

REVIEW AND NEED FOR CHANGE OF DRAFT NATIONAL SPORTS DEVELOPMENT BILL 2013

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Abstract : India being a unity in diversity is also a home to a diverse population which is fond of several sports. The work of administration and funding of sports is in the hands of the Ministry of Youth Affairs and Sports, which is headed by a cabinet minister and managed by the National Sports Federations. Sports law is one of those fields of law is law that is applied in the field of sports, physical education and its related areas. It is a pure law as opposed to theoretical law and is concerned with how law in general interacts with the activity known as Sports. Though there are various federations in India that provide sports facilities but apart from cricket, India is largely failing in every major event for sports such as Olympics. One of the main reasons for it is the lack of uniform regulation in India for sports. There is a need for a legislation that governs sports and brings the various authorities into one roof. The paper analyses the Draft National Sports Development Bill, 2013 and the author brings out the lacunae in the draft and suggests some of the reforms required to meet the present day sporting problems in the country. The paper discusses various issues involved in sports law and the paper ends with discussion on status of sports law in India.

IndexTerms - Sports, Law, Body, Regulation, Corruption

I. INTRODUCTION

Sports is no longer just a word. It's an emotion. Sports is a way of life. If there is anything that can unite the country then its sport. Given a cricket match being played on the television, fights between sons and fathers are forgotten and there arises communal harmony and enjoying the perks of seeing and appreciating the finesse of the strokes Virat Kohli played through the innings.

Sports has come into the manifold of the society at a tremendous pace. The digitalization and the telecasting of the matches have taken such a huge fan following that, even the regular galli-cricket matches (amateur leisure matches) are being recorded on social-media live platforms so that others can enjoy the perks of watching a good match. A respectable portion of the world comes to a stand still during an ongoing El-Classico match (Real Madrid vs Barcelona) the chants of Messi and Ronaldo rings all over the world when the world's arguably best players have the ball at their feet and showcase some lighting pace and dazzling skill. During the Olympics it becomes a matter of national pride if there are medals won and for some reason the percentage of the masses checking the news often multiplies to see how the fellow countrymen perform at the international level. The Beijing Olympics has gone down as the world's most watched live event surpassing Obama's inauguration speech, funeral of Princess Diana and the Neil Armstrong moon landing.

Sports is now considered as one of the biggest industries in the world with terms of generating revenue and employment. The potential of a healthy and a substantive sporting culture in a country where all sports are given certain amount of significance is limitless as there is a huge fetish for sports in the world. The amount of hype or craze a World Cup or a Olympics draws to the build up of the event is insane. Due to the fact that the investment in a sport is for sure to yield good results sooner or later is an amazing incentive. Sports is considered a social experiment, where the world shows the potential that it can create an enormous human capital which provides support to larger forms of potential harnessment.

Sports can directly be connected with necessary and important systems like science, education, culture, health. Hence the development of sports can help in the upbringing of these vital sectors which is already proving to be a huge challenge for the governing alliance in the country.

There is no debating that India is a cricket-insane country. It is a piece of our way of life and from various perspectives, is one of only a handful couple of things that brings together the whole country. From "ravage cricket" to the official Indian cricket group, cricket is to India what football is to Brazil. In any case, this has not prevented Brazil from winning Olympic awards. Brazil, Russia, China, and many different nations have possessed the capacity to advance more than one game in their separate nations. Why has the improvement of different games been hindered in India, and what's its financial effect on India? The incongruity is, if games were advanced a similar way we advance training, there is doubtlessly about the positive effect it would have on India's childhood and, subsequently, the economy in general. The potential is really boundless. In an extensive review done titled "Advancing the Benefits of Sport", a gathering of scientists found that empowering sports from a youthful age tremendously affects the people, as well as on the nation general.

The review was separated into four segments, which when assembled paints an unmistakable picture that advancing games not just engages youngsters, teenagers, college understudies and grown-ups, additionally assumes a huge part in boosting a nation's economy.

When there is potential and a way of monetary income, there has to be disputes and governance of the same. This is where law comes into the picture. Since the disputes arising out of all this is in a way directly or indirectly related to Sports, this area of study has been coined and referred to as Sports Law. Although there has been a huge and compelling factor and argument as to if there is anything called as Sports Law and if there is a need for the existence or creation of the same.

Critics will say that this genre of studies should be called as 'Law in Sports' as effectively this is only the applicability of law in the field of sports as there are no changes it's the same ideas and branches of law applied to a different subject as the basics are already formed in subjects such as tort law, law of contracts etc just the application is being carried out in the field of sports. Hence there is no need of Sports Law.

