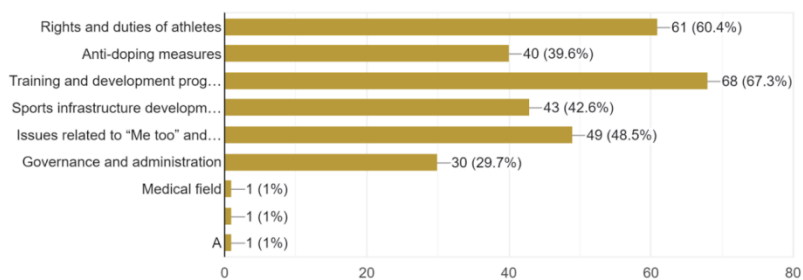


Figure 16

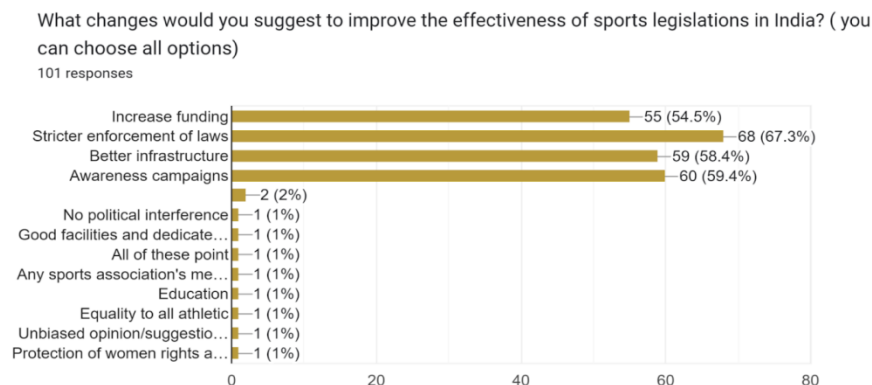


Figure 17

To address the challenges the following suggestions are proposed as per the discussion and collected data ----

- i. Short-Term recommendations:
 - a. Develop clear guidelines for sports agent regulations.
 - b. Introduce ADR mechanisms
 - c. Strengthen athlete welfare and protective measures
- ii. Long-term recommendations
 - a. Uniform codified sport law
 - b. Increase transparency and accountability in sports governance
 - c. Foster international cooperation to resolve the issues of match fixing.
 - d. Stricter enforcement of laws
 - e. Codified laws should focused on training programs
- iii. Functionaries Engagement:-
 - a. Establish an advisory council at National Level
 - b. Engage with athletes, coaches and sports administrators
 - c. Conduct regular basis consultations with stakeholders.
- iv. Research
 - a. We should conduct regular research on sports law and policy.
 - b. Constitute the research center for sports legislation.
 - c. Develop the programs which specifically deal with sport courses.
 - d. Publish sports law journals

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Conflicts of interest

There are no conflicts of interest.

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