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## **RESOLVING SPORTS DISPUTES: A COMPARATIVE STUDY OF INDIA AND INTERNATIONAL PRACTICES**

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### **ABSTRACT**

In today's world, sports have become more commercialised in nature, and there are various disputes that arise due to this commercialisation. For sports dispute resolution, specialisation and expertise are required, and as they are time sensitive due to the careers of athletes, arbitration is more preferable over litigation. This paper conducts a doctrinal comparative study and analysis of international sports dispute resolution through CAS and India's fragmented mechanisms, the federation panels, arbitration under the Arbitration and Conciliation Act and the recently enforced National Sports Governance Act, 2025.

CAS shows effectiveness through institutional independence with the International Council of Arbitration for Sports, procedural speed in the ad hoc division, Lex Sportiva development and enforceability through the New York Convention, despite some criticisms related to transparency and access.

India's system faces delays, judicial intervention, and expertise gaps because professionals and judges don't have expertise in such disputes and lacked a centralised tribunal until the constitution of the National Sports Tribunal under the 2025 act. The study concludes that even though CAS offers a global benchmark for sports dispute resolution, direct adoption of it is not suggestive, instead tailored enhancements in independence, mandatory clauses and expertise are more suitable and will align with India's system without creating inconsistencies with legal framework.

## **Chapter 1**

### **1.1 Introduction**

Sports today are not just about games and Olympics, they have become more professional and commercial area and with this growth the disputes have also increased. Disputes like team selection, disciplinary actions, doping issues, eligibility, contracts between player and clubs or federations. This makes sports disputes different from other disputes and they are extremely time sensitive and requires specialisation and expertise in the field itself to smoothly resolve the disputes because a delay in decision can end an athlete's career or take away an important opportunity forever. For this traditional court systems are not the best way to resolve disputes, they take time, follow strict procedures and not always have the expertise to understand every dispute which may arise.

This is why at international level Court of Arbitration for sport established in 1984 and now become the main body for resolving sports disputes globally, it is known for its speed, expertise and consistency in decisions and has been developed a body of sports law known as *Lex sportiva*.

In India however, the situation is very different, the system for resolving sports disputes was fragmented and still evolving. Sports governance used to work through different bodies like national sports federations, Indian Olympic association, sports authority in India, NADA, SACI and ICAS. These bodies handled administration and regulation but also several disputes arises from these bodies along with this the internal systems are also not independent or transparent they are part of federations and bias towards it leaving athlete's dissatisfied and they mostly rely on high courts and supreme court, though they are fair and provide justice but this is time taking path for athlete. Arbitration under arbitration and conciliation act 1996 is available for such disputes but again it requires a proper arbitration clause mentioned in contract agreed by both the parties and not specifically specialised for sports.

Recently, they newly developed national sports governance act 2025 which constitutes national sports tribunal, shows that India is moving towards a more structured system for sports indicating a evolving need for specialised legal framework. This paper, therefore compares the international and Indian systems for disputes resolution in sports. It studies how effective arbitration of international framework is and will it be in best interest of India to adopt the CAS

model as it is in India. India should features while keeping its own legal and practical realities.

## **1.2 Statement of Problem**

Sports disputes requires speedy and specialised resolution due to the unique nature of sports activities and the limited duration of athletic careers. Arbitration has emerged as a commonly used mechanism for resolving such disputes at both national and international levels. At the international level, sports disputes are resolved through structured and specialised arbitration mechanisms, most importantly the **Court of Arbitration for Sport (CAS)**, which follow uniform procedures and have developed a consistent body of sports-related framework.

In India, sports arbitration exists within the broader framework of general arbitration law and through internal dispute resolution mechanisms of sports federations. However, the structure, procedure, and functioning of these mechanisms are different from international practices. The absence of a uniform and specialised institutional framework in India has resulted to fragmented ways in resolving sports disputes. Because of these differences, there is a need to analyse the effectiveness of sports mechanisms at national and international levels. This study seeks to undertake a comparative analysis of Indian and international sports arbitration mechanisms in order to understand their respective structures and functioning and if it is in best interest of India to adopt CAS model.

## **1.3 Research questions**

- Effectiveness of arbitration in resolving sports disputes at the international level?
- What is the current mechanism for sports arbitration in India?
- Comparative analysis of Indian and international mechanisms?

## **1.4 Hypothesis**

There are significant differences in the structure and functioning of sports arbitration mechanisms in India and at the international level, and thus, it is not in the best interest of India to adopt the CAS arbitration mechanism in its current form.

## **1.5 Research Methodology**

Doctrinal research is taken into consideration for the current study, and all sources are the result

of this research methodology. The ease of access to documentary sources on this topic is the reason behind the research methodology chosen.

Doctrinal Research Methodology is chosen because it focuses on law as it is written and interpreted—in statutes, case laws, constitutional provisions, and legal principles. It focuses on LAW in BOOK, suitable for pure legal questions, helps in critical analysis of case laws, no field work is required, useful in comparative legal studies like in this research paper Indian law and International law and it maintains academic rigor as law is primarily a doctrinal discipline. Primary sources include statutory provisions such as the Arbitration and Conciliation Act, 1996, National sports governance act 2025 rules and regulations of sports federations, CAS code, and judicial decisions. Secondary sources include books, journal articles, blogs, research paper, and views of scholars like Blackshaw, Rian cloete on sports law and arbitration.

A comparative method is to analyse Indian practices and international sports arbitration mechanisms, institutional arbitration models, along with cases to analyse and understand judicial observations towards sports arbitration and if the CAS model is in best interest to be adopted in India.

### **1.6 Literature review**

As pointed out by Prof. Dr. Rian Cloete, the relationship between society and sport has not always been positive. In fact, when society declines, sport often reflects the same problems. A classic example comes from the Roman Empire, where corruption and political influence had reached such a level that even the Olympic Games were affected. There are accounts of Emperor Nero declaring himself the winner of a race he did not even finish<sup>1</sup>. Eventually, the situation became so problematic that the Olympic Games were completely banned in 394 AD.

This historical example shows that without proper regulation and institutional safeguards, sport can lose its integrity. Even though modern sports are far more structured, similar issues like corruption, lack of transparency, and governance failures still exist. Because of this, there has been a growing need for specialised legal frameworks and dispute resolution mechanisms. In today's time, arbitration has become one of the most preferred methods to resolve sports disputes, mainly because it helps maintain fairness, neutrality, and the autonomy of sports

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<sup>1</sup> SPORT TODAY: TOWARDS A 'LEX SPORTIVA'? By Ian Blackshaw

bodies.

When we look at international sports arbitration, most academic discussions focus on the development of the Court of Arbitration for Sport (CAS). Initially, CAS was not widely known and was seen as a closed system mainly used by sports lawyers<sup>2</sup>. However, over time, this perception has changed. Reforms in its structure, increased transparency, and the growing number of cases have made CAS a major arbitral institution globally. In fact, with hundreds of cases each year, it is now one of the largest arbitral institutions in Switzerland.

The origins of CAS can be traced back to the early 1980s, when there was a clear need for an independent body to resolve international sports disputes. It was established in 1984 with the support of the International Olympic Committee. Later, to address concerns about independence, especially after the *Gundel* case, significant reforms were introduced in 1994. This led to the creation of the International Council of Arbitration for Sport (ICAS), which helped ensure that CAS functions independently and transparently. Over time, CAS has developed specialised divisions, expanded its jurisdiction, and become the final authority for many sports disputes. It has handled thousands of cases and created a consistent body of decisions that guide international sports law. Because of this, CAS is now often seen as the central institution for sports dispute resolution at the global level<sup>3</sup>.

However, when we look at India, the situation is quite different. Academic literature shows that the Indian system is still fragmented and developing. Unlike the structured system of CAS, India mainly relies on internal mechanisms within sports federations and on courts

Although there have been attempts to introduce specialised bodies, like the Indian Court of Arbitration for Sports and more recently the National Sports Tribunal under the 2025 Act, the system has not yet reached the level of institutional clarity seen internationally.