However the ones who appreciate and endorse the idea of Sports Law state that Sports Law has to be recognized as a separate genre due to the fact that there is so much that goes into the sport that is different from the existing set of laws for example where a man can be killed and the offender might not be liable at all due to the fact that it could come during the course of play under unfortunate circumstances.

It is important to know that law used in Sports during the in-match situation has to be treated from situation to situation and cannot be a hard and fast rule regarding the culmination of a certain offense .

Structure of the National Sports Development Bill 2013.

Chapter 1: Preliminary

The first and foremost chapter of the National Sports Development Bill deals with the jurisdiction of this Act and the definitions of the parties that are involved in this particular Bill.

Its very important that for a comprehensive bill to be seriously considered to be passed as an Act the jurisdiction has to be laid out clearly so as to make sure there is no complications that arise in certain basic aspects .

Jurisdiction

The Bill clearly says that this Act shall apply to the whole of India.

Usually the Acts apply to the whole of India except Jammu and Kashmir. However since Sports is something that doesn't allow for discrimination and is not bound by the politics of the region. This applies to the entire country. Sports as a culture should be practised accordingly throughout the world. Sports brings out a unique sense of togetherness and unity as there is no discrimination. If you are talented enough to beat the rest then you will be selected. This will definitely bring about more talented players into the sporting fray and also end unnecessary reservations and discriminations hence denying the players a fair chance to showcase their talents

Definitions -

“The important definitions of the Act are :

(a) — athlete || means a sportsperson who meets the eligibility criteria for participation in a national or international athletic competition; “

“(b) —Athletic Advisory Council means a council consisting of athletes who have represented India at an international athletic competition;

(c) — athletic competition || means any sport competition in which athletes compete;

(d) — Appellate Sports Tribunal || means the Sports Dispute Settlement and Appellate Tribunal established under section 25;

(e) — coach || means and includes any person involved with development of skills of an athlete for the sport;

(f) — executive body || means a group of elected Office Bearers, nominees of the Athletic Advisory Council who collectively manage and control the affairs of a National Sports Federation or the National Olympic Committee, by whatever name such body may be called;

(g) — eminent athlete || means a sportsperson, —

(i) who has been conferred with national or international honours in sports for his outstanding contribution in sports; and

(ii) who has represented India for not less than three years in international athletic competitions;

(h) "General Body" means the body of all voting and nonvoting members of a National Sports Federation or the National Olympic Committee;

(i) — Indian Olympic Association || means the National Olympic Committee recognized by the International Olympic Committee;

(j) — International Olympic Committee || means the governing body for the Olympic Games;

(k) — International Federation || means,—

i. a federation recognised by the International Olympic Committee in respect of an Olympic sport; and “

“ ii. in respect of non-Olympic sports, a federation which regulates the sport at international level;

(l) — Indigenous sports || means sports which have originated in India;

(m) — National Anti-Doping Agency || means the apex body to implement anti-doping measures in India;

(n) — national championship || means the annual championship for a sport discipline organised by a National Sports Federation;

(o) — National Dope Testing Laboratory || means the dope testing laboratory set up by the Central Government and accredited by the World Anti-Doping Agency;

- (p) –National Games || means the games organized biennially by the National Olympic Committee;
- (q) –National Olympic Committee || means the multi-sport organisation in the country which is recognised as the National Olympic Committee by the International Olympic Committee;
- (r) –National Sports Federation || means an organisation concerned with Sports, including Paralympic sports or Special Olympic sports organisation, and which has been granted certificate of registration as National Sports Federation under section 18;
- (s) –notification || means a notification published in the Official Gazette and the expression –notify || shall be construed accordingly;
- (t) –Office Bearer || means any person who holds the office of President, Vice-President, Secretary General, Joint-Secretary or any other nomenclature used to refer to these offices, in the executive body of the National Olympic Committee or the National Sports Federation;
- (u) –officially recognised athletic competition || means an athletic competition recognised by the International Olympic Committee or International Federation or “Commonwealth Games Federation or National Olympic Committee or National Sports Federation;
- (v) –Olympic || means the games organized by the International Olympic Committee referred to as Summer or Winter Olympic Games;
- (w) –Olympic Charter || means the Charter adopted by the International Olympic Committee for the purpose of advancing the Olympic movement;
- (x) –Paralympic sports || means any sports where athletes with a physical disability compete;
- (y) –prescribed || means prescribed by rules made under this Act;
- (z) –public authority || means the authority as defined in section 4 of the Right to Information Act, 2005;
- (za) –Special Olympic sports || means the sports in which athletes with any mental disability compete;
- (zb) –Sports || means the sports specified in the First Schedule;
- (zc) –Sports Authority of India || means the society registered under the Societies Registration Act, 1860 for promotion of excellence in sports and wholly controlled by the Central Government;”

