

**YOUTH SPORTS LEGISLATION: A COMPARATIVE ANALYSIS OF INDIA AND CANADA APPROACH TO DEVELOPMENT**

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**Abstract**

Sport in this day and age makes a significant financial contribution to the world economy. The subject of sports is extremely delicate because it involves potential reputational harm to a larger extent. When issues are brought up because of conflicts involving sports, alternative dispute resolution is a crucial component. This paper concentrates on outlining the key features of the CAS in relation to resolving sports-related disputes. It also examines dispute resolution in sports by way of Arbitration and focuses on the sports laws enforced in relation to sports in India. This paper attempts to illustrate how the Indian Judiciary may take into account specific Alternate dispute Resolution elements when discussing the resolution of conflicts involving sports. The topic of how to resolve sports-related conflicts in India effectively is discussed. It has also been discussed how difficult it is for Indian officials and competitors to contact the CAS. The possibilities for enhancing the approachability of the CAS from India are attempted to be explored. Nevertheless, questions arise: why is there no central sports authority apart from the Ministry of Sports Affairs? How do the various authorities function in regulating different sports? Has the Indian judiciary's role in advancing sports law been minimal? And is the Alternative Dispute Resolution mechanism an effective approach for resolving sports-related disputes? Basically the comparison between various other laws can be realised the need of a strong legislation for sports in India.

**Keywords: Arbitration, Dispute, Dispute Resolution Mechanism, Legislation, Sport Regulation**

**Introduction**

In India there is no special legislation to govern sports related laws. In India sport is considered as the one of the source of entertainment and no more than that. Providing the facility of sport to the citizens of India was quiet ignorant. In the field of sport only those can be survived those peoples are interested in sport and performing all the required responsibilities by their own. There is need of a special legislation on sport but while looking into the constitutional provision it is mentioned under seventh schedule state list entry 33. The state will be responsible for the decision related to sport like making laws, introduction of rules providing assistance in regard of dispute related to sport, controversy in the rules different policies of same sports. The central Govt. has taken initiative toward the making of laws related to sport. The sport should be enlisted in concurrent list and not only limited to the state list as obligatory. In many countries we can see the state based laws are emerging to govern and regulate sport, like Punjab Rajasthan Karale, Hariyana, Himachal Pradesh etc. To formulate the specific policy the strong legislation is important. There are various governmental and nongovernmental international organizations like Anti-doping agencies, International sport federation, International Olympic Committee.

Unlike India the Federal Government of Canada have their laws related to sport long back for the better opportunities for citizens as well as for the athlete. The Canadian government had been established the law and various policies related to sport. Since 1961 they had been exercising the sport law in their country. The objective is to promote for the fitness and regularization of the health issues and promotion on healthy competition in sport. It is to be noted that the laws have two main directorates for the citizens and athletes.

In Canada they are in Canada having different legislations and the policies depending on that legislation. The available legislations are Fitness and Amateur Act 1961, the physical activity and Sport Act 2003, The Canada Sport policy 2012.

The National Sports Policy aims to enhance the development and promotion of sports in India. Established with a clear vision, the policy outlines specific goals and guidelines to ensure effective governance and support for athletes and sports organizations.

**Need for Sports law in India**

The specific legislation for the sport is today's need, because the sport is not limited to the state or interstate or even national level but it is connected in the international level. So the special law plays a pivotal role to perform a fair and healthy sport. While the difference arises in the rules related to sports the legislation can guide to take quick decision. The sports arbitration in sport plays important role to understand the arbitration as an effective dispute resolution mechanism, particularly within the context of sports. It highlights how a neutral third party evaluates claims and delivers enforceable judgments, governed in India by the Arbitration and Conciliation Act of 1996. This Act addresses both national and international disputes, while also facilitating external reviews. In the sports arena, initial disagreements are typically addressed by the relevant federations, with international bodies involved when necessary. As professionalism and competition in sports increase, arbitration's significance grows, offering swift resolutions and informed solutions tailored to the unique and complex nature of athletic disputes. Sports in India have transformed significantly, evolving from mere recreational activities to major commercial enterprises. With billions of rupees flowing into the sector through sponsorships and franchises, sports have become intertwined with big business, making it imperative to establish robust legal frameworks.<sup>1</sup>