Another important point highlighted in the literature is that arbitration in sports is still not widely used in India, even though it has been successful in other countries. As sports continue to grow in India, disputes are also increasing, and there is a clear need for faster and more effective resolution mechanisms. At present, many disputes still go to courts, which are time-

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<sup>2</sup> *The Code of Arbitration for Sport, Commentary, Cases, and Materials*, by Despina Mavromati and Matthieu Reeb Wolters Kluwe 2015

<sup>3</sup> Time for Evolution of Sport Adjudication in India — Is Sports Arbitration the Way Forward?

consuming and expensive. This is especially difficult for athletes, who may not have the financial resources or time to go through long legal processes<sup>4</sup>.

In many countries, systems like Sports Dispute Resolution (SDR) have already been implemented successfully. These systems handle issues like doping, contracts, and disciplinary actions efficiently and quickly. Introducing similar mechanisms in India could help reduce delays and improve fairness in dispute resolution<sup>5</sup>.

The literature also highlights another important issue the frequent intervention of courts in sports matters. In some cases, this has even led to international consequences, such as actions taken by the International Olympic Committee against Indian bodies. This shows that there is a need for a more independent and specialised system within the sports framework itself, so that disputes can be resolved internally without excessive external interference.

Recent discussions also focus on legislative reforms, especially the National Sports Governance Act, 2025. This Act represents a significant shift from a policy-based system to a proper legal framework. It introduces structured governance, regulatory bodies, and most importantly, a National Sports Tribunal for resolving disputes. This is seen as a major step towards creating a more organised and accountable system in India<sup>6</sup>.

However, since this is a recent development, its effectiveness is still uncertain. Questions remain about how independent and efficient the Tribunal will be, and whether it can match the standards of international bodies like CAS.

Overall, the existing literature shows that while international sports arbitration, especially CAS, is well-developed and widely studied, there is still a gap when it comes to comparing it directly with the Indian system. Most studies focus either on international mechanisms or on Indian governance separately. This makes a detailed comparative analysis important. As scholars have also pointed out, sports law is now a distinct and important field of study, and it requires deeper research, especially in the Indian context.

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<sup>5</sup> The Court of Arbitration for Sport: An International Forum for Settling Disputes Effectively 'Within the Family of Sport IAN BLACKSHAW

<sup>6</sup> <https://blog.ipleaders.in/current-position-india-sports-dispute-resolution/>

## Chapter 2

### Effectiveness of arbitration in resolving sports disputes at the international level?

#### 2.1 Introduction

International sports governance has developed specialised arbitration frameworks designed to deliver efficient, expert, and uniform dispute resolution. The Court of Arbitration for Sport (CAS), established in 1984 and headquartered in Lausanne, Switzerland, has emerged as the principal institution for resolving international sports disputes. Over time, CAS has developed into a structured institutional framework, specialised procedures, and a growing body of jurisprudence commonly referred to as *Lex sportiva*.

This chapter examines the effectiveness of international sports arbitration through the institutional framework of CAS. It analyses key elements that contribute to its effectiveness, including institutional structure and independence, procedural efficiency, specialised expertise and enforceability of arbitral awards. Along with its criticisms and limitations, providing a balanced understanding of its role within global sports governance the unique nature of sports disputes often time-sensitive, reputation-driven, and internationally interconnected as traditional court litigation is inadequate in many cases. Hence international sports governance has increasingly relied upon arbitration as a method for dispute resolution.

#### 2.2 Institutional structure and independence

One of the important indicator of effectiveness is the existence of a specialised and autonomous institutional framework. CAS functions as an independent arbitral institution dedicated exclusively to resolving sports-related disputes. Over time, its structure has evolved to enhance independence and credibility. The concerns raised in the Gundel decision of the Swiss Federal Tribunal (1993) regarding the decision delivered when CAS has it ties with international Olympic association and questioning its independence<sup>7</sup>, which led to the significant reforms and restructuring of CAS in 1994 to ensure its independence, the creation of the International Council of Arbitration for Sport (ICAS) ensured that CAS became institutionally and financially independent from the International Olympic Committee (IOC). ICAS is responsible for safeguarding the independence of CAS, administering its operations, and appointing

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<sup>7</sup> [https://www.researchgate.net/publication/299725619\\_CAS\\_92A63\\_GUNDEL\\_v\\_FEI](https://www.researchgate.net/publication/299725619_CAS_92A63_GUNDEL_v_FEI)

arbitrators. The CAS is governed by the code of sports related arbitration and divided into four divisions and this institutional structure of CAS includes<sup>8</sup>:

- **Ordinary Arbitration Division**, which exercises first instance jurisdiction over other sports disputes.
- **Appeals Arbitration Division**, which is exclusive appeals forum for decisions rendered by the IOC, including at the Olympic Games, and for disciplinary decisions rendered by the IFS that are part of the Olympic movement.
- **Anti-Doping Division**, which exercises first instance jurisdiction over anti-doping cases
- **Ad hoc Divisions during major sporting events**, which sits at events such as the Olympic games, the common wealth games and the FIFA world cup, to resolve urgent disputes as to selection, qualification, disqualification etc.

As a result of this jurisdiction, the CAS has been described as "sport's supreme court." It has provided its decision in some of the most important issues and cases including whether Russia's athletes could be excluded from the Olympics and the Paralympics as a result of the state-sanctioned doping program; whether an elite sport could restrict eligibility for the female category on the basis of biological sex<sup>8</sup>; and whether the lengthy bans and fines imposed on FIFA's former President and Secretary-General for Code of Ethics breaches were lawful and proportionate. Disputes are categorised and resolved according to their nature and promote procedural clarity and efficiency. The independence of arbitrators is taken care through mandatory disclosure obligations and conflict-of-interest rules. According to rule 33, Arbitrators are required to remain impartial and independent throughout proceedings which they are handling and as provided under rule 34 they can be challenged if their decision is illegitimate. These safeguards enhance legitimacy and confidence among stakeholders. Therefore the structured institutional design of CAS ensures its independence and improve its efficiency.

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<sup>8</sup> Doriane Coleman & Jonathan Taylor, "Experts in the Hot Tub at the Court of Arbitration for Sport" (2020) 104:2 Judicature 40.

### 2.3 Speedy resolution of Dispute

The urgency of the sports-related matter is very important as it will affect the performance of the sportsperson and ultimately to the whole team in which he or she is playing also, it is important to note that the sportsperson does not have time for a lengthy litigation process as they need to focus on their game. The Ad Hoc Division of CAS comes into mind when we talk about the speed of arbitration under CAS. This is an arbitral body that is active only during the major sporting events like FIFA or commonwealth games. According to the Ad Hoc Rules Article 18<sup>9</sup>, the Olympic and Commonwealth Games, arbitral awards should be issued within 24 hours of the lodging of the application for arbitration though it also provide exception depending on the circumstances and facts of the CAS and permit expedited proceedings in appropriate cases. The time period for a decision to be filed for appeal is 21 days as provided under rule 49, which in comparison with other timeframes for appeal is very short depending on the urgency in sports disputes and final awards is generally provided in 3 months These rules demonstrates a very important aspect of arbitration for speedy resolution of disputes which depends on practical realities of sport and different circumstances of cases.

### 2.4 De Novo Review in Appeals and Procedural Flexibility

The Appeals Arbitration Division of CAS <sup>10</sup> exercises de novo review powers, meaning it can reconsider both facts and law and may issue decision replacing the decision challenged and can annul or refer back the case where it was heard in first instance under rule 57 of CAS code. This ensure the reconsideration of decisions of federations and CAS tribunal and strengthens the reviewing and correcting function of arbitration.

Unlike national courts bound by rigid procedural codes and directions from high courts, CAS proceedings allow flexibility in evidence, hearing formats, and timelines. This enhances efficiency while preserving due process. Collectively, these procedural features differentiate the current international sports arbitration from traditional litigation and with time and reforms enhancing its effectiveness.

