

“CONFLICTS IN SPORTS: THE EVOLUTION OF DISPUTE RESOLUTION PRACTICES.”

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Abstract:

Conflicts in sports are inevitable, given the competitive nature of the industry and the diverse interests of stakeholders such as athletes, teams, leagues, and sponsors. Over time, traditional legal approaches to resolving these disputes have proven insufficient due to their lengthy, adversarial, and often public nature. This has led to the evolution of specialized dispute resolution mechanisms tailored to the unique needs of the sports world. Alternative Dispute Resolution (ADR) methods, particularly arbitration and mediation, have become prominent, with institutions like the Court of Arbitration for Sport (CAS) playing a pivotal role. These methods offer faster, confidential, and more flexible solutions, allowing for the preservation of relationships and the integrity of the sport. This article explores the development of sports dispute resolution practices, the role of key institutions, and the challenges and future trends in addressing conflicts within the global sports industry.

KEY WORDS: Sports, Arbitration, Disputes, Trade, Inherent Challenges, Video Assistant Referee (VAR), Court of Arbitration for Sports (CAS), District Sports Federations (DSFs), State Sports Federations (SSFs), All India Football Federation (AIFF), The Ministry of Youth Affairs and Sports (MYAS).

1.1 Introduction:

“Be quick to resolve conflicts before they mature to become wars. The energetic crocodile was once a delicate egg”. – Israelmore Ayivor¹

Today, the sports industry is a massive one, accounting for almost 3% of global trade. The expansion in the number of sporting events that are televised and the increasing rise in the prices that fans must pay for the opportunity to compare events are the main causes of the amazing growth of the sports estimating sector.

The athletic history of India has been nourished by many significant events. Ranging from the “Mohenjo Daro” era to the Mughal Sultanate and then in the Colonial Era as well, the history of Sports in India is vast, and this field is still going strong in all spheres.² Similar to any other field, sports also have a lot of triggers that can cause problems and conflicts amongst players or between organizations. Sports-related disputes have historically been settled through the courts and other regular legal processes, which frequently cause delays in the administration of justice and decision-making.

Sports have become such a worldwide commercial entity that disputes resulting from sports-related activities have become a serious concern. These sportsmen's careers might be jeopardized if these conflicts are not resolved in a confidential manner since a loss of reputation is something they cannot afford.³ A venue for athletes and sports organizations to challenge rulings and settle disputes outside

¹ Ananya Bharadwaj , GIBS Law Journal Vol-2, No . -1 71 “Sports’ Disputes And Arbitration”(11/18/2020) , available at: <https://gitarattan.edu.in/wp-content/uploads/2020/11/giBS-Law-Journal-2020-Research-Paper-8.pdf> accessed on : 21/10/2024.

² Shivam Madhur, “Arbitration in the Realm of Sports in India: An Analysis”, available at: <https://ccadr.cnlu.ac.in/blog/arbitration/arbitration-in-the-realm-of-sports-in-india-an-analysis/> accessed on : 21/10/2024.

³ “Scope Of Mediation In Sports Disputes: Important Tool To Resolve Gender Discrimination And Sexual Exploitation”, Available at: <https://viamediationcentre.org/readnews/MTQxNw==/Scope-of-Mediation-in-Sports-Disputes-Important-tool-to-resolve-gender-discrimination-and-sexual-exploitation> accessed on : 21/10/2024.

of established legal systems is the Court of Arbitration for Sports (CAS). In sports, mediation emerged in the late 20th century as a useful kind of Alternative Dispute Resolution (ADR).⁴

The sports industry is a multi-billion-dollar industry that is constantly evolving. As a result, disputes are inevitable. Traditional litigation can be time-consuming, expensive, and adversarial, damaging the parties' reputations and disrupting the sports industry.⁵ A more effective and cooperative method of resolving conflicts is through alternative dispute resolution, or ADR. ADR techniques including negotiation, arbitration, and mediation can assist parties in quickly and affordably coming to a mutually acceptable conclusion.