Chapter 2 : Development And Promotion Of Sports By The Central Government

By giving emphasis on the establishment of a dedicated sports industry, the country can expect good returns from various directly and indirectly related segments of the industry. Sports Industry is currently booming and is definitely in the best of the development stages compared to the recent past. With the advent of recent upcoming leagues not only in Cricket but also various other sports such as Kabbadi, Football, Badminton, Hockey etc the talent pool has certainly expanded hence encouraging talented doubtful sportsmen to go ahead and try to make a name for themselves in this age of competition. It goes without saying that such initiatives need a certain amount of capital and amount which is a tedious process to generate. However this process is a chain linking process as there needs to be a good link-up between government initiatives, good pool of talent and quality managers to nurture them and bring them upto international standards.

Through the introduction of the Bill in the hope of it turning to an Act, the Central Government has introduced some measures for the promotion and development of Sports in India.

1. Central Government to take certain measures for promotion and development of sports

The bill which has been the brainchild of Ministry of Youth Affairs and Sports and Justice Mudgal's report believes 5 things that can promote and develop sports in the country:

- “(a) inclusion of Sports in the First Schedule;
- (b) rules for constitution of the Athletic Advisory Council;
- (c) dispute resolution and representation of athletes and other stakeholders in the governance and management of sports
- (d) prioritisation of Sports for the purpose of determining the quantum and scale of financial and other assistance to be provided to them;
- (e) continuing education, healthcare, pension scheme, prevention of doping, prevention of sexual harassment and fraud of age,; and
- (f) development and promotion of Paralympic sports and Special Olympic sports.

These are very stringent measures taken by the Bill which definitely needs to be addressed as there has to be a legal backing as to these factors.”

Sports is definitely something that should be completely free of harassment, doping etc as then only athletes will be confident to perform and train to the fullest extent.

The next point that Chapter 2 talks about is the power to impose restriction in national interest. This gives the Central Government legal backing so as to under extraordinary conditions the Central Government has the right to withdraw or deny teams for participating and representing the country.

The next highlight of Chapter 2 is the usage of certain terms exclusive only to national Sports Federations. This will prevent private companies like Force India etc to use term 'India' or 'Indian' in their teams .

Chapter 2 also throws light as to who can represent the country in sports and this time there is clear legal backing that only citizens of the country shall be allowed to play for the country , this is indeed an important step as there is no point representing to play for a country unless you have certain emotion involved and if foreigners are allowed to represent the country then the country citizens will not get a chance to play even though being from the same country.

Chapter 3: National Sports Bodies

The Committee and MYAS made sure to include all the sports bodies into the framework as their implementation and contribution has been very low as they haven't performed anywhere near potential.

The 3 main Central Sports bodies are :

- a) Sports Authority of India
- b) National Olympic Committee
- c) National Sports Federations

The most important legislation proposed in the Bill is the fact that all the records and annual reports have to be submitted to Central Government for review and also made public.

This will bring in transparency in the usage and utilization of funds hence making them more accountable.

Being the premier training institution for national athletes Sports Authority of India training centers currently bear a very sad state.

The training centres and facilities are nowhere near international standards and have no dedication towards maintenance, hygiene etc hence if there has to be an increase in the performance levels there has to be maintenance and upgrade of equipment, infrastructure and professional coaches. The Bill underlines as to the roles and functions of the Sport organizations and as to the guidelines to be followed in the report to the Central Government.

Chapter 4: Elimination of Unethical Practices In Sports

Deep down we all know that India has not yet tapped its potential in the sporting world. With the sheer population that our country possess there have been questions asked as to how we can manage to win such a meagre amount of medals in the Olympics.

One of the sole reasons as to why this has happened is definitely due to the amount of politics involved. It is a very well-known fact that India were the most dominant and destructive forces in the field of hockey 5 decades back and were compared to as what Brazil was considered in football. However with the politics between the control of power by Hockey India and Indian Hockey Federation made sure the team nosedived and then went into such lows that they failed to qualify for the Olympics. Hence Sports can target a greater set of talented individuals if they believe in the future and fairness of treatment. Hence elimination of unethical practices is very important.

