

## SPORTS POLICY LAW IN INDIA

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### ABSTRACT

*Sports policy plays a crucial role in shaping the development and governance of sports within a country. In the case of India, a country with a rich sporting history and immense potential, understanding the historical evolution of sports policy and its impact is essential. India has a long-standing tradition in various sports, including cricket, hockey, and wrestling. However, the sports policy landscape in India has faced numerous challenges and witnessed significant changes over the years. Early sports policies in India were primarily focused on promoting physical education and encouraging participation in sports at the grassroots level. During the pre-independence era, sports policy in India was primarily driven by the colonial government with an aim to maintain control and promote certain types of sports that aligned with their interests. Post-independence, sports policy in India has shifted towards broader development goals and nurturing talent at the national level. A critical turning point in the growth of sports infrastructure and talent identification programs was the foundation of numerous organisations, including the National Institute of Sports and the Sports Authority of India. In order to improve athletes' performances and bring honour to the country, these institutions seek to offer them organised training and support. The problem of doping has been one of the biggest obstacles to Indian sports strategy. In this article, we explore these topics in-depth and bring a better understanding of Sports Policy Law in India.*

**Keywords:** Sports And Sports Authority Of India, Anti-Doping And Regulation.

### INTRODUCTION

Sports have always played a significant role in Indian society, bringing communities together and fostering national pride. Over the years, the development of sports policy law in India has been crucial in shaping the country's sporting landscape. This subtopic explores the historical journey of sports policy law in India, highlighting key milestones and significant changes. From early efforts to promote indigenous sports during the pre-

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independence era, to post-independence initiatives aimed at encouraging participation at both grassroots and elite levels, this text delves into the evolution of sports policy law.

"Protecting gender equality, outlawing betting and gambling, fostering professional management in sports, resolving antitrust and competitive issues related to sports, and enforcing rules on sports broadcasting rights are all made possible by sports legislation." <sup>1</sup>

Every country's sports environment is greatly influenced by its legal framework, and India is no exception. With a rich history and cultural diversity, India has always had a deep-rooted passion for sports. In recent years, the Indian government has recognized the potential of sports as a tool for national development and has formulated various policies to promote its growth.

It also aims to create a robust framework for talent identification programs at grassroots levels. The policy promotes transparency and accountability in sports administration by establishing governing bodies that adhere to fair practices. Another crucial objective is to enhance India's performance at international sporting events by developing high-performance centers and implementing scientific training methodologies. Additionally, the policy promotes the inclusion of physical education programs in educational institutions to instill a culture of fitness from an early age. "It also provides academic initiatives, coaching and physical education awareness projects, and scholarship programmes that promote excellence and a supporting approach in order to motivate athletes."<sup>2</sup>

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## **EVOLUTION OF SPORTS POLICY LAW IN INDIA: A HISTORICAL OVERVIEW**

The development of India's sports policy law over time reflects the country's attitude to promoting and governing sports in that country. India's sports policy has seen considerable changes from its early days as a colonial nation, when they were mostly considered a recreational activity, to the present, when they are acknowledged as crucial for national development and worldwide competitiveness. Sports legislation in India is regulated by a number of bodies, including the National Sports Policy, the Indian Association for Sports Law and Welfare, and the Indian Sports Authority.

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<sup>1</sup> Kshiti Shetty, 'Proposed Reforms in Sports Law in India' (*Black n' White Journal*, 13 November 2021) <<https://bnwjournals.com/2021/11/13/proposed-reforms-in-sports-law-in-india/>> accessed 21 July 2023.

<sup>2</sup> RITUPORNA GUPTA, 'Sports Law And Its Significance' (*lawyersclubindia*) <<https://www.lawyersclubindia.com/articles/sports-law-and-its-significance-12029.asp>> accessed 21 July 2023.

The Ministry of Youth Affairs & Sports was established by the Indian Government for the development of infrastructure, the promotion of broad-based sports capacity development, as well as the achievement of excellence in various national and international competitive events. Despite this, there is no national or state legislature for the regulation of sports in India as such.

