



## GROWTH WITHOUT PROTECTION: DOES INDIA TREAT SPORTS AS ENTERTAINMENT, NOT LABOUR?

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### ABSTRACT

*Indian sports governance has long operated in a legal grey zone, shaped more by judicial intervention than by legislative design. This paper argues that the central weakness of India's sports law framework lies in its enduring conceptualisation of sport as entertainment rather than labour. The absence of a statutory definition of "sport," the reliance on non-binding codes and the prioritisation of institutional autonomy over athlete welfare have produced a system that normalises injury, coerced consent, as well as systemic silence. Tracing the evolution of Indian sports law through key judicial decisions and liability frameworks, the paper demonstrates how athletes remain excluded from the protections ordinarily afforded to workers in hazardous professions. It then critically examines the National Sports Governance Act, 2025, as India's first comprehensive statutory intervention in sports governance. While the Act introduces meaningful institutional reforms, this paper contends that its hurried enactment, excessive delegation of powers and failure to codify enforceable athlete rights reflect an old governance-first mindset.*

**Keywords:** Sports Law, Athlete Welfare, Labour Rights, Governance, National Sports Governance Act, 2025.

### INTRODUCTION

Sport in India occupies an uneasy legal position. Athletes are celebrated as symbols of national pride, yet remain largely invisible as rights-bearing subjects within the legal system. Despite the rapid professionalisation and commercialisation of sport, Indian law has failed to develop a coherent framework that recognises professional participation in sport as labour. Instead, sport continues to be framed as entertainment, a concept that has profound consequences for

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athlete welfare, accountability and governance. This gap has led courts to play a central role in the development of sports regulation. From distinguishing games of skill from gambling, to resolving disputes over broadcasting rights, governance failures and contractual autonomy, Indian sports law has evolved piece by piece through judicial intervention. While this has brought a measure of transparency and commercial order, it has consistently stopped short of recognising athletes as workers entitled to protection against injury, exploitation and abuse.

The gap is evident across multiple domains. Contractual arrangements restrict mobility and bargaining power. Injuries are normalised as occupational inevitabilities rather than treated as workplace safety failures. Most disturbingly, the absence of recognised workplace structures has enabled cultures of silence, most visibly exposed during the 2023 wrestler protests.

Against this backdrop, the enactment of the National Sports Governance Act, 2025, marks a watershed moment. As the first parliamentary statute to comprehensively regulate sports governance, the Act promises transparency, accountability and athlete welfare. Yet the speed of its passage and its structure raise critical questions. This paper examines those questions by situating the Act within India's constitutional, judicial and institutional landscape. It argues that without redefining sport as labour and codifying enforceable athlete rights, governance reform will remain incomplete, preserving the very vulnerabilities it seeks to address.

## ISSUES AT HAND

Indian law does not contain a codified, universally accepted definition of "sport." While it may be conceptually difficult to capture such a dynamic activity within a few lines, the absence of any statutory definition has created persistent uncertainty regarding the legal treatment of sports and athletes.<sup>1</sup>

This uncertainty is reflected in India's underdeveloped sports law ecosystem. The country continues to rank among the highest globally in Anti-Doping Rule Violations, as reported by the World Anti-Doping Agency.<sup>2</sup> Beyond doping, Indian sports are marked by continuous litigation involving contractual disputes, intellectual property conflicts, selection controversies

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<sup>1</sup> Ria Mishra and Aakash Batra, 'A Brief Overview of Sports Law and Policy in India – Existing Mechanisms and Need for Development' (Sports Law and Policy Review Reporter, 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 9 January 2026.

<sup>2</sup> 'India is World's Worst Dope Offender, Tops List for Third Straight Time' The Times of India (9 April 2024) <https://timesofindia.indiatimes.com/sports/more-sports/others/india-is-worlds-worst-dope-offender-tops-list-for-third-straight-time/articleshow/126048835.cms> accessed 9 January 2026.

and governance failures within sports bodies. Courts are repeatedly compelled to act as arbiters, highlighting the absence of a coherent and comprehensive regulatory framework.<sup>3</sup>

Some state and judicial efforts have attempted to fill this vacuum. For instance, the Kerala Sports Act, 2000,<sup>4</sup> adopts an expansive definition of “sport,” encompassing outdoor and indoor games, athletics, aquatic sports and other physical activities notified by the state. Judicial interpretation has also contributed to definitional clarity. In *Amit Chaudhary v. State of Uttar Pradesh*,<sup>5</sup> the court recognised bodybuilding as a sport, emphasising the role of physical exertion.

