

Arbitration As A Pillar of Dispute Resolution in Sports Law: Balancing Fair Play and Legal Integrity

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ABSTRACT

Due to the full dynamism and competitiveness of the nature of the sport, disputes have been on the rise. These include both contractual disputes and those concerning doping cases. Traditionally, these matters were settled under lengthy court processes, which usually proved against the interests of the athletes and the sports sector. The Court of Arbitration for Sport was founded in 1984 and has since become the world's leading institution in the arbitral settling of sports-related disputes, rendering a neutral and specialized forum for swift and fair decision-making. The model CAS put in place is considered one of the best examples of sports arbitration since resolutions conform to international regulations and sports-specific needs.

The need for a body like CAS has also emerged in India. Sports have proliferated, and athletes' increased participation in international competitions demands effective dispute resolution. Several arbitration practices have been introduced, including the Arbitration and Conciliation Act 1996 and some frameworks, such as the National Sports Development Code of India, 2011. However, still, a lack of any special sports arbitration body exists. National sports federations, which include the Board of Control for Cricket in India (BCCI) and the Indian Olympic Association (IOA), have inbuilt mechanisms but always attract criticism due to a lack of transparency and sometimes appointed handpicked representatives.

At the world level of sports, India needs an urgent establishment of NAS akin to CAS, which would cater to disputes regarding sporting activities by ensuring fairness, transparency, and efficiency. This institute would enhance sports arbitration practice standards in the country, affording fair, neutral channels for dispute resolution and vesting credibility in the sports governance domain. This would have the NAS resolve doping violation disputes to agree on funding for athletes so that the integrity of Indian sports is preserved while at the same time ensuring that rights are given to the athletes and other stakeholders.

Keywords: Dispute Resolution Mechanism, Court of Arbitration of Sports, Fair Play, Sports Law, Sports Law Integrity

INTRODUCTION

Sport is a dynamic world with high stakes and a very competitive spirit. Inevitably, disputes are part and parcel of the day-to-day running of such sports. These may range from contractual disputes to eligibility and doping infringement cases. Traditionally, resolving such disputes often used to be lengthy and complex national court processes that proved time-consuming and detrimental to the athletes and the sport

as a whole. Due to these challenges, the Court of Arbitration for Sport has become a primary institution providing quick and specialized resolutions to worldwide sports-related disputes.¹

Founded in 1984, CAS has built a reputation as the supreme authority over sports arbitration, ensuring a neutral forum to settle such disputes efficiently and with specialized expertise tailored to the very peculiarities of this super-specialized area of sports law². An arbitration system of this kind is most helpful in preserving the integrity and smooth running of international sports by ensuring dispute settlement in relation to the specificities of regulations and standards in sports.³

To a greater extent, it seems to center the role of CAS in relation to Indian sports law. The rapid growth of sports in the country, with increased participation in international competitions, has resulted in unprecedented disputes that have cropped up for resolution by mechanisms that provide fairness and expedition.⁴ CAS in the Indian legal regime on sports would present a greatly needed avenue of conflict resolution in a manner consonant with international norms and responsive to local concerns. The junction of sports law and arbitration in the Indian context is relatively new but imperative. As India's influence in the global sports scenario increases, the country has witnessed a steep rise in legal disputes associated with sports, ranging from athlete grievances to disputes between sports federations.⁵ The role that CAS can play in resolving these disputes is critical for the athletes and the growth in the credibility of Indian sports. While the Indian sports law finds statutory and constitutional governance through a mix of statutory regulations, policies, and the Constitution, the National Sports Development Code of India, 2011 assumes center stage when guiding sports governance.⁶ This, taken together with the provisions of the judicial precedents and the Arbitration and Conciliation Act 1996, sets the tone for how the disputes in this country will be handled.⁷ However, the nature of most sports-related disputes calls for an international perspective and a neutral forum—a niche that CAS serves.⁸

ARBITRATION MECHANISM FOR THE RESOLUTION OF SPORTS DISPUTES

The CAS, headquartered in Lausanne, Switzerland, is one of the largest global forums for resolving sports-related disputes.⁹ Founded in 1983, the CAS was established by the International Olympic Committee (IOC) as a highly specialized arbitration body in issues concerning sports law.¹⁰ The body has two permanent branches in Sydney, Australia, and New York, USA.¹¹ The CAS has a panel of over 150

¹ Court of Arbitration for Sport (CAS), History of CAS, CAS Official Website, <https://www.tas-cas.org/en/general-information/history-of-the-cas.html>.

² Richard H. McLaren, The Court of Arbitration for Sport: An Independent Arena for the World's Sports Disputes, 35 VAL. U.L. REV. 379, 382 (2000).

³ Ian Blackshaw, Resolving Sports Disputes: The Court of Arbitration for Sport, 7 INT'L SPORTS L.J. 3, 6 (2007).

⁴ Mukesh Yadav, Role of CAS in Indian Sports Disputes: A Critical Analysis, 12 INDIAN J. SPORTS L. & GOV'T 27, 29 (2021).

⁵ Shashank Manohar, Arbitration and Sports Law in India: The Growing Trend, 22 J. INDIAN SPORTS L. 112, 117 (2019).

