SPORTS LAW- THE NEED OF THE HOUR

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INTRODUCTION

The term "sports law" was considered a misnomer. It was believed that there was no specific sports law as such and it would be more meaningful to adopt the rubric of 'sports and the law,' for describing the various laws that govern different aspects of sports.

Sports has evolved as one of the fastest-growing revenue generators with billions of dollars involved in broadcasting rights, merchandising, salaries and contracts. Along with sports the factor growing rationally parallel to it is the law governing the functioning of national and international sports. At the present stage, the base of sports law is consequently very less developed that the prominence of sports itself. In the aspect of sports law, India has seen no substantial development in the laws governing it. The number of irregularities in the functioning of sports has increased rationally from the prospect of doping, use of illegal drugs, defamation, unfair practices voluntary or involuntary. India contributes significantly to the enhancement and evolution of sports, and in their participation, a considerable proportion of wealth is sanctioned by the authorities for proper conduct and planned upliftment.The IPL has recently completed its tenth season. It has a huge fan base. The Board of Cricket Control in India has also faced a fare number of legal disputes, both on and off the field, in recent times. There are still many cases of match fixing that are being tried and are being pursued in front of the supreme court.India does not have any state or centre made provisions that govern the conceptual and technical outline of sports, even though India is recognized as one the growing country in the ambit of sports. Sports law is not just confined to cricket. Establishment of leagues, drafting of contracts, codes of conduct and resolution of disputes, are avanues where lawyers play an vital role.

India has constituted the Ministry of Youth Affairs and Sports for the proper regulation of the aspect of sports in our society, and it has a covenant of aspects that the department operates upon. The Ministry was set up as the Department of Sports while the 1982 Asian Games New Delhi. Its name was changed to the Department of Youth Affairs & Sports in the

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International Youth Year, 1985. It became a separate Ministry on 27 May 2000. In 2008, the Ministry has been established into the Department of Youth Affairs and Department of Sports under two separate Secretaries. The Department of Sports and youth affairs has a given set of functions to perform such as, developing drafts of legislation and generalises the practical implementation of legal acts, develops and implements concept in the sphere of sports and youth, Implements the methodological guidance of the works concerning the organization of the physical education of the population. The department also under its ambit covers the task of raising the standards and providing medals and other considerations of achievement to the participants.

CRITICAL ANALYSIS

Sports with global pervasiveness have turned into a highly competitive industry. Comprising 3% of the world trade, it is one of the most significant revenue generating industry in the world. It also acts as a unique opportunity for the developing countries like India to showcase their development, progress and their world standing through successful hosting of international sporting events like the Commonwealth Games and other events like Indian Premier League (IPL), etc. The world of sports has been the most dynamic field but unfortunately has been plagued by various scandals and controversies in the past few decades as well as in the present like the match-fixing and payment from bookies, the Olympic Game Bidding Scandal, various IPL scams. All of these incidents expose the dark side of the highly competitive world.

The area of sports law is based on how the law, in general, interacts with sports activities. The ambit of theoretical law as known in general cannot be applied in a similar coefficient manner on problems related to sports law. The authoritarian structure in other countries that governs sports law of each category is made up of national bodies that comprise the provisional or state authorities. It also facilitates the creation of international sports body made up of federal agencies of different countries at the top of the hierarchy, whereas in India national as well as provisional sports bodies, associations are generally set up under the law of societies. These national sports bodies field the national team on behalf of the country for participation in international competition, they also provide telecasting and broadcasting rights to the successful bidders in exchange of large sums of money and focus on revenue generation.

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Concerning Competition Law with Indian Sports Policy does not have any firm base of provisions for resolution of any dispute that might arise. There are certain things to be ensured which has not been in proper acknowledgment that can help in the upliftment of the current scenario of sports. There have not been any specific key policies for selections, discipline, harassment, gender inequality, conflict of interests and recruitment, etc.

Sports Injuries regarding issues to liability, this ambit comprises of various aspects like potential liabilities, claims, compensation, risk assessment, insurance provisions, etc. The agreements and contracts in sports are governed by the general law of contracts and have no various specialized tool of governance. The contract taking place in sports can have a differentiated set up than in a contract of general nature, it may involve an essential matter of intellectual property between employer and the employee they should ensure the contractual agreement on the subject pertaining to sports. Players and owners have to negotiate mandatory issues relating to hours, wages and working conditions. The advents that showcase the interest of the players should follow the norms that are well laid down that serve the best interests of the game. In this context, the issue of grant of broadcasting rights of sporting events has repeatedly been raising controversy. The unique interaction between sports and law has shaped a new need for a greater understanding about how the law relates to the world of sports. Till the time a specific law is formulated for sporting activities in India, it is acomplex combination of diverse legal disciplines such as contract, tort, taxation, labor, competition, TV rights, and related criminal laws.