However, even these inclusive approaches remain rooted in a traditional understanding of sport, privileging physicality, skill and competition. This framework fails to capture contemporary competitive practices such as e-sports, chess and other cognitively demanding disciplines. Although these activities may lack conventional physical exertion, they require exceptional skill and endurance. The failure to recognise such activities as sport leads to exclusion of participants from legal protections, institutional support and recognition afforded to athletes in traditional disciplines.<sup>6</sup>

### **THE EVOLUTION OF SPORTS LAW IN INDIA: A JUDICIAL NARRATIVE**

Sports law in India has evolved largely through judicial intervention rather than legislative design. Courts have repeatedly stepped in to address gaps left by the absence of statutory regulation.

Early cases focused on distinguishing skill-based competitions from gambling. In *State of Bombay v. R.M.D. Chamarbaugwala* (1957),<sup>7</sup> the Supreme Court laid the foundation for separating skill from chance. This approach was reaffirmed in *State of Andhra Pradesh v. K. Satyanarayana* (1968)<sup>8</sup> for rummy and extended to horse racing in *Dr K.R. Lakshmanan v.*

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<sup>3</sup> Justice RM Lodha Committee, Report of the Supreme Court Committee on Reforms in Cricket (Supreme Court of India 2015).

<sup>4</sup> Kerala Sports Act 2000, s 2(xiv).

<sup>5</sup> *Amit Chaudhary v State of Uttar Pradesh* [1999] All LJ 2664.

<sup>6</sup> Vasudha Bali, ‘The Constitution and Sports Law Development in India’ [2024] Summer ILI L Rev 376 <http://www.ili.ac.in/pdf/19sum24.pdf> accessed 15 January 2026.

<sup>7</sup> *State of Bombay v RMDC* (1957) 1 SCC OnLine SC 12.

<sup>8</sup> *State of Andhra Pradesh v K Satyanarayana* (1967) 333 SCC OnLine SC 2.

State of Tamil Nadu (1996).<sup>9</sup> These decisions ensured that skill-based sports were protected from prohibition.

As sports became commercialised, broadcasting rights became contested terrain. In *Secretary, Ministry of I&B v. Cricket Association of Bengal* (1995),<sup>10</sup> the Court held that airwaves are public property and mandated public access to cricket broadcasts. This principle was reinforced in *Citizen, Consumer & Civic Action Group v. Prasar Bharati* (2004),<sup>11</sup> eventually leading to the enactment of the Sports Broadcasting Signals Act, 2007.<sup>12</sup>

Governance failures within cricket brought further scrutiny. In *Zee Telefilms v. Union of India* (2005),<sup>13</sup> the Supreme Court held that the BCCI was not “State” under Article 12<sup>14</sup> of the Constitution of India, but acknowledged that it performed public functions, making it amenable to limited judicial review. This set the stage for *Cricket Association of Bihar v. BCCI* (2016),<sup>15</sup> where systemic corruption and conflicts of interest led to the Lodha Committee reforms.

Judicial engagement also extended to intellectual property and athlete autonomy. *NDTV v. ICC* (2011)<sup>16</sup> and *Star India v. Akuate Internet Services* (2015)<sup>17</sup> clarified the limits of proprietary claims over match footage and data. Importantly, *Percept D’Mark v. Zaheer Khan* (2006)<sup>18</sup> protected athlete autonomy by invalidating restrictive endorsement clauses. Despite this rich jurisprudence, courts have largely focused on governance and commercial regulation, leaving athlete welfare structurally unaddressed.

## **LIABILITIES IN SPORTS LAW: EXPLOITATION, INJURY AND COERCED CONSENT**

**Injury as an Occupational Hazard:** In most professions, workplace injuries invoke labour and safety protections. In sport, injuries are normalised as “part of the game.” The absence of

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<sup>9</sup> *Dr KR Lakshmanan v State of Tamil Nadu* (1996) 2 SCC 226.