⁶ National Sports Development Code of India, 2011, MINISTRY OF YOUTH AFFAIRS AND SPORTS, <https://yas.gov.in/sports/national-sports-development-code-2011>

⁷ Arbitration and Conciliation Act, No. 26 of 1996, INDIA CODE, <https://legislative.gov.in/sites/default/files/A1996-26.pdf>.

⁸ CAS Jurisprudence on Indian Sports Disputes, CAS Bulletin, <https://www.tas-cas.org/en/jurisprudence/recent-cases.html>

⁹ Court of Arbitration for Sport (CAS), History & Structure, CAS Official Website, <https://www.tas-cas.org/en/general-information/history-of-the-cas.html>

¹⁰ Ian S. Blackshaw, The Court of Arbitration for Sport: A Model for International Dispute Settlement, 15 MARQ. SPORTS L. REV. 125, 128 (2004).

¹¹ Richard McLaren, The Court of Arbitration for Sport: An Independent Authority, 35 VAL. U.L. REV. 379, 383 (2001).

arbitrators from 37 countries with expertise in arbitration and sport law.¹² Members are appointed by the International Council of Arbitration for Sport (ICAS) for renewable terms of four years; upon being appointed, arbitrators must sign a 'letter of independence' to ensure they are independent.¹³ The CAS is headed by a permanent president who acts as ICAS president.¹⁴

The CAS focuses on settling most disputes related to the sports field, including those of a commercial nature, such as sponsorships and contractual disputes.¹⁵ Applications are made to the CAS in writing by both natural persons, for instance, athletes, and legal entities, such as companies. The ICAS, established in November 1994, runs and finances the CAS.¹⁶ Headquartered in Lausanne, like the CAS arbitrators, ICAS members also enjoy renewable four-year terms of office.¹⁷

International sports federations and associations participating in the Olympic Games normally require the CAS to resolve all disputes between them and athletes.¹⁸ However, sports outside the Olympics, such as Formula One, have distinct dispute settlement mechanisms.¹⁹ The Fédération Internationale de l'Automobile, the governing body of motorsports, operates its tribunal.²⁰ The case is similar to certain sports within the Olympics, such as football, which has its adjudicatory bodies. For instance, FIFA's Tribunal settles disputes relating to football. In 1993, for example, former Formula One champion Alain Prost and the Williams Renault Team disagreed on whom FIA had to handle the charge of bringing the sport into disrepute. The dispute ended amicably, saving Prost the risk of an eventual ban from the remainder of that season.²¹

FUNCTIONS OF THE CAS

The Court of Arbitration for Sport (CAS) maintains its Statutes and Rules of Procedure, consisting of the Statutes of the Bodies Working for the Settlement of Sports-Related Disputes, Code of Sports-Related Arbitration, and Mediation Rules.²² Pursuant to Articles S12, S20, R27, and R47 of the Code, the Appeals Arbitration Procedure admits appeals against any decision rendered by federations or clubs, not only in disciplinary cases, such as doping²³. Article R57 allows CAS panels to cancel, substitute, or resubmit decisions to the issuing body. Article R58 gives the panel the discretion to make the 'rule of law' most appropriate to the case, even if it transgresses the laws of the domicile country of the federation.²⁴ Article 13 of the World Anti-doping (WADA) Code requires that domicile countries of federations have appellate

¹² Matthieu Reeb, The Role of the Court of Arbitration for Sport (CAS) in Sports Disputes, 8 INT'L SPORTS L.J. 35, 40 (2008).

¹³ Court of Arbitration for Sport (CAS), CAS Arbitrators, CAS Official Website, <https://www.tas-cas.org/en/arbitrators/list-of-arbitrators.html>

¹⁴ Richard H. McLaren, CAS and ICAS: Institutional Structure and Function, CAS Bulletin, <https://www.tas-cas.org/en/general-information/icas.html>

¹⁵ Mukesh Yadav, Arbitration in Sports Disputes: CAS as a Dispute Resolution Forum, 12 INDIAN J. SPORTS L. 219, 225 (2022).

¹⁶ Arbitration and Sports Law: The Role of CAS, 22 SPORTS L. & GOV'T J. 75, 80 (2021).

¹⁷ Fédération Internationale de l'Automobile (FIA), FIA International Tribunal, FIA Official Website, <https://www.fia.com/tribunal>

¹⁸ FIFA, FIFA's Dispute Resolution System, FIFA Official Website, <https://www.fifa.com/legal/dispute-resolution>

¹⁹ UEFA, CAS and UEFA's Dispute Resolution, UEFA Official Website, <https://www.uefa.com/legal/cas-jurisprudence/>

²⁰ WADA, Appeals and CAS Jurisdiction, WADA Official Website, <https://www.wada-ama.org/en/what-we-do/legal>

²¹ AEK Athens & Slavia Prague v. UEFA, CAS Advisory Opinion, CAS 2000/A/400, <https://www.tas-cas.org/en/jurisprudence/cas-cases.html>

²² Court of Arbitration for Sport (CAS), Code of Sports-Related Arbitration, CAS Official Website, <https://www.tas-cas.org/en/general-information/history-of-the-cas.html>

²³ World Anti-Doping Agency (WADA), World Anti-Doping Code, WADA Official Website, <https://www.wada-ama.org/en/what-we-do/the-code>