Since the sports sector is dynamic and ever-changing, conflict is unavoidable. Athletes, coaches, teams, leagues, sponsors, and other stakeholders may have disagreements about these issues. These may involve problems including contract violations, accusations of doping, prejudice, and accidents. Sports conflicts can be settled in a variety of ways. Litigation is a popular strategy that entails taking the case to court. Litigation isn't always the best course of action, though, as it may be costly and time-consuming. Litigation is one option; alternative dispute resolution (ADR) is another. ADR is an umbrella word for a variety of out-of-court conflict resolution techniques. Typical extrajudicial conflict resolution processes encompass mediation, arbitration, and negotiation.

Ethical decision-making is integral to both sports and sports law. Conflicts will arise, especially concerning team selection, eligibility, and preceding significant events such as the Olympic Games. Sport-specific independent arbitration is hearing more such disputes.⁶ Sport-specific independent arbitration is well recognized for its advantages. Sports are defined clearly from the outset of sports law frameworks. Contract disagreements between athletes, coaches, teams, and sponsors are among the many types of sports conflicts. Other types include eligibility disputes, competition disputes, governance disputes, sponsorship disputes, commercial disputes, and problems with agencies, sex discrimination, privacy rights, defamation, taxes, and more. The article will discuss the need for international organizations to settle these conflicts.

In sports, conflicts are as much a part of the game as the thrill of victory and the agony of defeat. From disputes between players and coaches to disagreements over contracts and sponsorship deals, conflicts can arise at any level of competition, threatening to disrupt the harmony essential for success.⁷

1.2 India's Sports Environment and law

In order to understand how sports arbitration works in India, it is a must to understand the structure of sporting bodies in India. The formal sporting bodies in India are divided into the district, state and national levels.⁸

District Sports Federations (DSFs) compete in state-level competitions and oversee the sport on a district level. They are also in charge of creating rules that bind athletes who are DSF members. The state's several DSFs participate in the State Sports Federations (SSFs) as members. These SSFs are entrusted with the responsibility of planning the state-level contests in which athletes from the several DSFs around the state participate. The Ministry of Youth Affairs and Sports (MYAS), the Asian Sports Federation (ASF), and the International Sports Federation (ISF) recognize one

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<https://www.google.com/search?q=Conflicts+in+Sports%3A+The+Evolution+of+Dispute+Resolution+Practices.%22&q=Conflicts+in+Sports%3A+The+Evolution+of+Dispute+Resolution+Practices.%22&aqs=chrome..69i57j69i60.5563j0j7&sourceid=chrome&ie=UTF-8>

⁵ Shlok Nanda, "The Use of Alternative Dispute Resolution and Mediation in the Sports Industry", Available At: <https://www.ijnrd.org/papers/IJNRD2404363.pdf> accessed on : 21/10/2024.

⁶ The Role of Arbitration in Resolving Disputes in Sports Law, (August 14, 2024)

<https://www.lawctopus.com/academike/the-role-of-arbitration-in-sports-law/> accessed on 21/10/2024.

⁷ "The Game Changer: Exploring the Role of Sports Mediation in Conflict Resolution", available at: <https://amca.am/wp-content/uploads/2024/05/The-Game-Changer.pdf> accessed on 21/10/2024.

⁸ "Adjudication in India Is Sports Arbitration the Way Forward?", (June 2023), available at:

https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Time-for-Evolution-of-Sport-Adjudication-in-India.pdf accessed on 21/10/2024.

organisation as the National Sports Federation (NSF) for each sport at the national level. For football, for instance, the All India Football Federation (AIFF) is the official NSF in India. International sports governing bodies, the ISF and ASF, oversee the operations of member NSFs. In India, sports arbitration is still relatively new and has not yet been formally adopted. In India, there are still problems with doping, match-fixing, franchise scandals, and other sports-related difficulties. But even with the establishment of a global system for sports arbitration, India still needs to do a lot to improve the country's sports environment for arbitrators. The lack of clarity surrounding the operations of sports organizations that are somewhat autonomous and beyond the jurisdiction of the government is one of the main issues facing the Indian sports scene. Among these is the Board of Control for Cricket in India (BCCI), an autonomous agency that falls short of falling under the definition of a "state" as defined under Article 12 of the Constitution. Thus, it is essential to have an efficient dispute resolution process in place under such conditions.