<sup>10</sup> *Secretary, Ministry of Information & Broadcasting v Cricket Association of Bengal* (1995) 2 SCC 161.

<sup>11</sup> *Citizen, Consumer and Civic Action Group v Prasar Bharati* (2004) 3 CTC 1.

<sup>12</sup> Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act 2007 (Act 11 of 2007).

<sup>13</sup> *Zee Telefilms Ltd v Union of India* (2005) 4 SCC 649.

<sup>14</sup> The Constitution of India 1950, art 12.

<sup>15</sup> *Board of Control for Cricket in India v Cricket Association of Bihar* (2016) 8 SCC 535.

<sup>16</sup> *New Delhi Television Ltd v ICC Development (International) Ltd* (2012) 193 DLT 523.

<sup>17</sup> *Star India Pvt Ltd v Akuate Internet Services Pvt Ltd* (2013) 202 DLT 384.

<sup>18</sup> *Percept D’Mark (India) Pvt Ltd v Zaheer Khan* (2006) 4 SCC 227.

labour law allows federations to demand peak performance without responsibility for long-term harm.<sup>19</sup>

The BCCI's 2024 revocation of central contracts from Shreyas Iyer and Ishan Kishan for prioritising injury recovery underscores this imbalance.<sup>20</sup> Similarly, in *Mohd. Jafar Iqbal v. Union of India* (2019),<sup>21</sup> the Delhi High Court had to mandate basic safety protocols in boxing, exposing regulatory failure.

**The Legal Fiction of Consent:** Consent in sport is often coerced. Contractual restrictions struck down in *Zaheer Khan v. Percept*.<sup>22</sup> illustrate economic coercion. The treatment of wrestler Vinesh Phogat ahead of the Paris 2024 Olympics, involving extreme weight-cutting practices criticised by the Court of Arbitration for Sport, further demonstrates how harmful practices are legitimised as dedication.<sup>23</sup>

**Abuse and Silence:** The absence of a recognised workplace strips athletes of labour protections. POSH<sup>24</sup> Act safeguards often fail due to transient training environments. The 2023 wrestler protests against the Wrestling Federation of India revealed how power concentration enables abuse and silences victims.<sup>25</sup>

## FROM CODES TO STATUTES: THE PATH TO THE NSGA

For decades, sports governance relied on non-binding instruments such as the National Sports Development Code, 2011.<sup>26</sup> Attempts to legislate reform stalled, including the 2011 Draft Bill revised under Justice Mukul Mudgal, which was shelved in 2013.

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<sup>19</sup> Kritika Sharma, 'Status of Professional Athletes under Indian Labour Laws' (IP and Legal Filings, 14 July 2021) <https://www.ipandlegalfilings.com/status-of-professional-athletes-under-indian-labour-laws/> accessed 10 January 2026.

<sup>20</sup> Shashank Kishore, 'Why Ishan Kishan and Shreyas Iyer have missed out on BCCI central contracts' (ESPNcricinfo, 28 February 2024) [https://www.espn.in/cricket/story/\\_/id/39616240/why-kishan-iyer-missed-bcci-contracts](https://www.espn.in/cricket/story/_/id/39616240/why-kishan-iyer-missed-bcci-contracts) accessed 11 January 2026.

<sup>21</sup> *Mohd Jafar Iqbal v Union of India* (2019) 1 SCC OnLine Del 6554.

<sup>22</sup> *Percept D'Mark (India) (P) Ltd v Zaheer Khan* (2006) 4 SCC 227..

<sup>23</sup> 'Disqualified from Olympics for being overweight, Vinesh Phogat opts for Rs 4 crore over government job' *The Times of India* (9 January 2026) <https://timesofindia.indiatimes.com/sports/more-sports/wrestling/disqualified-from-olympics-for-being-overweight-vinesh-phogat-opts-for-rs-4-crore-over-government-job/articleshow/120167226.cms> accessed 11 January 2026.