The 3 important areas of concern that the Bill are:

1. Anti-Doping Measures

India has been marred with doping controversies in the recent past. The success of Sakshi Mallick, Dipa Karmakar, PV Sindhu was overshadowed with the doping saga of the tests of a medal contender Narsingh Yadav.

An alarming statistic of 600+ athletes being banned by doping agencies which is more than 100 per year is a shocking rate that spoils the sanctity of the game .

The fact that top athletes such as Maria Jones and Lance Armstrong have been under the influence of performance enhancing drugs is a shame for the sporting fraternity.

“ The National Anti-Doping Agency shall function as the apex body to implement anti-doping measures in sports in India and its code as amended from time to time shall be applicable and binding upon all National Sports Federation and the National Olympic Committee.”

One of the landmark case laws in this aspect is Case Z. v. DFB (German Football Federation) where Z a player who was bound by contract to a club N. He happened to play a match against SC F on 29th May 1999 in the German league. For some reasons the urine sample of Z was taken for doping control test and essence of the substance called androgenic anabolic steroids was found which was suspected to have been consumed before the match.

After questioning it was found that during training and before matches T, a nutrition specialist who worked for FCN as a “dietary adviser”, asked the players to intake muesli¹, fruit juice and tablets which players didn't know the exact composition of. Z like all the other players took the prescribed diet intake of the dietary adviser and by doing this has accepted the containment of the anabolic steroids. The Court held that that the test conducted was in lieu with the DFB's regulations.

Sports Tribunal were convinced of the fact that there were definitely chances of Z intaking these substances while having full knowledge of the same . Although they do claim the fact that B has administered the banned substance to the players but there also has to be reasonable amount of care taken by the players to know the intake of stuff that they are consuming as they are professionals . There can also be a situation where the player knew the fact that he is being administered steroids but chose to ignore it to enhance his playing skills

¹ https://stillmed.olympic.org/Documents/Reports/EN/en_report_264.pdf

2. Prevention of Age Fraud

It's very important for players to stay true to their actual age and not lie and deceive about the same. Lots of countries have been plagued with controversies regarding with age fraud. Age Fraud denies fair opportunities to the players in their respective platforms as they will have to compete with over-age players.

A country that has been hugely plagued by age fraud mishaps is Nigeria. Nigeria has been quite a dominant side in the youth stages of Association football.

Age fraud is a common term used for fabrication of age or the applying of false documentation to gain an undue hand over the opponent teams.

A Cameroon international player who played as defender for the football team has been a prime example for this age fraud. Records suggest that the player became younger as the time went by during a certain stage of his career.

In the 2010 BBC World service documentary Africa Kicks, Williams stated that the Nigerian Government were "afraid of change". He went on to say, "I don't see Nigerian football getting out of the quagmire, the problem it is in today is because it [corruption] is getting deeper and deeper and deeper. From time to time we get flashes where we do well in some competition with overage players and we celebrate. That was one of the issues I looked at, we can't keep using overage players. We use over-age players for junior championships, I know that. Why not say it? It's the truth. We always cheat. It's a fact. When you cheat, you deprive the young stars that are supposed to play in these competitions their rights."

Brazilian Carlos Alberto de Oliveira Júnior won the 2003 FIFA World Youth Championship using fake documents to claim that he was born on 24 January 1983. Because of this, he was banned for 360 days from football.

A player whose real name is Angel Cheme, who was an Ecuadorian soccer player played under the pseudo name Gonzalo Chila, who is actually a player who was 3 years junior to him hence he was able to attend trials for 3 more years although he wasn't eligible for the same. Ultimately he was caught for this grave offence and hence he was handed a suspension sentence of 2 years.

The Bill provides the fact that the national Federations, Clubs and Associations should take maximum scrutiny measures to make sure there is the prevention of Age fraud upto the highest standards. In the end this will definitely help in the upliftment of sports and greater recognition of talent so they can be harnessed and channelized in the right direction.

3. Prevention of sexual harassment in sports

This part of the Bill has been very thoroughly dealt with addressing all the important concerns that can definitely put India on the sports law map.

Sexual harassment is a very deterrent factor for a person to fully express themselves. In India laws like these must be laid out in full force so that the victims can feel safe and the people shall deter to conduct themselves in such a grievous manner.

Extensive rules addressing healthy relationship between authorities/coach and players.

This will help in making sure the players feel safe and they understand the coach better. Since in India there is a large number of player representation from not so well of backgrounds, they tend to be easy targets for molestation and exploitation since they are away from their guardians and parents.