Following independence, the government started to see sports had the ability to promote togetherness and pride in one's country. Consequently, various policies were formulated to promote grassroots development, establish infrastructure, and support athletes financially. The state sports authority, modelled after the SAI, will be established in the new sports policy in 2023. The creation of specialized organizations like the Sports Authority of India (SAI) made it easier to put these ideas into practice. "The Fund serves as an additional source of funding for the construction of infrastructure and other sports promotion initiatives."<sup>3</sup>

### **KEY LEGISLATIONS AND POLICIES SHAPING SPORTS IN INDIA**

Sports in India have been significantly influenced by various legislations and policies aimed at promoting the growth and development of sporting activities across the nation. The National Sports Policy of 1984 played a pivotal role by recognizing the importance of sports and outlining strategies to enhance infrastructure, training, and talent identification. The formation of the SAI in 1984 led to the establishment of a number of specialised sports academies, allowing athletes to receive systematic training.

India, therefore, needs a national law for the development, promotion, and oversight of sports in the nation. Election processes in sports organisation that are unethical or undemocratic. The goals of the national sports policy included developing infrastructure, integrating sports and education, providing athletes with top-notch equipment and training, and creating a national sports federation.<sup>4</sup>The Sporting Authority of India (SAI), the country's top sports organisation, was established in 1984 by the Indian Ministry of Youth Affairs and Sports to develop and improve sports in India as a whole.

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<sup>3</sup> 'Schemes for Sports Development in India' (*GeeksforGeeks*, 27 September 2022)

<<https://www.geeksforgeeks.org/schemes-for-sports-development-in-india/>> accessed 21 July 2023.

<sup>4</sup> Muskaan, 'Laws and Regulations Relating to Sports in India' (*Legal Desire Media and Insights*, 24 December 2020) <<https://legaldesire.com/laws-and-regulations-relating-to-sports-in-india/>> accessed 21 July 2023.

The Right to Play initiative, introduced in 2009 aimed at ensuring every child has access to play and sports facilities. Additionally, the National Anti-Doping Agency Act (2005) was enacted to combat doping in sports, safeguarding fair play and integrity. All this ensures that we have facilities available for sports for excellence.<sup>5</sup> The nation's Anti-Doping Agency, which was founded as a society, is currently responsible for enforcing anti-doping laws.<sup>6</sup>

## IMPLEMENTATION AND IMPACT OF SPORTS POLICY LAW IN INDIA

India's athletic environment has been significantly shaped by the implementation and effects of sports policy regulations. "In our nation, sports law is an amalgam of judicial rulings and national regulations."<sup>7</sup> The policy, introduced to promote sports at all levels, has led to an increased focus on grassroots development, talent identification, and infrastructure enhancement.

Various initiatives such as the Khelo India program have been launched to provide a platform for young athletes to showcase their skills and receive the necessary support. To highlight India's potential for sport, its young athletes, and the Khelo India Youth Game, the programming vertical of Khelo India was introduced on January 31st, 2018.<sup>8</sup>

In relation to sports, the government's Ministry should aid in the identification of talent and support, advertise, and encourage sports growth, and encourage participation at all levels.<sup>9</sup>

<sup>5</sup> 'The Gaps in India's Sports Administration and Governance' <<https://thewire.in/sport/gaps-india-sports-administration-governance>> accessed 21 July 2023.

<sup>6</sup> 'The National Anti-Doping Bill, 2021' (*PRS Legislative Research*) <<https://prsindia.org/billtrack/the-national-anti-doping-bill-2021>> accessed 21 July 2023.

<sup>7</sup> ILSIJLM, 'Sports Law in India: Aditya Aryan' (*ILSIJLM*, 17 October 2020) <<https://ilsijlm.indianlegalsolution.com/sports-law-in-india-aditya-aryan/>> accessed 21 July 2023.

<sup>8</sup> 'A Brief Overview of Sports Law and Policy in India – Existing Mechanisms and Need for Development' (*Sports law review india*, 28 July 2020) <<https://sportslawreviewindia.blog/2020/07/28/a-brief-overview-of-sports-law-and-policy-in-india-existing-mechanisms-and-need-for-development/>> accessed 21 July 2023.

<sup>9</sup> ADDIN\_ZOTERO\_ITEM\_CSL\_CITATION

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Additionally, the sports policy law has encouraged private investment in sports and incentivized corporate participation through tax benefits. This has resulted in improved facilities, training programs, and sponsorships for athletes across various disciplines. Moreover, the policy has also emphasized gender equality by promoting women's participation in sports through targeted schemes and incentives. As a result of these efforts, there has been a noticeable improvement in India's performance at international sporting events. Sports will continue to develop in the future as a result of corporate involvement in the IPL and other franchise models of sports increasing.