In the exhilarating arena of sports, where passion collides with precision and triumph meets tribulation, conflicts are as inevitable as the roar of the crowd. Beyond the field a compelling competition unfolds — one that takes place in the boardrooms, locker rooms, and negotiation tables.⁹ In situations where a whistleblower alone cannot settle a disagreement, alternative dispute resolution (ADR) techniques can help.

1.3 Types of Disputes and Notable CAS Cases:

Over the years, CAS has handled some of the most high-profile sports disputes in the world. One notable case is the *Pechstein v. International Skating Union* case, in which German speed skater Claudia Pechstein challenged a doping ban imposed by the International Skating Union (ISU). CAS upheld the ban, but the case later raised important questions about the independence of CAS and the fairness of mandatory arbitration clauses in sports contracts.

Another significant case was the appeal by Manchester City Football Club against a two-year ban from European competitions imposed by UEFA for breaching Financial Fair Play (FFP) regulations. CAS overturned the ban, ruling that some of UEFA's evidence was time-barred and that Manchester City had not committed the most serious breaches. Sports conflict resolution has a history of gradually moving from informal settlement techniques to more specialized and formalized procedures. Disputes can arise in various contexts, and some of the most common types include:

1. **Employment Disputes:** These arise between employees and employers, often related to issues like unpaid wages, poor working conditions, discrimination, or wrongful termination.
2. **Legal Disputes:** These are conflicts that escalate to the legal system, such as those involving contract enforcement, property claims, or criminal matters.
3. **International Disputes:** These involve disagreements between nations over issues like territorial boundaries, trade imbalances, or violations of human rights.
4. **Sports Disputes:** These occur within the sports industry and may involve conflicts over game rules, regulations, or player conduct, often leading to arbitration or disciplinary actions.
5. **Environmental Disputes:** These concern issues related to the environment, such as pollution control, natural resource management, or conservation efforts.
6. **Personal Disputes:** These involve conflicts between individuals, such as family members, neighbors, or friends. Common issues include property ownership, financial disagreements, or disputes over personal conduct.
7. **Business Disputes:** These occur between companies or organizations and typically involve contract breaches, partnership conflicts, or disagreements related to intellectual property rights.
8. **Contractual Disputes:** Contractual disputes are perhaps the most frequent type of conflict in sports. These disputes can arise between athletes and teams, athletes and sponsors, broadcasters and leagues, and many other contractual relationships in the sports ecosystem. Contractual disagreements can involve issues such as breach of contract, non-payment of fees, or disputes over contract

⁹ Webber Wentzel, "Alternative Dispute Resolution in the sports arena: It's a knock-out!", (April 10 2024) available at: <https://www.lexology.com/library/detail.aspx?g=062174ed-1c87-476a-b295-078468fb570b>, accessed on 21/10/2024.

interpretation. For example, endorsement deals between athletes and sponsors can lead to disputes over whether an athlete has fulfilled their obligations under the contract. Similarly, team and player contracts often result in disagreements over salary payments, transfer terms, and performance-related bonuses.