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<sup>9</sup> <https://www.tas-cas.org/en/arbitration/ad-hoc-division>

<sup>10</sup> Chromeextension://efaidnbmnnnibpcajpegglefindmkaj/https://www.nishithdesai.com/fileadmin/user\_upload/pdfs/Research\_Papers/Time-for-Evolution-of-Sport-Adjudication-in-India.pdf

## **2.5 Uniformity and Development of Lex Sportiva**

Another critical aspect is consistency in decision-making across jurisdictions. CAS has contributed to the development of Lex sportiva as described by scholars it is a transnational body of sports jurisprudence derived from arbitral awards. From its consistent interpretation of regulations, particularly in doping, eligibility, and disciplinary disputes, CAS has established uniform standards applicable across sporting federations.

This uniformity:

- Reduces legal uncertainty
- Enhances predictability
- Promotes fairness across nations
- Strengthens global sports governance

For example, in anti-doping cases, CAS has consistently applied proportionality principles like balancing sanctions with the gravity of violation done by athlete and strict liability standards, ensuring proper enforcement of the World Anti-Doping Code as CAS has consistently applied these principles and adhere to its rules which ensure global uniformity. The ability to generate stable jurisprudence across borders significantly strengthens the international arbitration framework.

## **2.6 Finality and Enforceability of Awards**

The effectiveness of any dispute resolution mechanism depends on the enforceability of its decisions. CAS awards are final and binding, subject only to limited review by the Swiss Federal Tribunal on narrow procedural grounds. This limited scope of judicial review preserves the autonomy of arbitration while ensuring minimal oversight to protect fundamental fairness. CAS awards are enforceable internationally under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 more specifically under article III<sup>11</sup>. This ensures global enforceability, an essential feature in the international sporting. This finality and enforceability enhances the enforcement, recognition and prevents prolonged

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<sup>11</sup> <https://www.newyorkconvention.org/english>

litigation.

## 2.7 Accessibility and Specialised Expertise

The CAS has a policy where they hire the arbitrators and those arbitrators work for them only. In other words, those arbitrators only deal with the matter related to the sports dispute. The parties are not allowed to bring their own arbitrator in the CAS. The CAS gives the arbitrator to the parties, and it has also been seconded by the Swiss Supreme Court in the case of Lazutina, that this method ensures that the arbitrator is specialised and will ultimately be able to issue a fast and correct decision<sup>12</sup>. CAS arbitrators are specialists in sports law and international arbitration. Now question comes why expertise, why can't an advocate of overall knowledge of law suitable to do this job? We need such expertise because presence of subject-matter expertise ensures that disputes are resolved by individuals familiar with the regulatory and commercial complexities of sport which is generally cannot be done a normal advocates and hence the litigation is also not advisable for such disputes which requires expertise. Additionally, CAS provides legal aid mechanisms in certain circumstances like financial assistance to cover arbitration costs for individuals without sufficient means to defend their rights, ICAS is responsible for financing legal aid as provided under Article 3 of guidelines 2025, thereby facilitating access for athletes who may lack financial resources. The guidelines on legal aid before the court of arbitration for sport as from 1 July 2025<sup>13</sup>, it includes the football legal aid fund also includes matters of international nature and ordinary arbitration, antidoping and appeal division procedure as well, this assistance will help in accessibility of CAS along with the expertise within a single institution enhances consistency and technical competence in decision-making.

## 2.8 Criticisms and Limitations

Although the Court of Arbitration for Sport (CAS), demonstrates significant features in terms of efficiency, expertise, and institutional structure, some debate has also identified certain limitations within the system, concerns relating to institutional independence, transparency, accessibility, and the contextual applicability of the CAS model in different domestic legal systems. Although CAS has become a central forum for resolving international sports disputes,

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<sup>12</sup> <https://www.globalarbitrationnews.com/2018/08/09/swiss-federal-supreme-court-reaffirms-cas-panel-is-independent-from-fifa/>

<sup>13</sup> <https://www.tas-cas.org/en/arbitration/legal-aid>

its framework is not entirely free from criticism.

## 1. Concerns Regarding Institutional Independence

The major criticisms relates to the independence of the CAS. Although significant reforms were introduced following the Gundel decision of the Swiss Federal Tribunal in 1993<sup>14</sup> particularly the establishment of the International Council of Arbitration for Sport (ICAS) but still the structural connections between international sports federations and the arbitration system may create perceptions of institutional bias.

Since many disputes before CAS involve international sports federations, athletes may perceive the system as favouring governing bodies. This issue was raised in the Pechstein v. International Skating Union litigation<sup>15</sup>, where questions were raised regarding the neutrality and independence of the arbitral structure. Although courts ultimately upheld the legitimacy of CAS arbitration, the case sparked continuing academic discussion on the need to maintain visible institutional independence and procedural fairness within the system.

## 2. Transparency and Consistency of Jurisprudence

Another issue is about the transparency and consistency in decision-making. Because sports disputes arise across multiple jurisdictions, different national legal systems may apply their own standards when dealing with sports-related issues which can vary depending on their legal framework. In this context, the role of CAS as a central adjudicatory authority has contributed to the development of consistent jurisprudence across international sport. But this undermines the importance of the standards used and may be not consistent with the frameworks of CAS this can raise issue of maintaining transparency between standards and framework.

Its proceedings are generally confidential, as is common in arbitration worldwide. The rules provide that parties, arbitrators, and CAS staff are not obligated to disclose information relating to the proceedings. However, once a decision has been rendered, CAS awards are typically published unless the parties specifically request confidentiality. This practice requires to

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<sup>14</sup> [https://www.researchgate.net/publication/299725619\\_CAS\\_92A63\\_GUNDEL\\_v\\_FEI](https://www.researchgate.net/publication/299725619_CAS_92A63_GUNDEL_v_FEI)

<sup>15</sup> [https://jusmundi.com/en/document/decision/en-claudia-pechstein-deutsche-eisschnelllauf-gemeinschaft-ev-desg-v-international-skating-union-isu-decision-of-the-swiss-federal-tribunal-4a-612-2009-wednesday-10thfebruary-2010#decision\\_25644](https://jusmundi.com/en/document/decision/en-claudia-pechstein-deutsche-eisschnelllauf-gemeinschaft-ev-desg-v-international-skating-union-isu-decision-of-the-swiss-federal-tribunal-4a-612-2009-wednesday-10thfebruary-2010#decision_25644)

balance the private nature of arbitration with the need for transparency.

CAS decisions are generally based on internationally recognised sports regulations and arbitration rules, ensuring a degree of uniformity in the resolution of disputes. This consistency has contributed to the emergence of a transnational body of sports jurisprudence often called *Lex sportiva*. At the same time, discussions continue regarding the balance between confidentiality, transparency and consistency in arbitral proceedings.

### **3. Accessibility and Cost Considerations**

Arbitration is often viewed as faster and more specialised than litigation, cost considerations may still pose challenges for individual athletes. International arbitration proceedings may involve legal representation, expert evidence, and travel expenses, which can create financial barriers for athletes with limited resources.

In response, CAS has introduced certain measures intended to improve accessibility. These include relatively moderate filing fees such as a filing fee of approximately 1,000 Swiss francs under rule 4.1, but overall it is more for athlete with not such supporting background and one who are just at the starting of their careers and procedural regimes that may allow for cost contributions in certain cases. In disciplinary disputes of an international nature, the arbitration costs are often reduced or borne by the relevant sports federation as also provided under guidelines of 2025 for legal aid assistance but again it requires awareness and need application filing which is again time taking process and can not be afforded by athlete. Although these mechanisms attempt to ensure that athletes are able to access the arbitral process without excessive financial burden. But at the end of the day it's the financial or career burden which makes it not accessible to athletes.

### **4. Limitations in Direct Adoption by Domestic Systems**

Another limitation arises when considering the applicability of the CAS model within different national legal systems. The international sports arbitration framework has developed within a highly specialised and transnational sporting environment characterised by strong federation autonomy, harmonised regulations, and global governance structures.

Domestic legal systems, however, operate within different constitutional, administrative, and socio-economic contexts with different and varying legal frameworks. Countries such as

India maintain significant judicial oversight over sports governance and operate within a federal regulatory structure. As a result, directly transplanting the CAS institutional model into such jurisdictions may not always be feasible and best interest of the nation as it may not be consistent with domestic systems. But as CAS framework offers valuable procedural insights, its mechanisms must be adapted to align with domestic legal realities. Institutional independence, expedited procedures, financial assistance and specialised adjudication may serve as guiding principles, but their implementation must be tailored to the governance structures and constitutional norms of each state.