Hence the National Sports Development Bill 2013 has asked for better measures of security towards the woman athletes of the country.

This can be done by

“(i) prescribe necessary rules

(ii) provide sufficient members of women coaching staff

- (iii) appropriate sporting conditions for women and girls
- (iv) setup complaint mechanism
- (v) be woman centric and also someone from NGO so that there is no pressure from Association.
- (vi) Provide appropriate penalties”

Chapter 5: Registration of National Sports Federations

Ceasing of extinction of sporting bodies or association.

The Bill shall cease the existence of all the bodies and associations after the expiry period of a year after the Act is introduced. However this provision shall cease to apply if the body or association has obtained a certificate of registration from the Central Government..

- Eligibility criteria for Registration

The Bill lays down the eligibility criteria in order to obtain the certificate of Registration .Some of the pre-requisites that the body or association need to fulfill are :

“(i) Registered under Societies Registration Act 1860

(ii) In-house grievance redressal

(iii) pan-India presence

(iv) affiliated with NATIONAL Olympic Committee”

- The Appellate Tribunal that shall be formed with the advent of this Act shall get to decide regarding the suspension and cancellation of Registrations of the National Sports Federations and shall be the appropriate authority to handle the grievance redressed mechanism

Chapter 6: Sports Dispute Settlement and Appellate Tribunal

To address sports related issues, there shall be an appropriate forum to deal with cases of such particular and peculiar nature.

Hence through the advent of this Act there has to be the introduction of a platform where sports relate issues can be dealt with. The advantages of doing so are :

1. Reduces the burden on the court

Everyone knows that the list of cases in the courts are never ending and hence there is so much of backlog in the courts. To add that if Sports related cases are also dealtwith there then there will be problems arisen.

2. Dedicated Tribunal

Sports related issues are to be dealt with in high-speed and like normal cases they cannot be taken the own sweet time to be dealt with . Hence during urgent matters if there is a dedicated Tribunal then swift and fast judgement can be accepted that can sometimes make life-changing decisions .

3. Expertise

If there is a dedicated Sports Appellant Tribunal then the matters can be decided by a panel of experts from that particular field as Sports is a niche and specialized area that requires certain understanding of the game and also sometimes dwells into the technicalities of the game offerings. Hence if there is a distinguished panel and not just normal civil judges then its help in better and more accurate rendition of the judgment and justice to the parties of the dispute.

Chapter 7 of the National Sports Development Bill deals with as to how sports disputes can be settled and the establishment of the Appellate Tribunal .

Firstly it lays down the parties eligible to present their cases to the Tribunal.

Then it talks about the process and formalities to be followed in order to receive the assistance of the Court in order to settle the on-going dispute. Thirdly it talks about dealing with emergency situations which are very common in sports for ex: validation of participation in the Olympics, verdict of the appeal placed in order to play the next crucial match slated. Then the Chapter talks about the composition of the members of the Tribunal regarding who shall head the bench, Chairperson and other distinguished members of the Tribunal.

There is also a selection Committee for the selection of the Chairperson and the other Members of the Appellate Sports Tribunal.

There also us a clear cut minimum sense of qualification in order to be eligible for being considered to be appointed for either the Chairperson or the other members of the Bench.

After entering the Office, the members of the Bench aren't allowed to keep their post exceeding the time limit of 3 years.

The Appellate Sports Tribunal shall be vested with the following powers in order to assist with the Justice-

“(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; “

“(c) receiving evidence on affidavits;

(d) subject to provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or a copy of such record or document, from any office;

(e) issuing commissions for the examination of witnesses or documents;

(f) reviewing its decisions;

(g) dismissing an application for default or deciding it, ex parte;

(h) setting aside any order of dismissal of any application for default or any order passed by it, ex parte; and

(i) any other matter which may be prescribed”

Chapter 7: Exclusion of Right To Information Act, 2005

Being sports bodies and associations of the Central Government earns them certain privileges. One of them being exclusion of certain classified information to Right to Information Act.

The sports body or association can seek to not provide information on aspects such as :

- “(i) RTI enquiries on selection of trainer, physiotherapist, athlete etc
- (ii) RTI enquiry regarding the performances delivered by the questioned athlete
- (iii) enquiries with respect to injury
- (iv) enquiries dealing with the fitness and health
- (v) Queries regarding details of an athlete’s whereabouts.
- (vi) Queries relating to the results of the doping tests undergone.”

The reason behind this is the Central Government is to be believed regarding the fact that it shall work for the best interests of the country and hence the selection process shall be taken as fair and unbiased.