<sup>24</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

<sup>25</sup> 'Wrestlers' protest: 5 sexual harassment cases in last 9 months in Indian sport' (ESPNcricinfo, 19 January 2023) [https://www.espn.in/espn/story/\\_/id/35478938/wrestlers-protest-5-sexual-harassment-cases-last-9-months-indian-sport](https://www.espn.in/espn/story/_/id/35478938/wrestlers-protest-5-sexual-harassment-cases-last-9-months-indian-sport) accessed 11 January 2026.

<sup>26</sup> Ministry of Youth Affairs and Sports, National Sports Development Code of India, 2011.

The National Sports Governance Act, 2025<sup>27</sup> marks a shift by introducing statutory enforceability. It establishes the National Sports Board, National Sports Tribunal and Election Panel, mandates ethics codes, Safe Sports Policies, Right to Information (RTI) compliance and athlete representation.

Ultimately, courts have offered procedural oversight under Article 226<sup>28</sup> of the Constitution of India, but have failed to recognise athletes' substantive rights as workers.

### **NEW LAW, OLD MINDSET?**

The National Sports Governance Act (NSGA), 2025, is India's first comprehensive parliamentary attempt to regulate sports governance. Its stated objective is to introduce transparency, accountability and athlete welfare into a sector long governed by informal norms and private power. Yet the speed of its passage and the authority it centralises raise a core question about whether the Act reforms sports governance or reproduces existing hierarchies. The process through which the National Sports Governance Act, 2025, was enacted raises serious concerns about democratic legitimacy. The Bill was introduced in the Lok Sabha in July 2025 and passed in mid-August amid repeated disruptions and protests, leaving little scope for sustained parliamentary scrutiny or debate. Stakeholder consultation was minimal, and the Bill was not subjected to detailed examination by a standing committee. This haste is particularly troubling given the Act's far-reaching consequences for federalism, institutional autonomy and athlete rights.<sup>29</sup>

### **DEFINITIONAL AMBIGUITY: WHAT IS "SPORT"?**

One of the most striking features of the NSGA is what it omits. Despite seeking to regulate the sporting ecosystem, the Act does not define the term "sport." This omission perpetuates a longstanding ambiguity in Indian law, where sport has been treated inconsistently as entertainment or spectacle, without recognising its professional and labour dimensions.

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<sup>27</sup> National Sports Governance Act 2025.

<sup>28</sup> The Constitution of India 1950, art 226.

<sup>29</sup> Subhrajit Chanda and Deevanshu Shrivastava, 'National Sports Governance Act, 2025: Reform or Reinforced Control?' (Law School Policy Review, 5 September 2025) <https://lawschoolpolicyreview.com/2025/09/05/national-sports-governance-act-2025-reform-or-reinforced-control/> accessed 10 January 2026.

The absence of a definition has legal consequences. It leaves unclear which activities fall within the Act's scope, who qualifies as a sportsperson and what rights or obligations attach to participation. In doing so, the Act reinforces the very uncertainty it claims to resolve.

### **THE BCCI QUESTION: REGULATION WITHOUT RESOLVE**

No discussion of Indian sports governance is complete without addressing the Board of Control for Cricket in India (BCCI). As the most powerful sporting body in the country, the BCCI has historically resisted statutory oversight, relying on self-regulation supplemented by judicial intervention.

In *Board of Control for Cricket in India v. Cricket Association of Bihar* (2016),<sup>30</sup> the Supreme Court affirmed the need for institutional reform through the Lodha Committee's recommendations, including transparency measures and cooling-off periods. The NSGA appears to bring cricket within its fold by requiring every "designated sport" to be governed by a national federation, which would necessarily include the BCCI.

However, Section 34<sup>31</sup> of the act introduces an exemption mechanism allowing the Central Government, in consultation with the National Sports Board (NSB) and the International Cricket Council (ICC), to exclude a body in the public interest. This creates ambiguity and leaves room for selective application. Given the BCCI's entrenched autonomy and global influence, the extent to which statutory oversight will meaningfully apply remains uncertain.<sup>32</sup>

### **SAFE SPORT: ASPIRATIONS WITHOUT ENFORCEMENT**

The NSGA's introduction of a Safe Sports Policy acknowledges the duty of care owed by sports bodies, particularly toward women, minors and other vulnerable persons. On paper, this is a significant step forward. In practice, however, the framework lacks enforceable mechanisms. The Act provides little guidance on reporting standards, investigation procedures, remedial action or oversight responsibility. It remains unclear how authority will be divided between the

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<sup>30</sup> *Board of Control for Cricket in India v Cricket Association of Bihar* (2016) 8 SCC 535.