Sports Authority of India (SAI), Board of Control for Cricket in India (BCCI), Hockey India (HI), Sports Law and welfare association of India, National Sports Policy, Indian Olympic Association (IOA) ,and many others certain authorities which governs the proper functioning of sporting activities in general, since the sports law is a pure law and not a theoretical law in India. Cricket also referred to as the Gentleman's game and also is one of the most popular games of the country today. Due to various incidents of disrespecting the game and protecting it from all kinds of misconducts, BCCI Constitution came into force which looks at the different laws about players and competition so that the game is played with proper intent on the field as well as off the field. The game has seen numerous scandals and spot-fixing incidents involving cricket superstars, therefore, arising with the need of the hour to establish proper laws to govern the sport. Once again the requirement for appropriate law come into existence when on a talk show two of the emerging Indian Cricket Team superstars

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namely Hardik Pandya and KL Rahul were seen making various sexists and bold comments which were inappropriate to be used when it comes down to the national television. Hardik faced significant criticism for his questionable attitude towards women on social media, Rahul also found himself in the puddle. Under Rule 41 of the BCCI Constitution, both were banned for two matches and later suspended for a reason for such comments given by two were not found justifiable. As per the laws of the BCCI the matter will be adjudicated through an Ombudsman but since currently, the BCCI does not have one, it will appoint one as per the guidelines mentioned under the rule 40(1) according to which an ombudsman can only be a retired judge of the Supreme Court or a retired Chief justice of a high court.

DOPPING

Another widely discussed problem is doping and what is being done to tackle it. The intake of illegal substances by the athletes to improve their performance is called Doping. There are health risks involved in taking them and is therefore banned by the sports governing bodies. According to the UK Anti-Doping Agency, substances and some methods are forbidden when they meet following criteria: they enhance performance, pose a threat to athlete health, or violate the spirit of sport.

Globally, countries across the world have enacted laws or enunciated guidelines for the regulation of sports in public interest and the national interest. The need to regulate sports arises out of several considerations such as the need to prevent racism in sports, eradicate doping in sports, prevent age fraud in sports, protect athletes' rights, prevent child abuse and sexual harassment in sports, protect gender equality in sports, prevent betting and gambling in sports, ban dangerous sports, promote professional management and managerial and financial accountability in sports, address anti-trust and competition policy issues related to sports, regulate sports broadcasting rights, regulate the price and entry to sports events, etc. The government of India also has been, from time to time, taking various steps and initiatives to promote good governance practices in the management of sports at the national level in pursuance of successive National Sports Policies. These policies are based on the Basic Universal Principles of Good Governance of Olympic and Sports movement and do not, in any manner, contradict or interfere with the autonomy of the national sports bodies in discharging their functions and duties in accordance with the International Olympic

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Committee Charter.[3] In India, the establishment of the National Anti Doping Agency (NADA) 2009 has increased the detection but still has not had a significant impact many expected.

Furthermore NADA being in control of government does not inspire the confidence of impartiality, therefore, resulting in the conflict of interest for decisions involving of both the sports person and government appointed coaches. Challenge is that till date there have been no steps taken to instil accountability amongst the sport governing bodies in view of the doping scandals. The Anti-Doping Rules place a strict and important responsibility for athletes to be aware of what substances enter their body. However, in India, most athletes are not educated to the same level as in foreign countries and lack adequate access to resources which would enable them to identify the ingredients of what they consume. When athletes attend and reside at training camps for several months in a year, the camps are responsible for their food and supplements, and the athletes cannot be expected to monitor or refuse the food being provided to them in these camps or by their coaches.

CONCLUSION

In earlier days, sports were played just for participation, and the natural corollary was that sports were to be played in the spirit of the game.[4] With professionalism and commercialization of sports in India, and the subsequent increase in the financial stakes in sports events, many disputes pertaining to sports have surfaced; as a result, judicial intervention has taken place.

One of the several issues that demand judicial intervention relates to gender discrimination and the subsequent sexual exploitation, especially of women in spots. Scandals involving the sexual exploitation of women hockey players and weightlifters by their respective coaches had generated a need for stricter laws. Another significant issue relates to the exploitation of players and the predominant gap between players and governing bodies of various sports. The area of broadcasting and publicity rights which permits a person to exploit his or her image commercially.

[3]Dr. Aroop Jyoti Kalita vs Ministry Of Youth Affairs & Sports, (2018). https://indiankanoon.org/doc/27330162/?fbclid=IwAR1T3sdnpx_fB1gqyNX4hq4-OsCxe2TLor_wxe09Dp3v1jhfs54l0J6ik4Q

[4] Mukul Mudgal & Vidushpat Singhania, Law & Sports in India, (2nd ed. 2010).

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Another question which needs to be addressed is how to deal with violence in sports. Violence committed against a person is recognized as a crime against the state under the Indian Penal Code. A sportsman knows that while playing he could be physically harmed, but impliedly consents to suffer such harm during the match. Does this mean that any violence can be committed to sporting activity under the protection of the maxim volenti non-fit injuria?

The need for law in sports also becomes imperative as a few sports like shooting involve the use of weapons. Although the Customs Act of 1962 (under section 11) has allowed certain exemptions concerning sporting goods, prizes, medals and trophies including exemptions for 'renowned shooters.' A pertinent question of arms concerning sports came up to in the case of Chandrakant Hargovindas Shah v Deputy Commissioner of Police[5] this case highlights how certain laws have included exceptions related to sports within their ambit and how a sportsperson could exploit the same. Therefore, the extent and scope of sports bring forth the need for a comprehensive sports law in India. All the above circumstances highlight a need for a unique understanding of law pertaining to sports and a need for promulgation of a law governing sports.

[5] Chandrakant Hargovindas Shah v Deputy Commissioner of Police 7 SCC 186, (6) SCALE 78 (2009).

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