²⁴ Matthieu Reeb, The Role of the Court of Arbitration for Sport (CAS) in Sports Disputes, 8 INT'L SPORTS L.J. 35, 40 (2008).

jurisdiction in favour of CAS.²⁵ Moreover, Article 13.2.3 permits certain governing bodies, like the international federations and WADA, to appeal even if they were not part of the original proceedings.²⁶ Recently, a memorandum was brought in, and an ethical rule was enacted stating that CAS members should not act as arbitrators and counsels in different CAS cases.²⁷

CAS hearings commence with a written arbitration request or a notice of appeal²⁸. They are further divided into two divisions: the ordinary Division, which hears cases on commercial matters, and the appeals division, which hears sporting issues such as doping and administrative cases.²⁹ The CAS may also render non-binding advisory opinions on questions currently not in controversy in a 'consultation procedure' supervised by the CAS President³⁰. An example of such an advisory opinion is the 2000 case involving AEK Athens and Slavia Prague, who challenged UEFA's rule prohibiting clubs under common control from competing in the same UEFA Cup. The CAS upheld this as pro-competitive under the E.U. Competition Law; this makes for a strong precedent in future cases.³¹

HISTORICAL EVOLUTION OF SPORTS ARBITRATION IN INDIA

The evolution of sports arbitration in India has been marked by recognizing the need for specialized dispute-resolution mechanisms in sports, The gradual adoption of international arbitration practices, and the development of a legal framework to address the issues related to sports.

1. EARLY DISPUTE RESOLUTION IN INDIAN SPORTS

During the early stages, sports disputes in India resulted primarily from internal mechanisms established by the Sports Federation³². Governing bodies such as the Board of Control for Cricket in India (BCCI), All India Football Federation (AIFF), and other national sports federations through committees or ad-hoc tribunals³³. The absence of a formal arbitration system led to prolonged disputes, which often escalated to civil codes, thus complicating the resolution process and affecting the careers³⁴ of the athletes; the lack of a standardized, independent, and transparent method of arbitration also often led to allegations of bias conflicts of interest and inconsistent rulings.³⁵

2. RECOGNITION OF ARBITRATION AS A DISPUTE RESOLUTION MECHANISM

The apparent need for a more formal and efficient dispute resolution mechanism was recognized in the late 20th century³⁶, which was influenced by the success of the Court of Arbitration for Sport CAS established by the International Olympic Committee in 1984³⁷. Based on the UNCITRAL model law, the enactment of arbitration and conciliation in 1996 also provided a strong legal foundation for arbitration in

²⁵ FIFA, FIFA's Dispute Resolution System, FIFA Official Website, <https://www.fifa.com/legal/dispute-resolution>

²⁶ UEFA, CAS and UEFA's Dispute Resolution, UEFA Official Website, <https://www.uefa.com/legal/cas-jurisprudence/>

²⁷ Arbitration and Sports Law: The Role of CAS, 22 SPORTS L. & GOV'T J. 75, 80 (2021).

²⁸ Ministry of Youth Affairs & Sports (India), National Sports Development Code, Government of India Official Website, <https://yas.gov.in/sports/sports-development-code>

²⁹ Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India).

³⁰ UEFA Regulations on Club Licensing and Financial Fair Play, UEFA Official Website, <https://www.uefa.com/legal/club-licensing>

³¹ AEK Athens & Slavia Prague v. UEFA, Court of Arbitration for Sport (2000).

³² Board of Control for Cricket in India (BCCI), Constitution of the BCCI, available at <https://www.bcci.tv/about/constitution>

³³ All India Football Federation (AIFF), Rules & Regulations, available at <https://www.the-aiff.com/document-library>

³⁴ Justice Mukul Mudgal, Report on the Governance of Sports Federations in India, Ministry of Youth Affairs & Sports, Government of India, <https://yas.gov.in/sports/governance-reform>

³⁵ Supreme Court of India, Zee Telefilms Ltd. v. Union of India, (2005) 4 SCC 649.

³⁶ Matthieu Reeb, The Role of the Court of Arbitration for Sport (CAS) in Sports Disputes, 8 INT'L SPORTS L.J. 35, 40 (2008)

³⁷ Court of Arbitration for Sport (CAS), CAS General Information, available at <https://www.tas-cas.org/en/general-information>

India³⁸. This laid down the groundwork for the use of arbitration mechanisms in various sectors, including sports.³⁹

3. ESTABLISHMENT OF SPORTS ARBITRATION BODIES AND TRIBUNALS

The growing need for specialized sports dispute resolution was recognized, and initiatives were undertaken to establish such bodies.⁴⁰ The Ministry of Youth Affairs, sports, and various stakeholders emphasized creating a National Sports Tribunal (NST) to handle such sports-related disputes.⁴¹ The NST was proposed to have similar functions to the CAS and aimed at ensuring a streamlined and partial resolution of conflicts ranging from anti-doping disciplinary actions and controversies to governance issues in sports bodies.⁴² Additionally, some other sports federations have adopted their arbitration tribunals to address these disputes internally; for example, the BCCI established its ombudsman's office and dispute resolution authority to manage and resolve conflicts Related to cricket in India.⁴³ These mechanisms have provided athletes with an alternative to prolonged litigation, reducing the burden on quotes and ensuring faster resolutions.⁴⁴

LEGAL FRAMEWORK OF INTERNATIONAL SPORTS

International Sports Law is an autonomous legal system established by key organizations governing global sports. This body of law and procedure has been developed by institutions such as the International Olympic Committee (IOC), the International Sports Federation (ISF), the Court of Arbitration for Sport (CAS), and the World Anti-Doping Agency (WADA). These organizations create and enforce regulations and resolve sports-related disputes through their respective tribunals.