9 Doping and Integrity-Related Disputes: Doping is called the biggest danger to sport. It is not. The most important concept in sport is integrity of outcome. And although doping affects that even playing field among the athletes in determining the outcome, doping is really just a form of cheating by athletes, and we have systems in place to catch cheating athletes.¹⁰

Doping violations are one of the most high-profile and contentious areas of sports disputes. The use of performance-enhancing drugs (PEDs) is strictly regulated by organizations such as the World Anti-Doping Agency (WADA), which sets global standards for anti-doping policies. Athletes found in violation of these rules often face sanctions that include disqualification, suspension, or bans from competition. Disputes in this area typically arise when an athlete challenges a doping sanction, claiming either a procedural flaw in the testing process or an erroneous finding. Such cases are complex, involving scientific evidence, ethical considerations, and the strict liability principle, which holds athletes accountable for any prohibited substances in their system, regardless of intent.

10. Disciplinary and Governance Disputes

Disciplinary disputes often involve allegations of misconduct, violations of league or federation rules, or breaches of codes of conduct. These disputes can involve individual athletes, coaches, or teams and may result in sanctions such as fines, suspensions, or other penalties. Governance disputes are also common, particularly in cases involving the administration of sports organizations, the selection of host cities for major events, and election disputes within sports governing bodies.

11. Commercial Disputes

As the commercialization of sports has increased, so too have commercial disputes involving sponsorship agreements, broadcasting rights, and merchandising deals. Broadcasters often enter into high-stakes agreements with sports organizations for the rights to air events, and disputes can arise when one party fails to meet its contractual obligations. Similarly, disputes over the commercialization of sports branding and merchandising can involve claims of intellectual property infringement or breach of licensing agreements. Each type of dispute has its unique characteristics and can occur in a variety of settings. Sports disputes, for instance, have long been a part of sporting history, involving both organizations and individuals. A few examples of sports disputes in which sports organizations or sports persons were involved are –

1. Lance Armstrong - A former professional cyclist who admitted to using performance enhancing substances and was stripped of his seven Tour de France wins.¹¹ But who had his titles stripped after an investigation revealed that he had been doping during his unprecedented winning streak.¹²
2. FIFA - FIFA's fiscal problems began when corporate sponsorship blossomed from 1974 as FIFA gave its name to the World Cup Trophy, and leading brand names were attracted to the advertising opportunities.¹³ The international governing body of football, which has been embroiled in several disputes over corruption and ethics violations.
3. Tom Brady - A professional American football player who was suspended for four games for his alleged involvement in a scheme to deflate footballs to gain an advantage in a game.

¹⁰ Michael Lenard, "The Future of Sports Dispute Resolution" Available at: <https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1048&context=drj> accessed on 22/10/2024.

¹¹ United States Anti-Doping Agency v. Lance Armstrong, https://en.wikipedia.org/wiki/Lance_Armstrong_doping_case Accessed on 20/10/2024.

¹² Available at: <https://www.britannica.com/summary/Lance-Armstrong> Accessed on 20/10/2024.

¹³ Jack Rollin, "2015 FIFA corruption scandal", Available at: <https://www.britannica.com/event/2015-FIFA-corruption-scandal> Accessed on 22/10/2024.

4. Maria Sharapova - The five-time Grand Slam winner, was initially banned by the International Tennis Federation for two years after testing positive for meldonium at the 2016 Australian Open¹⁴ who was suspended for 15 months after testing positive for a banned substance,

5. The Russian Olympic Committee - The organization responsible for overseeing the participation of Russian athletes in the Olympic Games, which was suspended from the 2018 Winter Olympics after a widespread doping scandal.

6. Colin Kaepernick - An American football player who was involved in a dispute with the NFL over his decision to kneel during the national anthem in protest of racial injustice.

7. The New England Patriots - An American football team that was fined and docked draft picks for their involvement in the "Spygate" scandal, in which they were found to have illegally videotaped opposing teams.

8. The International Olympic Committee - The organization responsible for overseeing the Olympic Games, which has been involved in numerous disputes over issues such as doping, corruption, and human rights.

9. Neymar Jr. - A professional football player who was involved in a dispute with his former club Barcelona over a contract dispute, which ultimately resulted in his move to Paris Saint-Germain.