**Sports laws in India**

In India sport had been seeing as entertainment source had never been importance for the government. By the time the sport law was emerging recently, like India many other countries have not adopted any special laws for sport. The sport sector had contributing toward the economy in multiple ways like providing employment,<sup>2</sup>

**Clarification of Responsibilities**

The policy seeks to define the roles and responsibilities of various agencies involved in the oversight and promotion of sports. This clarity is essential for fostering collaboration between athletes, sponsors, and governing bodies within the sports sector.

**Recognition of Sports Federations**

A crucial aspect of the policy is identifying eligible sports federations that will benefit from government support. The guidelines will establish a framework for these federations to follow in order to qualify for funding and sponsorship opportunities.

**Eligibility Criteria for Funding**

The policy stipulates specific eligibility requirements that must be met by sports federations to access government grants. These criteria are designed to ensure accountability and encourage serious commitment from federations toward the development of sports.

**Key Organizations**

In implementing this policy, several key organizations play pivotal roles:

**Ministry of Youth Affairs and Sports:** This ministry is responsible for formulating policies and programs to promote youth participation in sports.

**Sports Authority of India (SAI):** Established in 1984, SAI serves as the primary body overseeing sports activities across the nation. It coordinates various sports events and initiatives aimed at improving performance at both national and international levels.

**Sports Law and Welfare Association of India:** This organization focuses on enhancing sports-related legislation and ensuring ethical practices within the sports industry. It advocates for the welfare of athletes and promotes the integrity of sports in the country.

**Sports laws in Canada**

The federal govt. of Canada is very much supportive to the sports and sports related activities. Prior to 1960 the government as well as private sector and non profitable sectors were investing in the sports related activities. All the sectors were contributing support for the participation in the sport. The federal government is always priorities for the better opportunities sports. By introducing the fitness and amateur Act 1961 by the federal government to encourage, promote and develop fitness

<sup>1</sup> <https://www.theopusway.com/the-necessity-of-sports-laws-and-related-issues/>

<sup>2</sup> Journal of Positive School Psychology <http://journalppw.com>

and sports in Canada. This act provides power to the agency, organization, or institution to organize fitness and sport related activities. The responsibility to carry out the activities is by the ministers who hold the department of national health and welfare through sports and related activities. After some years the Canadian government took an extended decision for the provision related to act, to make two new directorates. The first one is Canada and second is Sport Canada so the motive behind the two directorates are enhanced fitness of citizens and second is charged with developing competitive sport. The result is that participation in the sport increases tremendously. Also health Canada provides opportunity to take part in the fitness activities for the Canadian peoples. The efforts taken by the federal government have reached to the agreement to coordinate the efforts as an important part of the Canadian Sport policy 2012.

### **Sports Policy of Canada 2012-**

The Canadian sport policy provides the framework for the internal cooperation for the sports activities it aims to provide the dynamic culture to promote the participation and development in the sport policy.

#### **Goals of the Policy-**

- 1) Introduction to the sport: introducing the policy related to sports is for the promotion and development of the knowledge and attitude to participate in organized and unorganized sport.
- 2) Delightful activities: herewith Canadian policy aims to provide the delightful activities which can be contributing peoples to get relaxation social interaction fun health by the way of activities.
- 3) Competitive sport : the organization of the sports and innovative activities and discovered by the institutions and non profitable agencies for the better opportunities for the healthy competition and the sufficient time for the practice.
- 4) Development through sports: it is an effective and accepted thought that to get developed through sport it can make you fit as well as prosperous. It can contribute for the building of healthy nation.
- 5) Involvement and priorities for the sports: the agencies and the government were connected with the sport programs and policies under sec. 4 (2) (f) the Department of Canadian Heritage. The departments were charged with the encouragement and promotion in the development of sport laws.