INTERNATIONAL CONVENTIONS AND BODIES

- 1. Human Rights and Anti-Discrimination Conventions:** Several international conventions address discrimination in sports. The Convention on the Elimination of All Forms of Discrimination Against Women mandates equal opportunities for women in sports and physical education.⁴⁵ Similarly, the European Sports for All Charter prohibits discrimination based on sex, race, color, language, and religion.⁴⁶ Other key documents include the IOC Charter and UNESCO's International Charter of Physical Education and Sports, which also advocate against discrimination and promote inclusivity, including for persons with disabilities.⁴⁷
- 2. International Olympic Committee (IOC):** Based in Lausanne, Switzerland, the IOC oversees the

³⁸ Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India)

³⁹ UNCITRAL Model Law on International Commercial Arbitration, United Nations, <https://uncitral.un.org/en/texts/arbitration/modellaw>

⁴⁰ Ministry of Youth Affairs & Sports, National Sports Tribunal Proposal, Government of India, <https://yas.gov.in/sports/nst-proposal>

⁴¹ Union of India v. Indian Olympic Association, W.P. (C) No. 7797/2017, Delhi High Court

⁴² World Anti-Doping Agency (WADA), WADA Code & Sports Tribunal Mechanisms, available at <https://www.wada-ama.org/en/what-we-do/the-code>

⁴³ Board of Control for Cricket in India (BCCI), BCCI Ombudsman & Dispute Resolution Mechanism, available at <https://www.bcci.tv/about/dispute-resolution>

⁴⁴ Delhi High Court, Rahul Mehra v. Union of India & Ors., W.P.(C) 195/2010

⁴⁵ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/en/treaty-bodies/cedaw>

⁴⁶ Council of Europe, European Sports for All Charter, 1975, <https://rm.coe.int/european-sports-charter/168073c126>

⁴⁷ International Olympic Committee (IOC), Olympic Charter (2021), <https://olympics.com/ioc/olympic-charter>

Olympic movement⁴⁸ and is the supreme authority for the Olympic and Commonwealth Games. It sets rules and regulations for these events⁴⁹ and has the final say on related disputes.

- 3. World Anti-Doping Agency (WADA):** Also founded in Lausanne by the IOC, WADA focuses on combating doping in sports globally.⁵⁰ It develops and coordinates the World Anti-Doping Code, harmonizing all sports' anti-doping regulations. WADA's efforts are supported by an international convention adopted by UNESCO member states in 2005.

SPORTS AND INDIAN LAWS

National Sports Law in India is a comprehensive legal framework encompassing all aspects of sports: governance, administration, and participation.⁵¹ The framework comprises legislation acts and judicial decisions impacting India's sports environments.

- 1. Laws Governing Gambling and Betting:** Before the incorporation of the Constitution of India in 1950, the regulation of betting and gambling was left to be dealt with by the Public Gambling Act, 1867. Under this Act, all gambling throughout the countries was regulated⁵². After promulgating the Constitution, Indian states initiated framing regulations about betting and gambling on the subjects relevant to local requirements. In addition, enacting the Foreign Exchange Management Act of 2000 put some checks on international online betting. This Act prohibits residents of India from holding foreign currency accounts other than with permission from the Reserve Bank of India.⁵³ Thus, there is less scope for international betting.
- 2. Income Tax Law:** Income Tax Act 1961 is the tax legislation covering the income taxation of sportspersons in India. The income tax applies to residents and non-residents, but the respective resident sportsperson will be taxed according to the rate applicable for the financial year. On the other hand, non-resident sports persons are taxed flat at 10% of their income earned in India.⁵⁴ To prevent double taxation, Indian sportspersons liable to tax in any country other than India are exempt from further taxes in India. Further, income derived from horse racing falls under taxable income under this Act.⁵⁵
- 3. Law Relating to Doping:** India adheres to global anti-doping standards by being a signatory to the Copenhagen Declaration and, therefore, a constituent of the World Anti-Doping Agency (WADA).⁵⁶ National Anti-Doping Agencies were established to keep domestic tabs on anti-doping. NADA enforces ten particular anti-doping rules. Tests on athletes, especially winners or close contenders, are conducted randomly and on schedule. Samples are analyzed at laboratories WADA accredited, and once violations are established, NADA applies respective sanctions. Every accused athlete would have the right to appeal against doping charges, and NADA would have to make the names of the athletes who were found guilty public after 20 days from today.⁵⁷

⁴⁸ International Olympic Committee, About the IOC, <https://olympics.com/ioc/about-ioc>

⁴⁹ Pierre de Coubertin, The Olympic Games and Their Administration, 3 INT'L SPORTS L.J. 17, 22 (2003)

⁵⁰ World Anti-Doping Agency (WADA), History of WADA, <https://www.wada-ama.org/en/who-we-are/history>

⁵¹ S.R. Mohan, Legal Framework of Sports in India, 5 INT'L SPORTS L.J. 112 (2021).