“Additionally, it will also help in improving the infrastructural facilities for the training and coaching of E-Sports athletes.” As we look towards achieving gender parity in participation in sports, we must also promote women's representation in governing positions in NFS. India has been doing horribly in sports as an outcome of the decrease, particularly in international competitions like the Olympics. Indian athletes have achieved commendable success in disciplines like cricket, badminton, wrestling, athletics, and boxing.

## **CHALLENGES AND CONTROVERSIES SURROUNDING SPORTS POLICY LAW IN INDIA**

The challenges and controversies surrounding sports policy law in India have been persistent issue that hinders the expansion and improvement of sports in the nation. One significant challenge is the lack of proper implementation and enforcement of existing laws. This has resulted in a fragmented system, allowing corruption and mismanagement to prevail within sports bodies. Another controversy revolves around the absence of transparency in decision-making processes, leading to favoritism and nepotism.

The recent scandals and controversies in the sporting scene in India highlight the need for a suitable sports law to address these challenging situations.<sup>10</sup> Despite the fact that the legislation had been created, it was discovered that it lacked application.<sup>11</sup> Corruption and poor management of sports organisations: In India, corruption is now considered the norm in

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<sup>10</sup> ILSIJLM (n 9).

<sup>11</sup> GUPTA (n 2).

sports administration.<sup>12</sup> Furthermore, cronyism, scandals involving corruption, poor leadership, a lack of transparency, and poor management undermine the nation's sport governance.

Additionally, a dearth of adequate funding for sports development programs undermines grassroots initiatives and talent identification. The main issue with technological doping is that it diminishes the value of human fitness and the idea of fair play. Doping has also plagued Indian sports, raising concerns about fair play and integrity. These challenges must be addressed effectively to promote a transparent, inclusive, and successful sports policy framework in India.

### THE FUTURE OF THIS POLICY IN INDIA

In light of India's continued rapid advancement in the sports world, the upcoming years of sports policy law will be of utmost importance. "As sports continue to evolve, so will the legal frameworks that govern them, making the future of sports law an exciting and dynamic field." The government's focus on promoting sports and creating a conducive environment for athletes has resulted in increased participation and international recognition. "The ministry was established by the Indian government to encourage capacity building and to provide the necessary infrastructure to encourage more people to participate in sports and other competitive activities on both a national and international scale." In order to maintain this momentum going forward, it is imperative to substantially improve the legal framework controlling sports policy. "Sports must be governed by a well-established legal framework in order to monitor and avoid problems like racism and doping."

To begin with, there is a need to address issues related to doping, match-fixing, and corruption in Indian sports. "The CAS hears cases related to doping, match-fixing, athlete eligibility, and other sports-related disputes."<sup>13</sup> Strengthening anti-doping measures,

<sup>12</sup> 'Sports in India: Problems and Reform Measures' (*Jagranjosh.com*, 30 October 2017)

<<https://www.jagranjosh.com/current-affairs/sports-in-india-problems-and-reform-measures-1508848667-1>> accessed 21 July 2023.

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implementing strict regulations against match-fixing, and establishing transparent governance structures are essential steps toward maintaining integrity within the sporting ecosystem. "The justification of such sports organizations for their actions is that they want to maintain the integrity of the sport and that their regulations are proper, transparent and legitimate."<sup>14</sup> Furthermore, investing in grassroots development programs and infrastructure will play a pivotal role in nurturing young talent across various disciplines.

## CONCLUSION

Finally, it should be noted that the growth and development of sports in India depend greatly on the execution of appropriate sports policy regulations. Sports have a big impact on society because they build social togetherness, national pride, and physical and mental health. The government's focus on sports development is evident in its strategic policies and investments aimed at improving sporting achievements. Through initiatives like the Khelo India initiative and investments in sports infrastructure, the government is working towards reviving the sports culture at the grassroots level.

In order to ensure that coaches, referees, and managers have the ability to properly administer and develop sports programmes, the government must prioritise the early formation of these professionals. Not only will this improve the standard of sports coaching, but it will also generate career prospects in the sports sector. The government should also give sports instruction and recreational programmes in schools a top priority. These initiatives will act as the cornerstone for developing young athletes and encouraging youth sports culture. The government can unlock the enormous potential of sports in India and unleash a new wave of sporting talent by enacting comprehensive sports policy regulations.

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<sup>14</sup>'Krida Legal' <<http://www.kridalegal.com/post.php?id=30>> accessed 21 July 2023.