10. The World Anti-Doping Agency - An organization responsible for promoting and coordinating the fight against doping in sports, which has been involved in disputes over issues such as the fairness of drug testing and the role of athletes in the antidoping process. A rule violation is a common type of sports dispute. When an athlete or team is accused of breaking a rule, whether intentionally or unintentionally, this can happen. Doping, cheating, and unsportsmanlike behavior are examples of rule violations. These disputes are typically resolved through disciplinary measures imposed by the sports organization or governing body, such as suspensions or fines.¹⁵

2. Traditional Litigation vs. Alternative Dispute Resolution in Sports

2.1. Litigation: The Traditional Approach

Historically, sports-related disputes were handled by national courts, much like any other legal dispute. However, litigation in the context of sports has several disadvantages. First, court cases tend to be slow, and in the fast-paced world of sports, a protracted legal battle can have detrimental effects on an athlete's career or a team's season. Second, litigation is adversarial by nature, which can lead to damaged relationships between the parties involved—an undesirable outcome in a tightly knit sports community. Finally, court proceedings are public, meaning that sensitive issues, such as doping allegations or contract disputes, can be exposed to the public eye, leading to reputational harm for the parties involved.

2.2. The Rise of Alternative Dispute Resolution (ADR)

Today in India around 4.4 crore cases are pending before all courts including Supreme Court and High Courts.¹⁶ In such a scenario, Lok Adalat has been a relief for disputing parties and judges who are overburdened. The idea is a creative Indian commitment to the world's jurisprudence. With the emergence of sports as a multi-billion industry, the vulnerability of stakeholders involved in it also intensified. And consequently, the number of commercial dispute started to rise.¹⁷

To address these shortcomings, the sports industry began turning to Alternative Dispute Resolution (ADR) mechanisms, particularly arbitration and mediation. ADR offers several advantages over

¹⁴ "Maria Sharapova drugs ban reduced from two years to 15 months on appeal", (4 October 2016), Available at: <https://www.bbc.com/sport/tennis/37549424> Accessed on 22/10/2024.

¹⁵ Dev J. Vora And Pranshav Pandya, "Disputes Managed In Sports", (5/1/2023), available at: <http://puneresearch.com/media/data/issues/6499160f34b4b.pdf> accessed on 21/10/2024.

¹⁶ "An Evaluation of Efficiency and Effectiveness of Lok Adalat System in Andhra Pradesh, Karnataka, and Telangana", (2/27/22), available at: <https://www.alliance.edu.in/committees/ACADR/assets/publication/Rise-of-Alternative-Dispute-Resolution-Stepping-Towards-Efficient-Justice-System.pdf> Accessed on 22/10/2024.

¹⁷ "overview of ADR in Sports With Respect to Court Of Arbitration", Available at: <https://blog.ipleaders.in/adr-sports/> accessed on: 22/10/2023.

traditional litigation, including confidentiality, speed, flexibility, and the ability to appoint decision-makers with specialized knowledge of sports law. ADR's increasing appeal can be attributed to a number of factors, including the backlog of cases in traditional courts, the belief that ADR is less expensive than litigation, the desire for confidentiality, and the need for some parties to have more control over choosing the person or people who will resolve their dispute.¹⁸

2.3. Arbitration in Sports

Arbitration has become the preferred method for resolving sports disputes, especially at the international level. In arbitration, the parties agree to submit their dispute to a neutral third party (the arbitrator), whose decision is final and binding. Arbitration is typically faster than litigation and allows the parties to choose arbitrators with expertise in sports law, ensuring that decisions are made by individuals who understand the complexities of the sports industry. The primary institution for sports arbitration is the Court of Arbitration for Sport (CAS), based in Lausanne, Switzerland. CAS was established in 1984 to provide a specialized forum for resolving sports disputes outside of national courts. CAS arbitration clauses are commonly included in the statutes of sports organizations, meaning that disputes must be resolved through CAS rather than through traditional courts.