Chapter 8: Offences and Penalties

Penalty prescribed for non-compliance of orders of Appellate Sports Tribunal

If there is willful non-compliance of the orders laid down by the Appellate Sports Tribunal, then there shall be an imposition of a fine of Rs. 1 lakh rupees and in case there is a repeat offence then the fine may be increased to a sum of Rs. 2 lakh. In case of continuing of the same after repeated reminders then a fine of 20000 rs. shall be applied everyday .

Penalty for sexual harassment

Penalty for sexual harassment can lead to being debarred from a office bearing post or participating in any future or existing sports competition in any capacity whatsoever.

Also a fine sum of not less than 1 lakh rupees shall be imposed.

Chapter 9: Miscellaneous

This Bill makes it clear as to where the collection of funds from penalties go to hence preventing and opportunity of embezzeling of funds by directing the collected amounts to National Sports Development Fund Scheme 1998.

This Bill in its last chapter makes sure of the fact that the Central Government has the power to amend the Schedules of the Act as sports being an ever evolving genre doesn’t end up being a stagnant legislation .

The Bill provides the Act the power to make rules for efficient running of the sports scenario of the country. Everybody is aware of the fact that there is so much untapped potential in the country, if this Bill is turned into an Act then there will be no stopping India to perform well in various international level competitions and hence will turn the country’s sporting fraternity into a global powerhouse.

CONCLUSION

The Author in this project has tried to put forth the points regarding the establishment of a legal mechanism in adherence to the governance of the discipline of Sports. After a huge hue and cry that happened regarding the scam of Commonwealth Games, there were calls for better and efficient administration supervision in the sports segment of governance in the country. It was clear that lack of supervision and care played a significant part so as to encourage the perpetrators to shoot up the quotes which is a shame as the Authorities of the event were left sweating about the fact that the venue after all the expenditure and inflated costs were not prepared on time that too for an international event of such high magnitude.

After such events it was clear that there ought to be a Sports Bill in order to make sure that the administration part is well taken care of in the field of Sports is a segment where India with its sheer population and the talent that it can possess has been frustratingly been a minnow. In the Olympics which is considered the most premium form of Sporting pinnacle for all the sporting events, India has consistently been underperforming depressingly. The medal winners this time however for the first time were 2 women who clinched a silver and bronze each making sure that India did not have to come back empty-handed from the Olympics. Other countries with the size and population such as China, Russia and USA take up the first few positions when countries are ranked up at the medal tally.

Hence after the advent of certain discussions there was a talk about the introduction of a Sports Bill. When brought into contention, there was a collective nod to the fact that more work could've been done on the structure of the Bill as there was a recognition of the fact that this could literally be a game-changing bill as that would put India back on the sports map rightfully where it belongs. Hence after the inputs and suggestions from the public the Bill was drafted and now its been sent for passing hopefully it will be brought up at certain some point of time.

Reports say that this is the right time to start the practice of being a Sports Player due to the opening of avenues in the certain genre with the advent of introduction of local leagues of various sports such as -

1. Cricket – Indian Premier League
2. Hockey – Coal India Hockey League
3. Badminton – Premier Badminton League
4. Kabbadi – Pro-Kabbadi League
5. Football – Indian Super League

Hence the opportunities to work with the identities of such large scale tournaments is a huge prospect as there is a plethora of individuals to work with/under. The parties that a sports lawyer can work with are : referees and officials, governing bodies of the sports industry, educational institutions, amateur and professional players, leagues etc.

There is a definite need for proper legislations in the field of Sports due to the fact that the administration of the country has always dealt with the lowest level of professionalism . If in the past 2 decades the ruling government had invested in better forms of infrastructure towards sports and helped in the development and promotion of Sports then India would have found themselves in better positions in different sports apart from Cricket. However there has been a little more seriousness in the recent times regarding the allocation and spending of funds by the Sports bodies and Sports Federations and Associations trying to converge and get their act together before its too late.

Hockey in India is now taking giant steps to get back as to where they were after the dispute between the two federations who over saw the administration and functioning of the game was resolved by the Courts. Indian Hockey performed extremely well in the Olympics and recently won the Junior World Cup held in the country recently showing the potential of glory days ahead in the near future.

Badminton in India is attaining new heights after PV Sindhu, Saini Nehwal and P Srikanth are making stellar progress and producing fabulous results in international competitions and platforms under the Dronacharya Award recipient P Gopichand .