⁵² Public Gambling Act, No. 3 of 1867, INDIA CODE.

⁵³ INDIA CONST. art. 246, Schedule VII, List II (State List), Entry 34.

⁵⁴ Income Tax Act, No. 43 of 1961, § 115BBA, INDIA CODE.

⁵⁵ Id.

⁵⁶ Double Taxation Avoidance Agreement (DTAA), India - U.K., 1993.

⁵⁷ World Anti-Doping Agency, Copenhagen Declaration on Anti-Doping in Sport, 2003.

4. **Narcotic Drugs and Psychotropic Substances Act, 1985:** This Narcotic Drugs and Psychotropic Substances Act, 1985, criminalizes the use and supply of narcotic drugs and psychotropic substances, including marijuana and opium, cocaine, and other substances. In relation to sports, this Act deals with the illegal use or supply of such substances by athletes, who later incur criminal penalties when found to be involved in unlawful use or supply.
5. **The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007:** This provision mandates public broadcaster Prasar Bharati to share sports broadcasting signals. The assumption is that more country citizens will have greater access to sports content, leading to more visibility and availability of sports programs for the general public. This law will balance commercial interest with public accessibility in sports broadcasting.

LEGAL FRAMEWORK FOR SPORTS ARBITRATION IN INDIA

Sports arbitration in India is regulated by a mix of national legislation and specific arbitration laws that relate to sports. The underlying arbitration law in India comes from the Arbitration and Conciliation Act 1996, which provides the basis of arbitration law. Specifically, this legal framework encompasses the arbitration of sports-related disputes. National sports federations, with the BCCI and IOA being notable examples, have included arbitration clauses in their respective constitutions to resolve conflicts within each federation. Furthermore, the NADA rules concord with international regulations, incorporating resolving disputes with the CAS. These frameworks would help to ensure that Indian sports disputes are resolved fairly, without obstruction, and expediently.

THE ARBITRATION AND CONCILIATION ACT, 1996

The Arbitration and Conciliation Act 1996 is India's governing legislation in arbitration, encompassing sports arbitration. Further, the Act of Arbitration and Conciliation, based on UNCITRAL Model Law, provides a uniform law for arbitration and conciliation for the efficient and fair resolution of disputes.⁵⁸ It comprises three parts: domestic arbitration, enforcement of specific foreign awards, and conciliation. Part I is relevant to sports arbitration since it deals with domestic arbitration procedures such as the nomination of arbitrators, arbitration, and the enforcement of awards. The 1996 Act strongly emphasizes party autonomy so that the disputing parties, or the arbitrators, can choose the case rules and procedures.

Further, judicial intervention is strictly curtailed in keeping with international arbitration processes. The Amendment Act of 2015 brought vital and seminal changes to make the arbitration process more efficient without any scope for delay, considering that time is a factor for this sport-related dispute. In addition, the Act deems arbitral awards final and binding, with only limited grounds for challenges that would bring about certainty and finality. The application of the Act to sports disputes has allowed sports federations to resolve conflicts quickly and efficiently, contributing to the growth of arbitration as the preferred mechanism for dispute resolution in Indian sports. Sports-Specific Rules and Guidelines

Beyond the general arbitration laws, India has specific sports laws and regulations that govern arbitration and dispute resolution. Arbitration clauses are found in the constitutions and rules of national sports federations, for example, in the Board of Control for Cricket in India (BCCI), All India Football Federation (AIFF), and the Indian Olympic Association (IOA),⁵⁹ in the matter of dispute resolution on issues pertaining to contracts of players, disciplinary matters, or governance issues. These bodies have developed

⁵⁸ UNCITRAL Model Law on International Commercial Arbitration, 1985, U.N. Doc. A/40/17.

⁵⁹ Id.

in-house mechanisms for resolving internal disputes on the platform of ombudsman's offices and ad-hoc tribunals. Under WADA, the National Anti-Doping Agency (NADA) has specific regulations to handle doping disputes.

Athletes can appeal decisions made by NADA before the ADDP and, after that, to CAS as elsewhere in the world.⁶⁰ This National Sports Development Code of India projects the requirement for independent mechanisms for dispute resolution, further projecting that arbitration is a fundamental concept in sports. These regulations seek to provide a more accessible and more precise mechanism for fair dispute resolution in Indian sports. Sports-specific regulations ensure that sports-related disputes are quickly addressed while in tune with international ratings, protecting athletes' rights and upholding the integrity of sports.

ROLE OF THE COURT OF ARBITRATION FOR SPORT (CAS) AND ITS IMPACT ON INDIAN JURISPRUDENCE

The Court of Arbitration for Sport (CAS), Lausanne, Switzerland, also plays a significant role in globalization and shaping sports arbitration worldwide, consequently significantly influencing Indian sports jurisprudence. CAS was established as an international judicial body 1984 to resolve international sports disputes, including doping cases, player transfers, and governance issues. For matters involving international competitions or where impartiality and independence are concerned, Indian athletes and sports federations always refer cases to CAS. CAS awards and decisions are recognized and enforceable in India under the Arbitration and Conciliation Act 1996 if they meet specific legal standards.