2.4. Mediation in Sports

Mediation is another ADR method that has gained popularity in sports dispute resolution. In mediation, a neutral third party (the mediator) facilitates negotiations between the parties, helping them reach a mutually acceptable settlement. Unlike arbitration, mediation is not binding, and the mediator does not impose a decision. Mediation is particularly useful in preserving relationships, as it encourages cooperation and allows the parties to maintain control over the outcome. In recent years, sports governing bodies, including the International Olympic Committee (IOC) and FIFA, have encouraged the use of mediation as a means of resolving disputes quickly and amicably.

3. The Role of the Court of Arbitration for Sport (CAS)

The Court of Arbitration for Sport (CAS) is arguably the most important institution in the world of sports law. Founded in 1984 by the International Olympic Committee (IOC), CAS was created to provide a forum for the resolution of sports-related disputes. It is now recognized as the supreme court of sports law, with jurisdiction over a wide range of disputes, including contractual, doping, and governance-related cases.

3.1. CAS Structure and Jurisdiction

CAS operates under the auspices of the International Council of Arbitration for Sport (ICAS), which ensures the independence and impartiality of CAS arbitrators. CAS has two main divisions: the Ordinary Arbitration Division, which handles contractual and commercial disputes, and the Appeals Arbitration Division, which hears appeals from decisions made by sports governing bodies, such as doping sanctions or disciplinary measures.

In addition to these two divisions, CAS also operates an ad hoc division during major sporting events, such as the Olympic Games, to resolve disputes on an expedited basis. The ad hoc division ensures that disputes arising during the course of a competition are resolved quickly, allowing athletes to continue competing without delay.

3.2. CAS Arbitration Process

The CAS arbitration process is designed to be efficient and flexible. The parties typically submit their dispute to CAS by signing an arbitration agreement or through an arbitration clause in the statutes of their respective sports organization. CAS then appoints a panel of one or three arbitrators, depending on the complexity of the case. The arbitration process involves written submissions, hearings, and the presentation of evidence. CAS arbitrators, who are experts in sports law, render a

¹⁸ "Alternative dispute resolution", From Wikipedia, the free encyclopedia, (Feb. 2023), available at: https://en.wikipedia.org/wiki/Alternative_dispute_resolution#:~:text=The%20rising%20popularity%20of%20ADR,individuals%20who%20will%20decide%20their accessed on: 22/10/2023.

binding decision based on the facts of the case and the applicable legal principles. CAS awards can be appealed only in limited circumstances, such as procedural irregularities or a violation of public policy, and appeals are made to the Swiss Federal Tribunal.

4. Legal Frameworks Governing Sports Dispute Resolution

4.1. International Conventions and Treaties

International conventions play a crucial role in governing the resolution of sports disputes. The *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (1958) is particularly significant in the context of sports arbitration, as it allows for the enforcement of CAS awards in over 160 countries. This ensures that CAS decisions have legal weight and can be enforced across national borders. The *European Convention on Human Rights* (ECHR) also has implications for sports dispute resolution, particularly in cases involving disciplinary sanctions. Article 6 of the ECHR guarantees the right to a fair trial, and athletes have argued in several cases that disciplinary proceedings conducted by sports organizations failed to meet this standard. Courts have generally upheld the independence and impartiality of CAS, but these cases have highlighted the need for transparency and due process in sports dispute resolution.

4.2. National Legislation

In addition to international conventions, national laws also play a role in governing sports disputes. In many countries, legislation exists to regulate the governance of sports organizations and the resolution of sports-related disputes. For example, the *Sports Governance Code* in the United Kingdom sets out principles of good governance for sports bodies, including the importance of fair and transparent dispute resolution mechanisms. In some jurisdictions, courts have played an active role in overseeing the fairness of sports arbitration. For example, in the case of *Mutu and Pechstein v. Switzerland* (2018), the European Court of Human Rights examined whether the CAS arbitration process complied with Article 6 of the ECHR. While the court ultimately upheld the fairness of CAS arbitration, the case underscored the need for ongoing scrutiny of sports dispute resolution practices to ensure they meet international standards of justice.