To make further inroads into better and more efficient supervision of the Sports sector in the country two bills have been introduced to the parliament namely National Sports Development Bill 2013 and the National Sports Ethics Commission Bill 2016.

If Introduced these 2 bills can create wonders for the Indian Sports fraternity. A countless athletes, a handful of coaches and a country of sport fanatics are in the hope that these Bills see the green light of the Parliament. National Sports Development Bill has been extensively dealt with in this dissertation and an analysis of the same can be found in the 3rd Chapter . According to me this Bill has started out at the right direction as to which it has set its focus on 3 main things that is :

1. Development and Promotion on the Sports
2. Removal of Unethical Practices in Sport
3. Dedicated Dispute Resolution Mechanism for Sports

It is important as to develop and promote sports to be a friendly and a choice that a person can take without hesitation that would encourage more and more interested and talented players to take it as a career and hence seriously consider it a necessity to work harder in order to yield greater results .Removal of unethical practices such as harassment, doping and unfair selection processes will be put away with the same Bill's introduction as an act and hence there will be a sense of vigilance and scrutiny regarding the affairs of the Sport which only help in gaining better results as the time passes by.

A separate dispute resolution mechanism can help in speeding up the process of justice in case of sports as the matters are usually urgent in nature as the events will have to go on regardless the participation of the few athletes irrespective of how good they are. Hence if there was a dedicated dispute resolution it would've served a more resolute rebuttle to the judgements of Sarita Devi the Olympian boxer who refused to accept the Bronze medal she had been awarded at the Asian Games and Chand the sprinter who is suffering from gender issues .

It is important to keep an updated and checked mechanism regarding the funding that has been allocated to Sports especially the National Sports Federations and hence with the advent of this Bill there has been a system established. However mere establishment of principles and procedures is not enough although its definitely an initiation of a big step. The real test will be passed if the contents of the Bill are materialized and then implemented to working structures and overlooked by professionals.

However the main highlight of recent times have been the series of scandals and corrupt practices which was meant to be addressed through the New bill of 2016 which is known as the National Sports Ethics Commission Bill 2016 . The private investment in sports have increased to a huge extent leading to a delight of the fans such as for the sports of Cricket, Kabbadi etc which has contributed over a sum of Rs. 1500 crores to the Indian economy's domestic product. Indian sports have time and time faced the wrath of the wrong side of integrity with a series of doping and match fixing scandals in the past hence questioning the public's view regarding the staging and fixing of matches hence them refusing to believe the authenticity of sports which definitely will be considered as a black day for sports when the authenticity of the results is questioned.

India has consistently found itself in the top 3 of the annual doping report of the World Anti Doping Agency which is a statistic no one will be proud of . Age fraud has been such a rampant issue in Indian sports that BCCI themselves has restricted their own players from participating at the u19 World Cups after representing the country once. However the most alarming cases has been regarding fixing which has been a part and parcel of the Indian cricket scenario from the past 3 decades . The IPL saw some famous names such as Sreesanth who have represented the country numerous times across various formats dragged into the butt of controversies and allegations to fix matches.

It is in this context that the National Sports Ethics Commission Bill, 2016 (2016 Bill) must be seen. The Bill was introduced earlier this year by Mr. Anurag Singh Thakur, M.P. a member of the BJP, the ruling party at the Centre. Mr. Thakur was then Secretary of the BCCI and has since taken the reins as its President. The frustration of the, thus far, unsuccessful attempts at prosecuting alleged

IPL 'fixers' under the Indian criminal law's provisions for 'dishonesty' and 'cheating' are listed in the Bill's Statement of Objects and Reasons as key motivators for the proposed legislation. ²

However these Bills when compared to the various Sports models of different countries are still placed in a decent stage and definitely will put India into the map of countries that have dedicated legislations to the protection and development of Sports .

It is in this legal context that the Bill states that it sets out to achieve "the purpose of fair play, conducive environment for sports and justice to those wronged by others" by creating a set of new criminal offences and penalties relating to participant-integrity in sports and establishing a formal mechanism for adjudication of sports disputes through

creation of a national commission.

The North Americans, Europeans and the Chinese boast the most successful sports models in the world and hence there has been a comparison regarding the same of the 3 and a case study as to how these 3 models function and their respective advantages that they have to offer. Where the Americans have a clear demarcation as to amateur and professional sports, the Europeans are focused to effect regarding the grassroots development hence making it essential to tap resources right from the beginning.

All these 3 countries are very dominative in terms of sports and hence do contain and possess the most celebrated athletes of the world who amass a huge fan following and hence deserve respect for the same . The fact that Sports is a very level playing field and to ascertain dominance in the same is a very tedious and meticulous task .