The analysis of the international sports arbitration framework shows that the Court of Arbitration for Sport has evolved into a central institution within global sports governance. Though there are certain limitations like issues relating to transparency, accessibility, cost etc. However its specialised institutional structure, procedural flexibility, and expertise decisions contribute to the effectiveness of CAS and provide insights of specialised sports dispute resolution mechanism which becomes a reference for national systems like India.

### **Chapter 3**

#### **What is the current mechanism for sports arbitration in India?**

##### **3.1 Introduction**

Indian system for resolving sports disputes remains fragmented and evolving. Sports governance in India operates through a combination of governmental bodies, autonomous sports federations, and policy-based regulatory instruments, resulting in a decentralised and often overlapping institutional framework. Along with different nature of disputes, due to different organisations's frameworks also a lot of disputes arises. In order to understand the nature of such disputes, it is essential to examine the structural organisation of sporting bodies in India.

The governance of sports follows a hierarchical framework comprising district, state, and national level institutions. At the grassroots level, District Sports Federations regulate sporting activities and organise competitions within their respective districts. These bodies are affiliated with State Sports Federations, which oversee state-level competitions and coordinate activities across districts. At the national level, each sport is governed by a National Sports Federation

recognised by the Ministry of Youth Affairs and Sports and affiliated with corresponding international and continental bodies. This multi-tiered structure integrates domestic sports governance with global regulatory frameworks but also arises institutional complexity.

Disputes in Indian sport commonly emerge in relation to athlete selection, disciplinary actions, doping violations, eligibility criteria, and administrative decisions. These conflicts mostly originate within institutions such as National Sports Federations, the Indian Olympic Association, the National Anti-Doping Agency, and the Sports Authority of India. Though, these entities are not designed as independent adjudicatory bodies, but their internal mechanisms lack the procedural safeguards and neutrality which is required for effective dispute resolution.

In the absence of a specialised and centralised arbitration framework, athletes frequently resort to internal grievance mechanisms or invoke the writ jurisdiction of constitutional courts. This reliance on judicial intervention, with delays and lack of specialised expertise, highlights the structural limitations of the existing system. Although arbitration is recognised under the Arbitration and Conciliation Act, 1996, its application in the sports sector remains underdeveloped. Recent developments, including the establishment of institutional mechanisms such as the Sports Arbitration Centre of India and the enactment of the National Sports Governance Act, 2025 providing for a National Sports Tribunal, indicate a gradual shift towards a more structured dispute resolution framework. However, the effectiveness of these developments depends on their implementation and institutional independence.

This chapter examines the mechanisms for resolving sports disputes in India, focusing on role of arbitration and judicial intervention, and emerging legislative reforms. It seeks to understand the mechanisms used in India for resolving sports disputes and looking forward for the new legislative developments.

### **3.2. Constitutional and Legal Framework of Sports Governance in India**

To understand how sports disputes are handled in India, it is important to first look at how sports governance itself is structured. In India, this is mainly shaped by constitutional provisions, policy frameworks, and more recently by the National Sports Governance Act, 2025. Under Entry 33 of the State List in the Seventh Schedule, sports fall under the jurisdiction of State Governments. But in reality, it is not that simple. Whenever international participation

or representation is involved, the Union Government also comes into the picture. So, in practice, sports governance in India is shared and a bit scattered between different authorities.

Another important issue is the unclear legal status of many sports bodies. Some of them function with a lot of independence, almost like private bodies. A good example is the BCCI. In *Zee Telefilms Ltd v Union of India*<sup>16</sup>, the Supreme Court said that BCCI is not a “State” under Article 12. This basically means that you cannot always directly use constitutional remedies against it. Because of this, questions about accountability and transparency often come up. Also, since India still does not have one clear and binding sports law, the system ends up being inconsistent and sometimes weak in enforcement.

If we look at how this system developed over time, one of the earliest steps was the creation of the Sports Authority of India in 1984, along with the National Sports Policy. But at that stage, the focus was more on encouraging sports in schools, like having regular sports periods, rather than building a proper legal or dispute resolution system.

Later, the National Sports Policy of 2001<sup>17</sup> tried to improve things by focusing not just on participation, but also on performance at the international level. Still, even this did not really solve the issue of dispute resolution. A more serious attempt came in 2011 with the creation of the Indian Court of Arbitration for Sports (ICAS). The idea was to have a specialised body just for sports related disputes. Then later in 2021 Sports Arbitration Centre of India (SACI) was established, with the aim to provide an independent and efficient mechanism for resolving sports disputes, with the intention to enhance accountability and effectiveness.

### 3.3 Major Sports Bodies in India

#### 1. National Sports Federations (NSFs)

National Sports Federations (NSFs) is one of the main bodies that manage sport in India. They handle important things like selecting players, taking disciplinary action, and deciding eligibility. Because of this, most sports disputes actually start at this level. To deal with these issues, federations have their own internal systems, like disciplinary committees or grievance

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<sup>16</sup> <https://www.drishtijudiciary.com/landmark-judgement/constitution-of-india/zee-telefilms-v-union-of-india2005-4-scc-649>

<sup>17</sup> <https://blog.iplayers.in/viability-sports-arbitrationindia/#:~:text=After%20a%20set%20of%20few,to%20resolve%20the%20concerned%20grievances.>

panels. The main problem is that they are not truly independent biased by federations decisions, and often lack clear procedures and proper legal understanding. Because of this, athletes are often not satisfied with the decisions and end up going to court.

The courts, however, have taken a balanced approach. In *Sushil Kumar v Union of India*<sup>18</sup>, the Delhi High Court said that courts should not interfere in federation decisions unless they are clearly arbitrary or unfair. So, courts try to respect the autonomy of sports bodies and step in when necessary. To improve things, the National Sports Development Code, 2011 tried to bring more transparency by asking federations to have proper written rules and procedures. But the problem is that not all federations have followed this properly.

There has also been an attempt to connect Indian sports disputes with international arbitration. In *Rajiv Dutta v Union of India*<sup>19</sup>, the Delhi High Court recognised that appeals can be made to CAS and even directed federations to include CAS clauses in their rules. But since there were no strict consequences for not following this, many federations did not fully comply. Later, in 2016, the ministry of youth affairs and sports issued guidelines asking federations to formalise their dispute systems and include arbitration provisions<sup>20</sup>. They also talked about creating quasi-judicial bodies for better accountability. But even these steps have not fully solved the problem.

So overall, even though NSFs are the starting point of most disputes, their internal systems are still not strong enough. This is why athletes still end up relying on courts or international bodies like CAS, which shows the need for a better and more structured system in India

## 2. Indian Olympic Association (IOA)

The Indian Olympic Association (IOA) is the body that manages India's participation in international events like the Olympics. It also coordinates with all the National Sports Federations, so it plays an important role in the overall sports system. Even though IOA is an important authority, it is not really a dispute resolution body. Disputes related to IOA usually come up in areas like recognition of federations, team selection for international events, or internal conflicts. But the IOA does not have a strong or independent system to resolve these

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<sup>18</sup> Sushil Kumar vs Union Of India & Ors on 6 June, 2016

<sup>19</sup> Rajiv Dutta vs Union Of India & Ors on 15 January, 2016

<sup>20</sup> <https://blog.iplayers.in/viability-sports-arbitrationindia/#:~:text=After%20a%20set%20of%20few,to%20resolve%20the%20concerned%20grievances.>

disputes.

There was an attempt to improve this when IOA set up the Indian Court of Arbitration for Sports (ICAS) in 2011. The idea was to create a specialised body just for sports disputes. But in practice, ICAS never became very effective or widely used. The functioning of IOA was also examined in *Indian Olympic Association v Union of India*<sup>21</sup>, where the Delhi High Court said that sports bodies must follow the National Sports Code, 2011. This showed that courts still have to step in to ensure accountability.

Because of weak internal mechanisms, disputes involving IOA often go to courts or sometimes even to CAS. This shows that India still lacks a strong, independent dispute resolution system in sports.