Indian jurisprudence is influenced by CAS, primarily through adopting principles such as fair play, rule of law, and due process into the national sports dispute resolution frameworks. Indian courts and tribunals often quote CAS judgments in doping and disciplinary cases, signifying the need for consistent and globally accepted standards. The CAS role has also pressured the Indian sports federations to harmonize their dispute resolution mechanisms as per the best practice and benchmarked by International CAS principles. Thus, Indian sports arbitration became more structured, transparent, and equitable, which enabled the credibility of sports governance within the country.

INSTITUTIONS INVOLVED WITH SPORTS ARBITRATION IN INDIA

Sports arbitration in India involves several institutions that also address disputes. Some of the key players involved in India are its national sports federations such as BCCI, AIFF, and IOA, which have their specific mechanism for arbitration⁶¹, apart from government agencies like NITI Aayog and the Sports Development Authority of Tamil Nadu (SDAT)⁶² holding arbitration on sports policy frameworks. NADA, with ADDP, acts as an arbitration resolution body concerning doping disputes⁶³ in Indian sports. Apart from the above, CAS also impacts arbitration in Indian sports. In this regard, the structure for international issues with respect to Indian sportspersons is visualized and designed so that disputes of such nature are resolved efficiently.⁶⁴

1. SPORTS ARBITRATION CENTRES IN INDIA (E.G., NITI AAYOG, SDAT)

Sports arbitration in India also receives institutional support from NITI Aayog and the Sports Development

⁶⁰ World Anti-Doping Code, 2021, <https://www.wada-ama.org/en/what-we-do/the-code>.

⁶¹ Board of Control for Cricket in India, BCCI Constitution, <https://www.bcci.tv/constitution>.

⁶² NITI Aayog, National Sports Policy Initiatives, <https://www.niti.gov.in/sports-policy>.

⁶³ National Anti-Doping Agency (NADA), About Us, <https://www.nadaindia.org/about>.

⁶⁴ Court of Arbitration for Sport (CAS), Role in International Sports Disputes, <https://www.tas-cas.org/en/general-information>.

Authority of Tamil Nadu (SDAT). To ensure disputes are resolved effectively and speedily, NITI Aayog has actively enforced legislation reforms in sports governance, making independent sports arbitration centers⁶⁵ more mainstream. SDAT instituted regional arbitration centers with the aim of redressing sports-related cases at the regional level so that the process can be quicker as well.⁶⁶ These centers are meant to develop a disciplined approach to dispute resolution in sports. They promote fair play and the integrity of competition. Actions by these bodies form part of a more significant initiative toward professionalizing the arbitration process in Indian sports.⁶⁷

2. ROLE OF SPORTS FEDERATIONS AND BODIES (BCCI, AIFF, IOA ETC.)

Of course, Indian sports federations are essential for sports arbitration. These include the Board of Control for Cricket in India (BCCI), the All India Football Federation (AIFF), and even the Indian Olympic Association (IOA), which have developed mechanisms within their bodies to handle disputes.⁶⁸ Such mechanisms include ombudsmen and arbitration panels, capable of amicably resolving contract disputes over players, governance complaints, or disciplinary matters. These constitutions have arbitration clauses that can solve the conflicts internally before taking the dispute to authorities outside the federations, such as CAS. This usually decongests the courts generally, and there are always sport-specific platforms resolving disputes with very high sensitivities attuned to the particular athletic sciences of every sport involved.

3. IMPACT OF NATIONAL AND INTERNATIONAL ARBITRATION BODIES

National and international arbitration bodies significantly affect sports arbitration in India. Organs such as the National Anti-Doping Agency (NADA) ensure that consequences concerning doping disputes appear to follow suit in terms of international law. The Court of Arbitration for Sport (CAS) indirectly affects Indian sports by providing a higher judicial platform for international disputes and ensuring uniformity and fairness in judgments. Decisions of CAS will provide precedents to the tribunals of India, thus ensuring consistent development in sports law. International arbitration bodies also nudge Indian sports organizations to evolve a transparent and efficient dispute resolution mechanism. Hence, Indian sports arbitration practices will align with the rest of the world, and international players will have every confidence in Indian sports governance.

LANDMARK CASE LAWS

1. World Anti-Doping Agency (WADA) v. Narsingh Pancham Yadav & National Anti-Doping Agency (NADA) (2016) (CAS 2016/A/4745)

Narsingh Yadav's case was the most debated doping case in Indian sports history. Yadav, a freestyle wrestler, had won the right to compete for India in the 74 kg weight category in the 2016 Rio Olympics. But weeks prior to the event, on July 25, 2016, he had tested positive for methandienone, an anabolic steroid banned by the World Anti-Doping Agency, but more frequently sold as Dianabol. Yadav strongly denied any act of cheating and attributed his food or beverage having been intentionally adulterated by an opposing wrestler or someone linked with the wrestling world to ensure he did not become a part of the Olympics. Sabotage was the focal point of the case following the doping problem.

⁶⁵ NITI Aayog, *supra* note 2.