<sup>31</sup> National Sports Governance Act 2025, s 34.

<sup>32</sup> Mahit Anand and Amrut Joshi, 'Between Promise and Practice: Reading the Gaps in the National Sports Governance Act' (Law School Policy Review, 16 September 2025) <https://lawschoolpolicyreview.com/2025/09/16/between-promise-and-practice-reading-the-gaps-in-the-national-sports-governance-act/> accessed 10 January 2026.



NSB, the NST and the Ministry. Athletes, though the primary stakeholders, are excluded from governance and monitoring roles.<sup>33</sup>

Broader safety concerns such as infrastructure risks, crowd management, emergency preparedness and the welfare of coaches and support staff remain unaddressed. Without institutional clarity, the Safe Sports Policy risks functioning as a symbolic safeguard rather than a transformative one.<sup>34</sup>

### **EXCESSIVE DELEGATION AND THE ACCOUNTABILITY GAP**

A recurring concern across the NSGA is its reliance on executive rule-making. Core aspects of sports governance, such as federation recognition, Safe Sport standards and Tribunal procedure, are delegated to government-issued rules rather than set out in the statute itself. While delegation is not unusual, excessive reliance on executive discretion undermines transparency and predictability. It raises constitutional concerns regarding the separation of powers and dilutes parliamentary oversight. For athletes and federations alike, seeking accountability becomes difficult when foundational processes lack statutory anchoring.<sup>35</sup>

### **CONSTITUTIONAL AND FEDERAL CONCERNS**

Under the Constitution, “sports” fall within the State List. Parliament may legislate in this domain only through Article 253<sup>36</sup> of the Indian Constitution, which permits laws to implement international treaties, agreements or decisions of international bodies. The NSGA, however, does not purport to give effect to any binding international instrument.<sup>37</sup>

Although the Act refers to the Olympic and Paralympic Charters, these documents are issued by private, non-governmental bodies. This raises serious questions about whether such instruments can justify parliamentary intervention under Article 253. The concern is compounded by the Act’s application to non-Olympic sports such as chess, kabaddi, kho-kho and e-sports, for which no international obligations exist.<sup>38</sup>

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<sup>33</sup> *ibid.*

<sup>34</sup> Mahit Anand and Amrut Joshi (n 32).

<sup>35</sup> *ibid.*

<sup>36</sup> The Constitution of India 1950, art 253.

<sup>37</sup> PRS Legislative Research, ‘Issues for Consideration: The National Sports Governance Bill, 2025’ (July 2025) <https://prsindia.org/billtrack/prs-products/issues-for-consideration-1754401975> accessed 12 January 2026.

<sup>38</sup> *ibid.*



Further, the Act provides that international charters will prevail over domestic regulation. This creates a paradox where compliance with Indian law may still result in international derecognition, placing athletes in a position of legal uncertainty beyond the control of domestic institutions.<sup>39</sup>

## INSTITUTIONAL ARCHITECTURE AND RISKS OF OVERREACH

**National Sports Board (NSB):** The NSB is vested with sweeping powers, including recognition and de-recognition of federations, financial oversight, compliance monitoring and regulatory supervision. While this authority may curb mismanagement, it also risks transforming federations into administrative extensions of the state.<sup>40</sup>

The absence of clear criteria for suspension, procedural safeguards or an independent appellate mechanism makes NSB decisions susceptible to political influence. Such powers sit uneasily with Rule 27<sup>41</sup> of the Olympic Charter, which mandates autonomy from governmental interference. International precedent, including India's suspension in 2012, demonstrates the consequences of eroding this autonomy.<sup>42</sup>