### **3. Sports Authority of India (SAI)**

The Sports Authority of India (SAI) is the government body responsible for developing sports in India. It provides training, manages infrastructure, and supports athletes financially. Even though SAI does not directly handle disputes, its decisions often lead to disputes. For example, issues related to selection for training, funding, or removal from programs can directly affect an athlete's career.

The problem is that SAI does not have a proper internal system to resolve these grievances.

So, athletes often have no option but to approach the courts. In *Rahul Mehra v Union of India*, the court highlighted the need for better governance, transparency, and fairness in sports bodies<sup>22</sup>. While such decisions are important, their real impact depends on how well they are actually implemented.

Overall, SAI shows a bigger issue in the system decisions are being made, but there is no proper mechanism to challenge them effectively. This again increases reliance on courts and delays resolution.

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<sup>21</sup> <https://indiankanoon.org/doc/167695616/>

<sup>22</sup> [https://www.researchgate.net/publication/374845548\\_From\\_autonomy\\_to\\_accountability\\_for\\_the\\_Indian\\_Olympic\\_Association\\_Decoding\\_the\\_decision\\_of\\_Rahul\\_Mehra\\_v\\_Union\\_of\\_India\\_case](https://www.researchgate.net/publication/374845548_From_autonomy_to_accountability_for_the_Indian_Olympic_Association_Decoding_the_decision_of_Rahul_Mehra_v_Union_of_India_case)

#### 4. National Anti-Doping Agency (NADA)

The National Anti-Doping Agency (NADA) is responsible for handling doping-related issues in India, following international standards like the World Anti-Doping Code. Its role is very important in maintaining fairness in sports.

Compared to other areas, NADA actually has a more structured system. Cases are first decided by the Anti-Doping Disciplinary Panel (ADDP), and if someone wants to appeal, they can go to the Anti-Doping Appeal Panel (ADAP). After that, the matter can even go to CAS<sup>23</sup>.

A good example is the *Narsingh Yadav v. national anti doping agency case*<sup>24</sup>, where the dispute went through both Indian authorities and CAS. This shows how Indian and international systems can sometimes work together.

Even though NADA's system is more organised, there are still issues like delays, consistency in decisions, and accessibility for athletes. But compared to other areas in India, it is closer to international standards because of its connection with CAS

### 3.4 Framework for Resolution of Sports Disputes

#### 1. Internal Dispute Resolution Mechanisms within Federations

When a dispute arises in sports in India, the first place it usually goes to is the concerned sports federation itself. This is because these federations are the ones handling everything selection of players, disciplinary actions, and enforcing rules. So naturally, most disputes start here. To deal with such issues, many federations have created internal systems like disciplinary committees, ethics officers, or ombudsman-type bodies. For example, the BCCI has an Ombudsman and Ethics Officer, and even federations like AIFF have handled disputes internally in some cases. The idea behind these mechanisms is that they should be quick, accessible, and handled by people who understand the sport and have expertise.

One of the biggest problems here is **lack of independence**. These panels are often made up of people from the same federation whose decision is being challenged and the principle of no

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<sup>23</sup> [nadaindia.yas.gov.in/adjudication/](http://nadaindia.yas.gov.in/adjudication/)

<sup>24</sup> <https://indianexpress.com/article/sports/sport-others/narsingh-yadav-doping-case-story-of-half-truths-andcontradictions-2991255/>

one should be judge of their own cause. So, it raises an obvious concern—how can a body fairly judge its own actions? This creates a clear conflict of interest and biasness.

Apart from this, there are issues of **transparency and procedure**. Many times, decisions are given without proper reasoning, proceedings are not clearly recorded, and there is no fixed process or timeline. In some cases, even basic principles like giving a fair hearing are not properly followed. This makes the process arbitrary and biased, especially in sensitive matters like selection or disciplinary action.

Another issue is **enforcement**. Even if a decision goes in favour of an athlete, there is no guarantee that it will actually be implemented properly, because there is no strong external oversight it's the federations itself who have direct accessibility for athletes. In *Ajay Jadeja v Union of India*<sup>25</sup>, the Delhi High Court made it clear that even sports bodies must follow fairness and due process. The court also recognised that since these bodies perform public functions, they can be reviewed under Article 226.

So overall, while internal mechanisms are an important first step, they are not enough on their own. Because of these weaknesses, athletes often end up going to courts or arbitration, which shows the need for a more reliable and independent system

## 2. Arbitration under the Arbitration and Conciliation Act, 1996

Arbitration is basically a private way of resolving disputes where both parties agree to let a neutral person (or panel) decide the matter which is civil in nature, and that decision is binding. In India, this is governed by the Arbitration and Conciliation Act, 1996<sup>26</sup>. The important thing to note here is that this law is general it is not made specifically for sports disputes. So, in sports, arbitration mostly depends on whether the parties have agreed to it in a contract through presence of arbitration clause in the contract.

This is where contract law comes in to regulate the formation of contracts and Agreements between athletes, clubs, federations, sponsors, etc., are governed by the Indian Contract Act<sup>27</sup>, 1872 fulfilling all the necessary requirements like offer and acceptance, consideration,

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<sup>25</sup> <https://lawsikho.com/blog/resolve-sports-disputes-through-arbitration/#internal-dispute-mechanisms-the-first-stop>

<sup>26</sup> [https://www.indiacode.nic.in/bitstream/123456789/21922/1/the\\_arbitration\\_and\\_conciliation\\_act%2C\\_1996\\_act\\_no.\\_26\\_of\\_1996.pdf](https://www.indiacode.nic.in/bitstream/123456789/21922/1/the_arbitration_and_conciliation_act%2C_1996_act_no._26_of_1996.pdf)

<sup>27</sup> <https://www.indiacode.nic.in/bitstream/123456789/2187/2/A187209.pdf>

consented as given under the act. If these agreements include an arbitration clause, then any dispute can be referred to arbitration. If there is no such clause, then you cannot force arbitration. Because of this, arbitration in sports in India is not very consistent. It happens only in some cases and is often done on an ad hoc basis, meaning there is no fixed structure or institution handling it.

But despite these limitations, arbitration actually fits very well in the sports context.

First, it is **faster than court proceedings**, which is very important because sports disputes are time-sensitive. A delay of even a few months can affect an athlete's entire career.

Second, **arbitration is confidential**. Unlike courts, where everything is public, arbitration protects the reputation of athletes and other parties.

Third, you can **choose arbitrators** who understand sports and have **expertise**. This is a big advantage because sports disputes often involve technical rules and regulations that general courts may not fully understand.

Also, arbitration decisions, awards are binding and can be enforced, with some of challenges as mentioned under Sections 34 and 36 of the 1996 Act. Another important aspect is that arbitration acts as a bridge between domestic and international systems. While international disputes may go to bodies like CAS, domestic disputes can be handled within India through arbitration if the proper clauses exist.

However, the main problem is that India still does not have a dedicated and strong sports arbitration system. Because of this, even though arbitration is a good option, it is not used as effectively as it could be. So overall, arbitration has a lot of potential in India, but it still needs proper structure, consistency, and institutional support to become truly effective.

### **3. Judicial Intervention in Sports Disputes**

Since India does not have a fully developed system for sports dispute resolution, courts end up playing a very important role. Athletes often go to High Courts or the Supreme Court, especially in cases involving selection issues, disciplinary actions, or violation of rights. Courts act as a safeguard to make sure decisions are fair and not arbitrary. At the same time, courts themselves have said that they should not interfere too much in sports matters. In *Sushil Kumar*

*v Union of India*<sup>28</sup>, the Delhi High Court said that it will not interfere unless the decision of the federation is clearly arbitrary or unreasonable respecting autonomy of the federations,

Similarly, in *Zee Telefilms v Union of India*<sup>29</sup>, the Supreme Court held that bodies like BCCI are not “State” under Article 12. This limits how far courts can intervene using constitutional remedies. Even though courts are important, they are not the best place to resolve sports disputes. The biggest issue is time. Court cases take a long time because of procedures like hearings, adjournments, and appeals. In sports, where timing is everything, this delay can seriously harm an athlete’s career. A clear example is the *S. Sreesanth case*<sup>30</sup>, where the legal battle took years, and even though relief was eventually given, his career had already suffered.