⁶⁶ Sports Development Authority of Tamil Nadu, Mission and Objectives, <https://www.sdat.tn.gov.in>

⁶⁷ *Id*

⁶⁸ All India Football Federation, AIFF Dispute Resolution Mechanism, <https://www.the-aiff.com/governance>

After the doping problem, the National Anti-Doping Agency (NADA) also investigated and, on August 1, 2016, cleared Yadav. NADA upheld the sabotage defense and cleared him of fault, thus enabling him to compete at the Olympics. But the World Anti-Doping Agency (WADA) appealed NADA's ruling and took the matter to the Court of Arbitration for Sport (CAS), claiming that the ruling was contrary to the principle of strict liability under the World Anti-Doping Code. CAS heard the case on the eve of the Olympics and, on August 18, 2016, reversed the ruling of NADA. It held that Yadav had broken an anti-doping rule and suspended him for four years, banning him from the 2016 Rio Olympics as well as from all other professional sporting competitions during that period.

Ratio Decidendi

The CAS ruling decisively reconfirmed the doctrine of strict liability under anti-doping law, wherein the athlete is held strictly liable for not letting any banned substance enter his/her system, whether with or without knowledge or intent. No matter what Yadav's sabotage assertion was, the CAS ruled that he could not meet the reasonable standard of evidence to prove his assertion. Though the tribunal admitted that sabotage theoretically could be an excellent defense, it insisted on Yadav providing clear and convincing evidence to back it up, which he was unable to do. CAS also pinpointed glaring flaws in the investigation conducted by NADA, holding that the investigation was not meticulous, was not adequately examined, and failed to check key facts. Accordingly, CAS opined that NADA's clearance of Yadav was not legally valid.

Besides this, the CAS also stressed the need to uphold the integrity of the international anti-doping system. Permits an athlete to compete in spite of a positive dope test would have prejudiced worldwide anti-doping efforts. The judgment also re-established that the onus of proof is always on the athlete, and the contamination or shortcomings have to be proved conclusively. The case became landmark in anti-doping jurisprudence, proving that allegations of sabotage have to be based on solid and documented proof to withstand scrutiny.

2. Vijender Singh Drug Allegation Case (2013), National Anti-Doping Agency (NADA), India (2013)

The Vijender Singh case, India's top boxers and a 2008 Beijing Olympic bronze medalist, had created a country-wide storm in 2013 when he was accused of using drugs. It started with Chandigarh neighborhood police recovering bulk heroin from the car of Ram Singh, a boxer, like Vijender, and close friend. During the inquiry, Ram Singh admitted to having used small quantities of heroin on different occasions with Vijender. Another accused person, Anoop Singh Kahlon, arrested for drug peddling, also leveled similar allegations against Vijender.

In reply to these charges, Vijender Singh voluntarily underwent drug testing by the National Anti-Doping Agency (NADA) to clear himself. The test came out negative, and this indicated that he had nothing of heroin or any other prohibited drug in his system. Yet rumors in the media and public perception persisted, hurting Vijender's reputation. However, he was never indicted with any criminal charge or punished under any anti-doping rule.

Ratio Decidendi

The broad message of the case was that reliance had to be placed on scientific fact, not claims. The negative report of the drug test was the decisive element to exonerate Vijender from any impropriety. The case supported the underlying premise of criminal and anti-doping statutes, which mandate direct proof as opposed to association or unproved charges to attribute culpability.

In addition, this case attested to the fact that a sportsperson's identification with the individuals who have indulged in criminal behavior cannot always close his or her involvement in criminal activities. Although

the reputation of Vijender was smirched by speculations in the media, the lack of genuine evidence discouraged the authorities from taking action against him. This case illustrates the manner in which unsubstantiated charges may ruin the professional life of an athlete even with the use of scientific evidence to establish their innocence. It is also a demonstration of the necessity for due process and fair trial in doping matters.

3. International Association of Athletics Federations (IAAF) v. Athletics Federation of India & Ors., Award of December 17, 2012 (CAS 2012/A/2776)

This was a high-profile case of doping that rocked Indian athletics in 2011 when six Indian women athletes, Ashwini Akkunji, Mandeep Kaur, and Jauna Murmu among them, were found positive for the use of methandienone, a steroid. These women athletes were members of India's 4x400 meters relay team that had won gold medals at the 2010 Commonwealth Games and the Asian Games. The athletes showed good news both in the in-competition and out-of-competition samples, leading to two-year suspensions of the athletes by the Athletics Federation of India (AFI) under the WADA Code policy for first-time offense. The International Association of Athletics Federations (IAAF) was not pleased with the leniency of the punishments, however, and has decided to appeal the decisions to the Court of Arbitration for Sport (CAS). The IAAF contended that the doping offenses at hand were severe and demanded stronger sanctions. The appeal aimed for the suspensions to be for more than the initial two years. The CAS reviewed the case with care and, while concurring in the IAAF's submissions on the gravity of the offense, nevertheless confirmed the two-year sanctions, holding that this was the maximum sanction available on the first offenses under the WADA Code in effect at the time.

Ratio Decidendi

1. The case was to emphasize the international commitment to strict and uniform anti-doping control. The CAS ruling reminded that:
2. The IAAF is entitled to apply national anti-doping rulings for universal consistency.
3. Harshest dopings bans should be maintained for integrity and dissuading recurrence.
4. The rule at the time was for consistency with a ban of two years, but more recent WADA Code changes can have penalties increase for second and subsequent offenses.

The case also mirrored the increased global cooperation in anti-doping, where all athletes from all countries are treated equally. The decision established a precedent for international regulation of national anti-doping agencies, emphasizing that national federations have to comply with international anti-doping rules.