### **Physical Activity and Sport Act 2003**

This act confirmed the objectives toward the sport the federal govt. encouraging to the people for the participation in sport. Also for the fitness program the opportunities were open. The first target was all the citizens and the second is for the elite athletes. So they can divide the policies accordingly. Under sec 3 PASA had been stated objectives as under:

- 1) to promote physical activities as fundamental element of health and well being.
- 2) Encouragement to the all of citizens of Canada by introducing advanced activities into their regular lifestyle.
- 3) Assisting to overcome with the barriers facing to the citizens from getting active participation.<sup>3</sup>

### **Comparative analysis of sports laws in India and Canada:**

Comparative study of India and Canada is basically combination of the basic laws and newly emerging laws it must be considered by all angles related to Legal framework, Regulatory bodies, Dispute Resolution mechanism, Player rights and protection, Anti-Doping regulations. Comparative study can be providing a new angle to look forward the better policies for the india. In this citizens as well as athletes are getting benefited.

#### **1) Legal Framework**

In India the newly emerging legislation is divided into different statutes and regulations, including National Sports Development code of India 2011. Under this act the funds will be provided administration of the sports laws etc. also under constitution sports laws are having special provisions to promote participation and physical fitness.

Canada is having the special legislation on sports the federal government had aware about fitness and competition in the field of law. They are having legislations as well as policies for the administration of sport in Canada.

<sup>3</sup> <https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2020-12-e.pdf>

## 2) Regulatory Bodies

In India the Sports Authority of India plays a significant role in promoting sport at National level. Also national sports federation operates under recognition of Indian Olympic Association and responsible for sports governance.

Canadian Olympic committee and various national organisations were governing sports in Canada. The organisations were responsible for its specific sport, ensuring compliance with national and international regulations. The Sports Dispute Resolution centre of Canada addresses dispute related to sports governance.

## 3) Dispute Resolution Mechanism

Resolution of dispute in India is always decided through internal mechanism of sport federation. Since now a day the trend is growing toward arbitration and mediation.

Canada relying on the alternate dispute resolution mechanism likes arbitration through SDRCC. Traditionally dispute resolving through legal system also popular which aims quick justice with efficiency and confidentiality.

## 4) Players Rights and Protections

The recognition to the rights of player in India increasing of their contracts, it promote for the fair treatment however remains a challenge. Recently issues related to player's contract, remuneration, and athletes rights highlighting in various sports.

One of the best sports practices are exercised in Canada, most advanced framework is protecting the athletes. The special charter related to Athlete Charter of Rights by the COC it provides scope for the rights and responsibilities of athletes.

## 5) Anti Doping Regulations

India is a signatory of World Anti-doping Agency code but the awareness of anti doping regulation remains inconsistent.

In Canada WADA regulations were dealing with the sports policies, the regulation plays important role in sport, education, testing and compliance.

## Conclusion

Sport can be for the fitness as well as pride the healthy competition in sport is always pleasant. With the help of sport laws it can be easy to approach the competition. In india there was no sport laws available, recently the sport laws adapted by the Indian government. The sport law was created out of the need to conduct the fare competition among the sportsman's. the approach to reach the laws related to sport to tackle the issues and disputes among rules of laws and its implication. So we can understand through this Canada government not only providing opportunity for the competition in sport but also they were provided scope for the citizens to maintain fitness. The National Sports Policy is a comprehensive framework aimed at advancing the sports landscape in India. By clearly defining responsibilities, recognizing eligible federations, and establishing funding criteria, the policy strives to create a supportive environment for athletes and sports organizations to thrive. Through the collaboration of key organizations, the policy envisions a vibrant and successful sports culture in India.