Another issue is that courts may not always have the **specialised knowledge** needed for sports disputes, like doping rules or selection policies. Also, court proceedings are public and **confidentiality** is not maintained, which can affect an athlete’s reputation. Interestingly, courts themselves have recognised these limitations. In *Rajiv Dutta v Union of India*<sup>31</sup>, the Delhi High Court observed that such disputes could have been better resolved through arbitration, but since there was no arbitration clause, the court had to step in.

So, while courts are necessary as a final safeguard, they cannot be the main solution for sports disputes. The delays, lack of expertise, and public nature of litigation clearly show the need for a better system one that is faster, more specialised, and more suited to sports, like arbitration.

### 3.5 Institutional Mechanisms for Sports Arbitration

#### 1. Indian Court of Arbitration for Sports (ICAS)

The Indian Court of Arbitration for Sports (ICAS) was set up in 2011 under the Indian Olympic Association as one of the first serious attempts to create a specialised system for resolving sports disputes in India. The idea behind ICAS was quite clear it was supposed to provide a faster, more affordable, and expert-driven alternative to courts, keeping in mind the unique nature of sports disputes.

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<sup>28</sup> <https://indiankanoon.org/doc/69002753/>

<sup>29</sup> <https://www.drishtijudiciary.com/landmark-judgement/constitution-of-india/zee-telefilms-v-union-of-india2005-4-scc-649>

<sup>30</sup> <https://indiankanoon.org/doc/91407899/>

<sup>31</sup> <https://www.wvfindia.org/?24533/Mr-Rajiv-Dutta-v-Union-of-India--Ors>

At that time, this was an important step because it showed that India had started recognising the need for a separate dispute resolution mechanism for sports, similar to what was developing at the international level. The aim was to reduce dependency on courts and create a system that could handle disputes involving athletes, federations, and other stakeholders in a more efficient and specialised way.

However, despite these intentions, ICAS never really took off in practice. It did not develop into a widely used or effective institution. One of the main reasons for this was the lack of proper institutional support and visibility. Many federations and stakeholders did not actively engage with it, and there was no binding legal requirement to approach ICAS for dispute resolution.

Because of this, people continued to rely on internal federation mechanisms or courts instead. As a result, ICAS remained more of a theoretical initiative rather than a functioning system, and it could not establish itself as a central forum for resolving sports disputes in India.

## **2. Sports Arbitration Centre of India (SACI)**

The Sports Arbitration Centre of India (SACI), established in 2021, is a more recent and structured effort to improve sports dispute resolution in India. Unlike earlier attempts, SACI was created with a clearer focus on building an institutional framework for arbitration in sports.

The idea behind SACI is to provide an independent and efficient platform where sports disputes can be resolved in a more organised manner. It aims to support the arbitration process by helping with things like appointing arbitrators, managing procedures, and ensuring that disputes are handled in a timely way. Since it has the backing of the Ministry of Law and Justice, it also carries more credibility and is expected to bring better accountability to the system.

However, SACI is still in its early stages and has not yet become a widely used mechanism. Many athletes and sports organisations are not fully aware of it, and issues like accessibility and lack of mandatory arbitration clauses in contracts still limit its use. Also, the larger problems within Indian sports governance—like fragmented regulation and reliance on courts—continue to affect how effective SACI can be.

SACI is definitely a step in the right direction. It shows that India is moving towards a more

structured and institutional approach to sports arbitration. With better awareness, stronger support, and proper integration into the sports system, SACI has the potential to grow into a reliable and effective forum for resolving sports disputes in India.

### **3.6 Difficulties in the Sports Arbitration in India**

Even though arbitration is often considered a better alternative to traditional court proceedings, especially in sports disputes, its effective use in India still faces several practical challenges<sup>32</sup>. These difficulties prevent arbitration from becoming a widely accepted and reliable mechanism in the Indian sports sector.

- One of the main issues is the lack of awareness. Many athletes, administrators, and stakeholders are not fully aware of how arbitration works or how it can benefit them. Because of this, arbitration is not used as much as it could be. There is still a need to spread awareness about its advantages, especially in the context of sports, where speed and expertise are very important.
- Another challenge is the overall inconsistency in the existing dispute resolution system. At present, there is no clear and uniform framework specifically designed for handling sports disputes through arbitration. This creates confusion and makes the system less reliable.
- Time is also a major concern. Even though arbitration is supposed to be faster, the broader legal environment in India still affects its efficiency. The judicial system is already burdened with a large number of pending cases, and sometimes arbitration also gets delayed due to procedural issues, lack of coordination, or external influences. For athletes, such delays can be extremely damaging, as their careers depend heavily on timely decisions.
- A further issue is the lack of specialised expertise. Sports disputes often involve technical rules and specific knowledge, but there is still a shortage of trained professionals in sports arbitration. This affects the quality and effectiveness of dispute resolution.

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<sup>32</sup>[https://www.researchgate.net/publication/394023108\\_SPORTS\\_ARBITRATION\\_AND\\_REGULATION\\_IN\\_INDIA\\_CHALLENGES\\_AND\\_PROSPECTS](https://www.researchgate.net/publication/394023108_SPORTS_ARBITRATION_AND_REGULATION_IN_INDIA_CHALLENGES_AND_PROSPECTS)

- Finally, institutional challenges also play a role. Bodies like ICAS and SACI, which were created to promote sports arbitration in India, have not gained strong recognition or widespread usage. Because they are not fully integrated into the system or backed by strong enforcement mechanisms, stakeholders often lack confidence in approaching them.

Overall, while arbitration has the potential to significantly improve sports dispute resolution in India, these challenges need to be addressed. Without proper awareness, institutional support, and structural clarity, arbitration cannot function as an effective alternative to litigation in the sports sector.

### **3.7 Legislative Developments in Sports Governance**

#### **1. National Sports Development Code, 2011**

The National Sports Development Code of India, 2011 was introduced to bring some structure and consistency to sports governance in India<sup>33</sup>. Before this Code, the system was quite fragmented. Different sports federations were functioning in their own way, often with a lot of autonomy, which led to arbitrary decisions, lack of transparency, and even allegations of mismanagement.

The Code was brought in to fix these issues. Its main aim was to promote transparency, accountability, and better governance in sports administration. It lays down certain guidelines for how National Sports Federations should function, including their structure, recognition, and responsibilities towards athletes. It also tries to ensure that decisions like team selection are based on merit and that the overall system becomes more fair and efficient. Another important aspect of the Code is that it tries to bring Indian sports governance closer to international standards. It talks about ethical conduct, inclusivity, and athlete welfare, while also trying to balance the autonomy of sports bodies with some level of government oversight.

However, the biggest limitation of the Code is that it is not a law—it is only a policy. This means that it is not strictly binding. Federations are expected to follow it mainly because recognition and funding from the government depend on it, not because there is a legal compulsion. Because of this, its implementation has been uneven, and many federations do not

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<sup>33</sup> <https://www.g-spr.com/post/an-analysis-of-the-national-sports-code-2011-and-its-implementation-part-1>

fully comply with it.

Also, while the Code improves governance to some extent, it does not really deal with dispute resolution in a strong way. There is no proper system within the Code to handle sports disputes. So even after its introduction, the larger problem of resolving disputes in a fair and efficient manner still not fulfilled.

## 2. National Sports Governance Act, 2025

The National Sports Governance Act, 2025 is a major step forward in the development of sports law in India. Unlike the 2011 Code, which was only a policy, this Act creates a proper legal framework for sports governance. This shift from a policy based system to a statutory system is important because it brings more clarity, consistency, and enforceability. The Act focuses on improving transparency, accountability, and ethical governance in sports. It introduces mechanisms for recognising and regulating sports bodies, and tries to address long standing issues like arbitrariness and lack of uniform standards in sports. Overall, it aims to create a more structured and reliable system for managing sports in India.

One interesting aspect of the Act is that it changes how we look at sports bodies from a legal point of view. Earlier, in *Zee Telefilms v Union of India*, the Supreme Court said that bodies like BCCI are not “State” under Article 12 because they are autonomous. But now, with a proper law regulating these bodies, their role starts looking more like a public function.

