

NEED OF SPORTS LAW IN INDIA: AN ANALYSIS

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1. Introduction

To clearly build an understanding of what the definition of sports law or the law relating to sports has to be inferred upon. However, there have been multiple attempts to define the term “sports” yet there is no generally accepted definition of the term. The word has its origin from a French Late Middle English action word “sporten”, which signifies “to redirect”. Furthermore, it is said to be originated from the Latin word “desport”, which means to divert. Therefore, it is important to determine the exact meaning of sports. The British Sports Council has made a commitment to conclude on a specific meaning of sports. They have recorded various requirements like, physical ability, physical endeavours, openness, technique, strategy and so on. Various Authorities have defined the term sports, for instance, the State Government of Kerala, in the Kerala Sports Act, 2005 under Section 2(xiv), as, ” Sports” shall include such activities organised as outdoor games, athletics, games conducted in open place or country sports, indoor games or aquatic sports, and popular games such as equestrian, show jumping, cycling, motor racing, mountaineering, boat racing, rifle shooting, kalarippayattu, fencing, yoga and such other outdoor and indoor sports and games, chess, gymnastics, wrestling, weightlifting, cycle polo and other Olympic disciplines and includes other physical activities which The State Government in the Gazette specify as sports or games on the recommendation of the State Sports Council.”

2. Sports Law: Meaning and Need

Without a strict body of law controlling the behaviour of players and the authorities that oversee them, sports would be in a state of chaos and probably would not be as popular as it is today. The need for a law relating to sports has increased more and more by the day and following are the reasons for the significance of sports law:

- a. Increased accountability as the number of competitions has increased.
- b. Sports law ensures that each and every player is given an equal opportunity in the field that they choose. It can be an incumbent in ensuring that the players are not discriminated on any basis

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c. Sports law manages the remunerations of the players and ensures that they are paid in a fair. It attempts to protect the contracts.

3. National Sports Policy, 2011

The preamble of the National Sports Policy talks about the importance of sports and the physical aspect of education. These help in resource development, enhancement of health, a spirit of healthy competition and an overall development of personality. The preamble also talks about the enhancement of pride towards the nation, a sense of achievement and improves discipline. A basic resolution regarding the National Sports Policy was laid down in both the Houses in 1984 when the NSP, 1984 was formulated with an objective of raising the standard of sports in the country. Seeing that many expectations were surpassed by this Policy, the implementation of the same was not up to the mark and it was observed that a lot of work had to be done. The National Sports Policy, 2001 was drafted with more specific measures and more solid terms. There were twin goals of the new National Sports Policy, 2001 which was drafted with the cooperation of the State Governments, Indian Olympic Association and the regional Sports Federations. These goals were, "Expanding the base of sports" and "Attaining national and international sports excellence". It was stated that broad basing of sports would be a duty of the State Governments who will be receiving support from the Central Government for tapping hidden talents. In the present National Sports Policy, 2011, high priority is given to the development of sports in the rural areas to harness local talents. In this regard the village panchayats as well as the Rural Youth and Sports Clubs are to be mobilized for organising the development process. The integration of sports and physical education in the educational policy was implemented by including the former in the curriculum and making it a compulsory subject even at the secondary levels. A national fitness program was initiated in all schools in order to bring in more sporting infrastructure in the country.

4. Ministry of Youth Affairs and Sports

At the time of the organization of the IX Asian Games in New Delhi, the Ministry of Youth and Sports was initially known as the Sports Department in 1982. During the celebration of the International Youth Year, 1985 its name was changed to the Department of Youth Affairs & Sports. On 27th May, 2000, it was given a status of Ministry. Subsequently, the Ministry has been bifurcated in Department of Youth Affairs and Department of Sports under two separate Secretaries i.e. 30th April, 2008. The specific

subjects being dealt with by these two Departments are contained in the Order of the Govt. of India (Allocation of Business) Rules, 1961. Some of the important functions of the Ministry of Youth Affairs and Sports are maintaining and improving India's position at the World events like the Olympics and other games, supporting alliance approaches to expand investment in focused games, among others.

5. Indian Olympic Association

Indian Olympic Association (IOA) was established by Sir Dorabji Tata, who spearheaded Olympic development in India in 1920, made an extra effort along with Dr. A.G. Noehren in 1927. This plan started without any frameworks and started developing assets and prospered. In 1920, only 6 members were participated in the Indian contingent i.e. 4 Athletes and 2 wrestlers. The investment of resources in the Olympics awakened a national inclination and a feeling of pride as Indian sportsmen took part on equivalent terms with the other countries. Not long after assuming the presidency of the Association, Maharaja Bhupinder Singh of Patiala took it upon himself the difficult task of sending 28 athletes to the Amsterdam games in 1928. The purpose of the Indian Olympic Association is to prepare sportsmen for major international events like the Olympics, Commonwealth games, The Asian Games and so on. At the State level, the State Federations look after these functions.

6. Suggestions

There should be an umbrella legislation which could be called the "India Sports Act" which would ensure proper structure and liabilities of the sports bodies; and key policies for sports bodies including code of conduct, policies for discipline, selection harassment, conflict of interests, recruitment and awards etc. 26 Research must be undertaken to promote, encourage and facilitate the brotherhood of law. The research topics may include: drafting India's Sports Act ; Indian Legislative Body's contribution to supporting Indian sports ;The research topics may include: drafting India's Sports Act ; Indian Legislative Body's contribution to supporting Indian sports; regulation of violence between players in contact sports; development of risk management programmers for safety in sports; concerns of racial discrimination and national identity in sport; changes in contractual dynamics in professional football; regulation of the sports coach/child athlete relationship; legal support for women's participation in sport; judicial pronouncement of Indian in addition to International Courts; and relationship of coordinative abilities to performance

in certain games. The field of sport statute in our country is relatively new and when compared with the other countries. It is however an area of study deserving of in-depth interpretation and academic review and practice. A well-planned systematic competition compliance program can be of great benefit to all businesses. The need for the hour is a fresh perspective, an impartial authority and a general law.

7. Conclusion

Even though sports can be very exciting and exhilarating, there are many issues which still need to be solved. There are many issues in the sports industry which still need judicial consideration. These issues include gender discrimination and sexual harassment against women in particular. Recent scandals involving the sexual exploitation by their respective coaches of female hockey players and weightlifters have created a need for more stringent legislation to be implemented. Although the Constitution of India under Article 14 guarantees its citizens the right to equality and not to be discriminated against on the basis of caste, creed, sex, etc., the sport arena is an exception to this law, as it allows discrimination based on sex in the form of different men's and women 's teams. The explanation for this bias can, however, only be found in the study of sports and the sports law. Another significant issue relates to the exploitation of players and the predominant gap between players and the governing bodies of various sports. Relationships in sports are different from any other commercial relationship, although commercialization of sports involves the influx of huge amounts of money. Sports are unique in their impact, and unlike other commercial enterprises, they thrive on competition.

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