5. Challenges and Future Trends in Sports Dispute Resolution

5.1. Athlete Rights and Procedural Fairness

The issue of human rights violations in sports within India is deeply entrenched and multifaceted, necessitating a collaborative effort from all stakeholders to address effectively. The Constitution of India, 1950, serves as the cornerstone in safeguarding the rights of athletes, providing a robust framework against discrimination, exploitation, and abuse in the sporting arena. Upholding the constitutional rights of athletes is not merely a legal obligation but a moral imperative to ensure a fair and inclusive sporting environment.¹⁹

The three rules of procedural fairness are formally stated as: 1. the audi alteram partem rule (the right to a fair hearing); 2. the rule nemo debet esse iudex in propria causa (no one can be judge in his or her own cause); 3. the no evidence rule.²⁰ These rules of procedural fairness reflect the minimum standards of basic fairness that are required to be observed. As Deane J said in *Australian Broadcasting Tribunal v Bond*²¹

One of the most pressing challenges in sports dispute resolution is the protection of athlete rights and ensuring procedural fairness. Athletes are often required to submit to the jurisdiction of sports arbitration bodies as a condition of participating in competitions, leaving them with limited recourse

¹⁹ Chahang Beyong & Dr. Ramakant Tripathi, “Violation Of Human Rights In Sports In India: A Study In The Light Of The Constitution Of India, 1950”, *International Law Journal*, Available at:

<https://www.whiteblacklegal.co.in/details/violation-of-human-rights-in-sports-in-india-a-study-in-the-light-of-the-constitution-of-india-1950-by---chahang-beyong-dr-ramakant-tripathi#:~:text=By%20anchoring%20its%20decisions%20in,sports%20activities%20in%20the%20country.>

²⁰ Fiona Blair, “Procedural Fairness In Doping Disputes”, (8/20/14) Available at:

<https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2017/09/22-3-3.pdf> Accessed on 20/10/2024.

²¹ (1990) 170 CLR 321 at 367

to national courts. While CAS has worked to improve its processes and ensure fairness, questions about transparency, independence, and athlete representation remain.

5.2. Technology and Dispute Resolution

The use of technology in sports has also introduced new complexities in dispute resolution. Technologies such as video assistant referee (VAR) systems in football and performance-tracking technologies have led to disputes over their implementation and accuracy. As technology continues to evolve, the legal frameworks governing its use in sports will need to adapt to ensure that disputes are resolved fairly and efficiently.

5.3. E-Sports and Dispute Resolution

A popular emerging trend in sports law is the rise of e-sports, which refers to competitive video gaming. With the increasing popularity of e-sports, it has become an industry in its own right, with major tournaments and competitions attracting millions of viewers and prize money.²²

E-sports are a rapidly growing sector of the sports industry, and it presents unique challenges for dispute resolution. The decentralized nature of e-sports, combined with the lack of consistent regulation, has led to a patchwork of dispute resolution mechanisms. As e-sports continue to grow, there is a need for a more standardized approach to resolving disputes in this emerging field.

Conclusion

The evolution of dispute resolution practices in sports has been driven by the unique demands of the industry. While traditional litigation remains an option, alternative dispute resolution mechanisms such as arbitration and mediation have become the preferred methods for resolving sports-related conflicts. The Court of Arbitration for Sport (CAS) has played a central role in shaping the legal landscape of sports dispute resolution, providing a specialized forum for the resolution of a wide range of disputes. However, challenges remain, particularly in ensuring procedural fairness for athletes and adapting to new technological developments in sports. As the sports industry continues to grow and evolve, so too will the legal frameworks and dispute resolution mechanisms that govern it. The ongoing evolution of these practices will be essential to maintaining the integrity and fairness of sports worldwide.