**National Sports Tribunal (NST):** The NST, composed of a retired judge and two experts, is empowered to adjudicate sports-related disputes, excluding doping matters. While it may reduce High Court intervention, its independence is undermined by executive control over appointments. Beyond questions of independence, the institutional design of NST raises serious concerns about its functional capacity. The Tribunal is composed of only three members, yet it is expected to adjudicate governance, election and recognise disputes across the entire national sporting ecosystem. In practice, the NST is likely to inherit hundreds of pending cases currently before High Courts, sports bodies, and ad hoc forums. Moreover, the Act does not clearly define "sports-related disputes" or clarify the Tribunal's relationship with the Court of Arbitration for Sport (CAS). This ambiguity risks jurisdictional conflict and uncertainty for athletes navigating overlapping forums.<sup>43</sup>

**National Sports Election Panel:** The creation of an Election Panel seeks to address entrenched leadership and nepotism. However, without insulation from government influence, the panel

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<sup>39</sup> *ibid.*

<sup>40</sup> Subhrajit Chanda and Deevanshu Shrivastava (n 29).

<sup>41</sup> International Olympic Committee, Olympic Charter (in force from 17 July 2020) r 27.

<sup>42</sup> Subhrajit Chanda and Deevanshu Shrivastava (n 29).

<sup>43</sup> *ibid.*

risks politicisation. An independent appointment process, such as a collegium including retired judges, eminent athletes and neutral representatives, would enhance legitimacy and ensure that electoral reforms are substantive rather than cosmetic.<sup>44</sup>

## **TRANSPARENCY WITHOUT ATHLETE RIGHTS**

While the NSGA subjects recognised federations to the Right to Information Act,<sup>45</sup> mandates audits and imposes compliance frameworks, transparency alone is insufficient without enforceable athlete rights. The Act does not provide a comprehensive Athlete Bill of Rights. Critical areas such as exploitative contracts, injury insurance, mental health support, safe sport mechanisms, image rights, and transparency in selection processes remain unaddressed.<sup>46</sup>

## **THE POSITIVES: FOUNDATIONS FOR REFORM**

Despite its limitations, the NSGA introduces meaningful building blocks. Provisions mandating athlete representation on executive committees, grievance redressal mechanisms, ethics committees and gender diversity signal a shift toward participatory governance. Bringing federations within the RTI framework is a long-overdue step. These measures are not comprehensive solutions, but they provide a framework that can be strengthened through proper implementation, resources and institutional independence.<sup>47</sup>

## **CONCLUSION**

Indian sports governance stands at a critical juncture. For decades, the regulation of sport has relied on judicial improvisation and voluntary codes, producing a system that privileges institutional autonomy while rendering athletes legally vulnerable. This paper has argued that the root of this imbalance lies in the foundational misclassification of sport as entertainment rather than labour. That framing has normalised injury, coerced consent and silenced abuse.

The National Sports Governance Act, 2025, represents a significant shift from informal regulation to statutory governance. Its transparency measures and participatory mechanisms

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<sup>44</sup> *ibid.*

<sup>45</sup> Right to Information Act 2005.

<sup>46</sup> Ujwal Trivedi, 'Is Indian Sport finally getting its legal backbone? A critical analysis of the National Sports Governance Bill 2025' (Bar & Bench, 5 August 2025) <https://www.barandbench.com/view-point/is-indian-sport-finally-getting-its-legal-backbone-a-critical-analysis-of-the-national-sports-governance-bill-2025> accessed 12 January 2026.

<sup>47</sup> Tarsh Khanna, 'Kicking Off Reforms or Fouling Autonomy? Athletes and the NSGA' (Law School Policy Review, 21 September 2025) <https://lawschoolpolicyreview.com/2025/09/21/kicking-off-reforms-or-fouling-autonomy-athletes-and-the-nsga/> accessed 10 January 2026.

offer a foundation for reform. However, the Act's hurried enactment, excessive reliance on executive discretion and failure to articulate enforceable athlete rights reveal the persistence of an old mindset.

For the Act to achieve its aims, it requires a shift in how it is interpreted and implemented. Recognising sport as labour would realign governance priorities toward occupational safety, dignity and meaningful consent. Codifying athlete rights would move reform beyond symbolism to substance. Without this shift, regulatory change risks reinforcing the very structures of power it seeks to reform.

The future of Indian sport depends not merely on medals, leagues or even global events, but on whether the law is willing to see athletes not as entertainers, but as workers whose bodies, labour and dignity deserve protection.