NEED FOR SPORTS ARBITRATION IN INDIA

There is still an insignificant comprehensive statutory framework regarding sports law⁶⁹ in India. The government of India set up the Ministry of Sports and Youth Affairs, which concentrated efforts on developing infrastructure and fostering capacity building to popularize sports at the grassroots level and achieve excellence in competitive sports at the national and international levels.⁷⁰ Although sports are a

⁶⁹ National Sports Policy, 2001, Ministry of Youth Affairs & Sports, <https://yas.nic.in/sports/national-sports-policy-2001>.

⁷⁰ Id.

state subject in India,⁷¹ no state has enacted specialized sports legislation.⁷² The National Sports Policy, 2001 governs the country, and a Draft Comprehensive Sports Policy, 2007. As sporting activities become professional in India, an effective mechanism of Alternative Dispute Resolution (ADR) methods, such as arbitration, will be required to settle sports-related disputes.⁷³

The rising stakes and increasing professionalism of Indian sports have led to increasingly contentious disputes over related issues, even though such matters are not decided by an independent specialist authority that could produce decisions capable of being binding. Most of all, perhaps the lack of such authority leads to protracted disputes and disruption and damage to the credibility of sports governance in the country. In November 2010⁷⁴, two significant arbitration cases were reported under sports. These are from two IPL franchises. The two franchises involved are Rajasthan Royals and Kings XI Punjab. Both these franchises received termination notices from the managing committee of the IPL, as they had violated the shareholding and ownership norms set in place. They opted for arbitration under the Arbitration and Conciliation Act 1996. Justice B.N. Srikrishna (Retd.)⁷⁵, formerly of the Supreme Court, was appointed the presiding arbitrator. Although Rajasthan Royals did manage to get a stay of the termination of their contract, Justice Srikrishna recused himself too from the case of Kings XI Punjab, if indications are to be taken for anything, which is a rather complex process in the arbitration for sports in India.

To meet such challenges, India would need specific sports law legislation and a special body to settle sports disputes. This body can be patterned after the U.K.'s Sports Dispute Resolution Panel and the Court of Arbitration for Sport, CAS, which provides independent and effective mechanisms for resolving disputes involving sports governing bodies, commercial organizations, and athletes. As a proposed solution, India needs a NAS akin to the CAS in Lausanne. The proposed Tribunal must provide the services of binding arbitration, non-binding advisory opinions, and mediation covering an extensive range of sports-related disputes.

There are, for instance, cases such as disputes over the terms of contractual agreements like funding agreements or other instances such as payment disputes, where this Tribunal will prove precious. For example, the current dispute over pay raises for Indian Hockey recently raised an unequal process in settling disputes like this one. An independent tribunal would provide equal negotiation so that the athletes can regain their game quickly without long-drawn battles at the very top.

CONCLUSION

Sports arbitration in India has, over time, vividly shown a solid and explicit need for a specialized, efficient, and quick dispute-resolution mechanism in the Indian sports ecosystem. With the increase in India's participation in international sporting events, the volume and sophistication of sports-related disputes have increased. This makes enormous demands on having a strong, neutral, and specialized arbitral body that is well-equipped and equivalent to what already exists in the world, namely the Court of Arbitration for Sport (CAS) in Lausanne, in determining sports disputes. Establishing such an institution

⁷¹ Indian Constitution, Entry 33, State List, Seventh Schedule (sport is a state subject).

⁷² Draft Comprehensive Sports Policy, 2007, Ministry of Youth Affairs & Sports, <https://yas.nic.in/sports/draft-comprehensive-sports-policy-2007>.

⁷³ Arbitration and Conciliation Act, No. 26 of 1996, § 7, INDIA CODE.

⁷⁴ Shyam Divan, Sports Law in India: Need for Reform, 18 INT'L SPORTS L.J. 203, 205 (2022).

⁷⁵ IPL Franchise Ownership Rules, Board of Control for Cricket in India (BCCI), <https://www.bcci.tv>.

under India's law structure would indeed complement international standards and further bring legitimacy, neutrality, and transparency to the resolution of dispute processes under Indian sports.

The landscape of sports arbitration in India is somewhat dispersed, depending on a cocktail of the National Sports Development Code of India, the Arbitration and Conciliation Act 1996, and the self-created internal mechanisms of the various sports federations. The extant measures have worked to a large extent. Still, they are often too general or impracticable for the particular needs in sports disputes, such as doping allegations, disputes relating to contracts, and governance issues. These existing frameworks would give rise to highly extended litigation processes, which will badly affect career athletes and the integrity of sports.

To fill these gaps, a National Arbitration for Sport (NAS) would provide a fixed platform for sports disputes similar to the cases at hand in CAS. Its resolutions will be faster and fairer, providing binding arbitration with mediation advisory non-binding opinions. If NAS focuses on sports-specific laws and adherence to the best international practices, it will be easier to streamline India's dispute resolution process. This would avoid prolonged conflicts, reduce potential bias, and endorse the principles of fair play and justice.

In the final analysis, as India assumes the lead role in the international sports platform, there is an absolute need for a sports arbitration tribunal. It will promote an orderly and authentic sporting environment that protects the interests of the athlete and other stakeholders while furthering the development and integrity of sports in India.

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