Sports law in India is an evolving field that is gaining importance as the sports industry continues to grow in the country. The government's initiatives to promote and develop sports, coupled with efforts to improve the governance and administration of sports bodies, will go a long way in realizing the potential of the industry. The future of sports law in India looks bright and it is an exciting time for athletes, sports organizations, and legal professionals involved in the sports industry.²³

REFERENCES:

- 1) <https://gitarattan.edu.in/wp-content/uploads/2020/11/giBS-Law-Journal-2020-Research-Paper-8.pdf>
- 2) <https://ccadr.cnlu.ac.in/blog/arbitration/arbitration-in-the-realm-of-sports-in-india-an-analysis/>
- 3) <https://viamediationcentre.org/readnews/MTQxNw==/Scope-of-Mediation-in-Sports-Disputes-Important-tool-to-resolve-gender-discrimination-and-sexual-exploitation>
- 4) <https://www.google.com/search?q=Conflicts+in+Sports%3A+The+Evolution+of+Dispute+Resolution+Practices.%22&oq=Conflicts+in+Sports%3A+The+Evolution+of+Dispute+Resolution+Practices.%22&aqs=chrome..69i57j69i60.5563j0j7&sourceid=chrome&ie=UTF-8>
- 5) <https://www.ijnrd.org/papers/IJNRD2404363.pdf>

²² Roisin Featherstone, “Emerging trends & challenges in sports law in Australia”, (July 5, 2024), Available at: <https://www.linkedin.com/pulse/emerging-trends-challenges-sports-law-australia-roisin-featherstone-bza6c/> Accessed on 22/10/2024.

²³ Abhinav Pandey , “Emerging Trends and Future Prospects in Sports Law in India”, Available at: <https://www.legalserviceindia.com/legal/article-10597-emerging-trends-and-future-prospects-in-sports-law-in-india.html> Accessed on 22/10/2024.

- 6) <https://www.lawctopus.com/academike/the-role-of-arbitration-in-sports-lawhttps://amca.am/wp-content/uploads/2024/05/The-Game-Changer.pdf>.
- 7) https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Time-for-Evolution-of-Sport-Adjudication-in-India.pdf
- 8) <https://www.lexology.com/library/detail.aspx?g=062174ed-1c87-476a-b295-078468fb570b> ,
- 9) <https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1048&context=drlj>
- 10) https://en.wikipedia.org/wiki/Lance_Armstrong_doping_case
- 11) <https://www.britannica.com/summary/Lance-Armstrong>
- 12) <https://www.britannica.com/event/2015-FIFA-corruption-scandal>
- 13) <https://www.bbc.com/sport/tennis/37549424>
- 14) <http://puneresearch.com/media/data/issues/6499160f34b4b.pdf>
- 15) <https://www.alliance.edu.in/committees/ACADR/assets/publication/Rise-of-Alternative-Dispute-Resolution-Stepping-Towards-Efficient-Justice-System.pdf>
- 16) <https://blog.ipleaders.in/adr-sports/>
- 17) https://en.wikipedia.org/wiki/Alternative_dispute_resolution#:~:text=The%20rising%20popularity%20of%20ADR,individuals%20who%20will%20decide%20their
- 18) <https://www.whiteblacklegal.co.in/details/violation-of-human-rights-in-sports-in-india-a-study-in-the-light-of-the-constitution-of-india-1950-by---chahang-beyong-dr-ramakant-tripathi#:~:text=By%20anchoring%20its%20decisions%20in,sports%20activities%20in%20the%20country.>
- 19) <https://www.unswlawjournal.unsw.edu.au/wp-content/uploads/2017/09/22-3-3.pdf>
- 20) <https://www.linkedin.com/pulse/emerging-trends-challenges-sports-law-australia-roisin-featherstone-bza6c/>.
- 21) <https://www.legalserviceindia.com/legal/article-10597-emerging-trends-and-future-prospects-in-sports-law-in-india.html>