The comparison of the European Sports Model and the American Model has been a topic of debate as its hard to establish the fact that they are continuously diverging away from each other in order to set upon original paths in order to gain momentum to reach the top of the pine or if they are gradually convergin in order to stay afloat in the competition.

Some of the similarities that process with the fact that they are gradually converging are the fact that - is that both sports models encourage the fact that the competition ought to be at the highest form for the benefit of the public.

Secondly, they seek to bring the aspect of cooperation and competition together to make sure that it is not only a single side of competition that is presented to the public. Thirdly, there is focus on the fact that the uncertainty of outcome should be maintained and this can take place only if there is equality among the teams regarding the rules followed or the restrictions imposed . Some of the examples can be the Financial FairPlay Regulations that have been imposed on the teams making sure there is a ration to be adhered regarding the spendings and the incomes of a club so as to make it as sort of level playing field and which preserves the outcome of the match to be not pre-decided. As its rightly said , that if a sport has a decided outcome then it becomes an opera and not a sport where everyone know the story and the outcome . Last but not the least is the independence of the Sports bodies in both the bodies is free from the political and economic manipulation . Its important to be independent as there will definite be an external pressure and instances of coercion in case politics is allowed to creep in and there has to be functions carried out independently in order to avoid such embarrassing scenarios. ³

However all these do seem good in paper the real test is the acceptance and the execution. For the stages of execution and acceptance the Bill ought to be passed by the parliament in session. Honestly the chances of the Bill seeing the light of the day are pretty slim at the moment as the maturity level of the Parliament to commit to causes like this seem pretty frivolous. The maturity level is discussed because this seems so foolish as initially when the developments of the Bill was discussed in the year of 2011 which Ajay Maken was a huge endorser of during the tenure of Congress's reign. Congress was willing to work towards the Bill and hence laid out a well established Committee for the structurization of the Bill that had to include a few more crucial points.

The bill was prepared by a working group consisting of eminent sportspersons like Olympic gold medal-winning shooter Abhinav Bindra and former India hockey skipper Viren Rasquinha, sports administrators and legal experts, and was submitted to the then-Sports Minister Jitendra Singh in July 2013 .

²://www.lawinsport.com/articles/item/fighting-sports-corruption-in-india-a-review-of-the-national-sports-ethics-commission-bill-2016

^{3 3} James D. Whitney, 'Winning Games Versus Winning Championships: The Economics of Fan Interest and Team Performance', 26 Econ. Inquiry(1988) p. 703

The main reasons as to why this Bill might not be passed is :

1. Politicians grip over the issue In the end the Members of the Houses have final say regarding the passing of the Bill to an Act. Sports sector of governance has always been a matter of exploitation in the recent past and hence the elected leaders of today woun't want to whine away the opportunity to make some money although they don't have the right to do so. In the end if politics was put away with corruption without any doubt India would boast state of the art facilities in the Sports Authority of India centres hence helping and enabling athletes to get to international level of competition.

As these Bill calls for better forms of scrutiny and definite reports it leaves little scope for corruption hunger politicians to exercise their powers to extract more funds to swell up the bank accounts hence this Bill not being introduced in thr Parliament in several sessions.

The other prospect being the post holders not able to continue their reigns for longer terms hence which turns out to be a conflict of interest. Also the compulsory retirement at the age of 70 is something that they aren't particularly impressed with.

Although we genuinely hope that Indian sports do reach the potential it is ought to be at, its very important that Sports is considered seriously in this country. The National Sports Development Bill and The National Sports Ethics Commission Bill are definitely magnificent and beautiful steps to realizing those glory days but its also important to affect the mentality of the people of the country regarding Sports .Sports is only an enhancer but majority of the individuals think of it as an distraction or a spoiling habit. Its important that sportsperson regardless of what level they play are treated with respect and utmost gratitude.

In summary, the Bill is an ambitious and politically astute foray that attempts to balance the independence of sports federations with oversight, adjudication and standard-setting by an overarching quasi-judicial government body. It does so while also attempting to create a penal environment, clearly underpinned by theories of deterrence, to preempt actions that erode trust in the integrity of sports performances. Given the recent events that have shaken Indian sport and the prevailing standards of ethics and governance, the Bill cannot be faulted for its ambitious nature. That said, more thought and work are needed before it is ready for enactment in a form and structure that will achieve its stated objective of creating an environment of fairplay and justice on and off the field.