The reasoning from *Ajay Hasia v Khalid Mujib*, where the Court said that bodies performing public functions can be subject to constitutional scrutiny, then sports federations under this Act may also be viewed in that light. Since they take important decisions affecting athletes like selection, discipline, and access to opportunities their actions can have serious public law implications.

The Act also talks for a more rights based approach in sports governance. Even though it does not directly list rights, it can be read along with constitutional principles. For example, in *Maneka Gandhi v Union of India*, the Court emphasised fairness and due process, which can apply to decisions affecting athletes. Similarly, *Olga Tellis v Bombay Municipal Corporation* recognised the right to livelihood under Article 21, which can extend to athletes whose careers depend on such decisions.

Also, with growing use of technology in sports, issues like data protection and privacy become important. The judgment in *K.S. Puttaswamy v Union of India* highlights the importance of privacy and bodily autonomy, which can be relevant in areas like doping tests and athlete data<sup>34</sup>.

So even though the Act is mainly about governance, it creates a strong base for developing a more athlete-centric and rights-oriented system in the future.

### 3.8 Establishment of the National Sports Tribunal

One of the most important features of the 2025 Act is the creation of the National Sports Tribunal (NST) under Section 17. This Tribunal is meant to act like a specialised forum almost like a fast-track civil court for resolving sports disputes.

The Tribunal can deal with matters like athlete selection, disciplinary action, eligibility issues, and recognition of sports bodies. This is a big step because, for the first time, there is a dedicated body focusing specifically on sports disputes. Given how time-sensitive these disputes are, having a specialised forum can make a huge difference. At the same time, since this is a new development, its success will depend on how well it is actually implemented. Things like clear procedures, easy access for athletes, and independence of the Tribunal will be very important.

There is also scope to strengthen the system further. For example:

- There should be clear procedures and timelines for handling disputes
- A proper appeal system should be defined
- The appointment process should be independent and transparent
- Athletes should be given support like legal aid and easy filing systems

If these aspects are taken care of, the Tribunal can become a strong and reliable mechanism for resolving sports disputes in India<sup>35</sup>. Overall, the National Sports Tribunal represents an important shift towards a more structured and specialised system. If developed properly, it has the potential to bring Indian sports dispute resolution closer to international standards, while

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<sup>34</sup> 2025 SCC OnLine Blog OpEd 159 Lex Ludica and the Indian Athlete — Towards a Constitutional Law of Sport

<sup>35</sup> 2025 SCC OnLine Blog OpEd 159 Lex Ludica and the Indian Athlete — Towards a Constitutional Law of Sport

still aligning it with the Indian legal system.

## Chapter 4

### Comparative analysis of Indian and international mechanisms?

Through the covered chapters now we have a clear picture about the foundation and evolution of both the international court of arbitration for sports(CAS) and Indian sports dispute resolution mechanisms, arbitration and other fragmented authorities who have internal redressal grievances mechanisms, SACI and ICAS and the upcoming sports tribunal made under national sports governance act 2025 which envisioned more expertise, timely decisions and inclusivity of every sports authority under same umbrella act.

Now arises the main question about which system is overall better and suitable for sports disputes resolution altogether. So, to answer the question we have to first see the comparative analysis of both the system this chapter is dealing with the same comparative analysis of CAS and Indian Mechanisms.

#### 4.1 Institutional structure, independence and procedural efficiency

When we look at the court of arbitration for sport which is the centralised and specialised institution fully dedicated towards sports dispute resolution. It has well defined structure, the international council of arbitration for sports which ensures administrative and financial independence and the ordinary, appeals, ad hoc chambers these all look after the handling of wide range of disputes.

Its ability to deliver expedited decisions particularly through its AD Hoc divisions, it is capable of resolving disputes within 24 hours during major sporting event and can be extended in exceptional cases by the president of the ad hoc division like in the case of IOC V. Valieva<sup>36</sup> the international skating union filed separate appeals to challenge the disciplinary panel's decision before CAS Ad Hoc division operating the Olympic games and the panel allowed the respondent to compete at the 2022 Olympic and decided not to reinstate provisional suspension on her. Along with other cases related to qualification, selection and jurisdiction and in 2024 in Paris Olympic around 19 cases were decided by the Ad Hoc division present on site<sup>37</sup>. The

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<sup>36</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC9271660/>

<sup>37</sup> <https://www.sportlegis.com/2024/12/20/compilation-of-swiss-federal-tribunal-judgments-from-2023-2/>

independence of the adjudicatory body is an important factor in determining the effectiveness of dispute resolution mechanism. The CAS has over time developed safeguards to ensure institutional independence, particularly the reforms introduced after judicial scrutiny by the Swiss Federal Tribunal. Its separation from sports governing bodies enhances its credibility and legitimacy<sup>38</sup>.

On the other hand the Indian mechanisms of evolving nature which were decentralised and fragmented include multiple bodies as already discussed NSF, IOA, NADA, SACI and ICAS without a unified adjudicatory body but the recent developments of the national sports governance act 2025 and the constitution of sports tribunal under part IX of the act and will be acting as centralised adjudicatory body for the sports governance in India this indicates a system which is still evolving towards more centralised and institutionalised administration. Dispute resolution was traditionally slower due to reliance on federation processes and judicial interventions but the sports tribunal reflects expedited dispute resolution, while it may not match the speed of the international arbitration but it demonstrates a strong structure which is likely to improve the procedural efficiency.

There were concerns regarding the independence of Indian system due to close relationship between dispute resolution mechanisms and sports federations and the internal committee which often lack separation from administrative bodies which increases the chance of biasness. However, National sports tribunal shows an effort to create a more independent adjudicatory framework but it will be dependent on implementation of framework, safeguards relating to appointment processes and autonomy which will reflect a gradual shift in independence within Indian system.

#### **4.2 Expertise and accessibility**

International sports arbitration have a high degree of specialisation, with the arbitrators who are expertise in sports law, international regulations, and specific sporting disciplines. This ensures that disputes are resolved with a better understanding of the regulatory and practical aspects of sport. It has arbitrators from many countries like Australia, Switzerland, Malaysia, China and also from India like Gursimran Barar, Namrata Chatterjee, Rohinton Mehta and

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<sup>38</sup> <https://www.globalarbitrationnews.com/2020/03/25/reform-of-swiss-international-arbitration-law-where-do-we-stand/>

Rohit Taimni<sup>39</sup>.

While the CAS provides a specialised forum, it may involve significant costs and logistical challenges, its accessibility remains limited for many stakeholders within the Indian context. Indian athletes in certain instances, successfully approached CAS, as in the case of *Dutee Chand v Athletics Federation of India*<sup>40</sup>, where the athlete challenged her disqualification on the grounds of hyperandrogenism and obtained relief. This demonstrates the effectiveness of CAS in addressing complex international disputes.

It is not always a practical forum for resolving domestic disputes in India. The high costs associated with international arbitration, along with logistical challenges such as travel and legal representation, make it inaccessible and impossible for many athletes to reach there like the one who just started their career and it also depends on the family background. Additionally, CAS primarily deals with disputes arising under international regulations and may not be suited for issues involving local federations, domestic contracts, or national-level competitions.

In contrast, the Indian system has traditionally relied on general legal practitioners and judges, who may not always possess specialised knowledge of sports law. This affected the quality and consistency of decision-making. Arbitration within the Indian legal framework, governed by the Arbitration and Conciliation Act, 1996, becomes more relevant here. Parties may resort to either institutional or ad hoc arbitration, depending on the presence of an arbitration clause and the nature of the dispute. However, the development of the National Sports Tribunal provides an opportunity to enhance expertise. The composition of national sports body mentions the recruitment of sports experts and people with expertise to be member within the domestic framework. By fostering specialised knowledge and training, India can progressively strengthen this aspect of its dispute resolution system.

The Indian system, being domestically situated, has the potential to offer more accessible and cost-effective dispute resolution. Mechanisms such as domestic arbitration and the proposed National Sports Tribunal can reduce barriers related to cost and geography. Moreover, the public interest litigations and free legal aid under article 39-A of Indian constitution improves its accessibility and make it cost efficient. Still some issues like awareness, procedural clarity,

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<sup>39</sup> <https://www.tas-cas.org/en/arbitration/list-of-arbitrators-general-list>

<sup>40</sup> <https://plawyered.wordpress.com/wp-content/uploads/2015/09/dutee-chand-v-athletics-federation-ofindia-afi-the-international-association-of-athletics-federations-iaaf.pdf>

and support systems may affect accessibility of such system in India. Addressing these factors will be essential in ensuring that dispute resolution mechanisms are genuinely inclusive and effective.

#### **4.3 Enforceability and legal frameworks**

The awards of the CAS are enforceable under the New York convention 1958 on the recognition and enforcement of foreign arbitral awards, which covers 167 countries awards are binding and final which local courts can enforce as decrees but it has some limitations like arbitration agreement was invalid, party was not properly notified or award conflicts with the mandatory local laws or public policy. India is also a signatory of this convention and according to article 253 of constitution of India empowers the parliament make laws and rule to implement the international treaties, conventions, agreements etc. to basically fulfil the international obligation therefore as being signatory the CAS awards are binding and enforceable as foreign arbitral awards in India but they must not be violating Indian public policy and comply with arbitration and conciliation act 1996.

And similarly in India also the awards are enforceable under the arbitration and conciliation act and more exclusively for sports disputes the national sports governance act has the potential to strengthen enforceability and provide a more rational legal framework for dispute resolution in India like the section 25 of the national sports governance act mentions an appeal from the tribunal can lie to supreme court and if international law mandates or it has international jurisdiction the appeal can go to CAS basically it recognizes that appeals are allowed to CAS. Therefore the national sports governance act preserves CAS jurisdiction for the matters which requires so.

But the viability of international sports arbitration within the Indian landscape is further limited by differences in legal frameworks and the nature of disputes. Certain categories of disputes commonly arising in sports such as those involving allegations of fraud, matchfixing, or criminal misconduct which are mostly covered under *Bhartiya Nayay Samhita*, are not arbitrable under arbitration act in Indian because arbitration in India is just for the civil disputes involving private parties. Consequently, even where such disputes are referred to CAS, the enforceability of awards in India may be subject to legal constraints due to the very same difference, of nature of disputes tried in Indian arbitration and in CAS.

These challenges highlight the importance of developing domestic mechanisms that are both accessible and aligned with the legal and socio-economic realities of India.

#### 4.4 Contextual differences and limitation of direct adoption

A key point that emerges from these analysis is that the international and Indian systems of sports dispute resolution operate in very different environments. The Court of Arbitration for Sport (CAS) functions within a global sporting framework where rules are largely uniform across countries, sports federations enjoy significant autonomy, and judicial interference is minimal. This allows CAS to operate as a centralised and specialised forum with consistent procedures and outcomes.

In contrast, the Indian system is deeply rooted in its constitutional structure because it is considered as the law of land. Sports governance in India is influenced by principles such as fairness, accountability, and judicial review. Unlike the international system, Indian courts play an important role in ensuring that decisions of sports bodies are not arbitrary or unjust. Additionally, the federal nature of governance and the involvement of multiple authorities make the system more complex and decentralised.

The interpretation of laws are also such that they don't make the rules mandatory to follow, While judicial and policy developments have encouraged the incorporation of CAS mechanism like the court also in the case of **Rajiv Dutta v. Union of India**<sup>41</sup>, stated that the National Sports code of 2011 has a provision of appeal to the CAS against any decision of the Sports federation of India. The court in this case also gave guidelines to the NSF to include CAS clause in their constitution within 3 months, Similarly the 2016 guidelines issued by the Ministry of Youth Affairs and Sports sought to mandate the inclusion of CAS-related provisions within the constitutions of National Sports Federations. However, the absence of effective enforcement mechanisms and punitive consequences for non-compliance has limited their and these steps were never taken by all the NSF's.

These developments illustrate that while there is recognition of the value of international arbitration, simply replicating the CAS model in India may not be practical or effective. What works in a uniform, international setting may not function in the same way within a system that is constitutionally driven and institutionally diverse. Therefore, instead of directly adopting the

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<sup>41</sup> Rajiv Dutta vs Union Of India & Ors on 15 January, 2016

CAS framework, it becomes necessary to develop a model that takes into account India's unique legal and institutional realities while drawing inspiration from international best practices rather than fully destroying the ground norms for adopting the CAS model.

#### **4.5 Adoption versus Adaptation of CAS model in India**

A central question that emerges from the comparative analysis is whether the international model of sports arbitration, the Court of Arbitration for Sport (CAS), should be directly incorporated into the Indian legal system. In this context, it is important to distinguish between the concepts of *adoption* and *adaptation*. Adoption refers to the direct transplantation of an institutional framework without substantial modification or ratification, implying that the same structural and procedural features can operate effectively across different legal and socio-political contexts. In contrast, adaptation involves selectively incorporating relevant principles and modifying them to align with domestic legal frameworks, institutional, and societal needs.

In the case of sports dispute resolution, a direct adoption of the CAS model within India may not be entirely appropriate. The CAS operates within a transnational sporting system characterised by uniform regulations, strong institutional autonomy, and limited judicial interference. Its effectiveness is mostly due to the existence of harmonised international rules and a relatively centralised governance structure.

The Indian context, however, presents a fundamentally different legal and institutional landscape as whole. Sports governance in India is influenced by constitutional principles, including judicial review, principles of natural justice, and the requirement of public accountability. Additionally, the federal distribution of powers and the involvement of multiple regulatory bodies create a more complex and decentralised system. In such a framework, the direct replication of an external model may lead to structural inconsistencies and practical challenges.

Instead, a more appropriate approach lies in the adaptation of international best practices. Elements such as specialised adjudication, procedural efficiency, independence of decisionmaking bodies, and development of consistent jurisprudence can be integrated into the Indian system in a manner that respects its constitutional structure. This approach allows for the development of a context-sensitive framework that combines global standards with domestic legal realities. The recent establishment of National Sports Tribunal reflects an

emerging effort in this direction. Rather than replicating the CAS model, these developments indicate a gradual movement towards creating a uniquely Indian system of sports dispute resolution, with reference to international mechanism aligning with the local needs.

The comparative analysis therefore demonstrates that while the CAS model provides an effective framework at the international level, its direct application within India is constrained by structural, legal, and practical considerations. Accordingly, the development of sports arbitration in India must focus on adaptation rather than adoption, ensuring that global best practices are integrated in a manner that is both accessible and aligned with domestic realities.

### **Conclusion**

Although the comparative analysis reveals substantial structural and procedural differences between the Indian sports dispute resolution framework and the international model represented by the Court of Arbitration for Sport (CAS), it would not be appropriate to advocate for a direct transplantation of the CAS system into India. The international model has evolved within a globally harmonised and commercially mature sporting ecosystem, whereas India operates within a distinct constitutional, administrative, and socio-economic context that necessitates judicial oversight and public accountability in sports governance.

However, the recent enactment of the National Sports Governance Act, 2025 and the establishment of a specialised Sports Tribunal under this legislation signal a significant institutional shift in the Indian sports dispute resolution landscape. This development reflects a growing recognition of the need for a structured and independent adjudicatory mechanism dedicated to sports disputes. While the tribunal is still in its formative phase, it represents a promising step toward institutional consolidation and procedural specialisation within India. In this evolving framework, the CAS model should not be viewed as a blueprint to be mechanically replicated, but rather as a source of institutional inspiration. Best practices embedded within the CAS Code—such as safeguards ensuring arbitrator independence, expedited procedures for time-sensitive disputes, structured appellate mechanisms, and specialised adjudicatory panels—may be carefully adapted to align with India's legal realities. The objective should be contextual adaptation rather than wholesale adoption.

Looking ahead, the effectiveness of the newly constituted Sports Tribunal will depend upon its ability to maintain independence, ensure procedural efficiency, develop consistent

jurisprudence, and balance federation autonomy with constitutional oversight. If supported by institutional stability and adequate administrative infrastructure, the newly constituted tribunal may gradually develop into a credible and efficient forum for sports dispute resolution in India. Over time, it could reflect certain procedural strengths observed in international models, while continuing to function within India's constitutional and governance framework.

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