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## CONTEMPORARY ISSUES IN SPORTS LAW

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### ABSTRACT

In this universe, people avoid reading the newspaper's front page and instead head straight for the sports section to discover more exciting things. Sports transcend the bounds of what is merely entertaining and exciting when the law is involved. Legal organizations are under increased strain due to problems in sports associations and competitions. There are many different types of injuries in contemporary sports, which go beyond the physical harm to the player and even his family by affecting their emotional health.

The lack of openness and accountability in the management of sports bodies is one of the major issues with Indian sports law. Because non-elected individuals run the majority of sports organizations in India, allegations of corruption and nepotism frequently surface. The Indian Supreme Court has interfered in a number of cases to change how the nation's sporting organizations are run.

Sexual harassment, discrimination, taxation, match-fixing, betting, gender-fraud, and doping are a few of the legal difficulties that sports officials and athletes must deal with. The absence of standardized sports laws in India is a major factor in the gap in the current system. The frequently debated issue of whether transgender people should compete in sports in accordance with their gender identity is also brought up in this essay. Although it is not now acknowledged as a legal issue, transgender athletes cause a lot of social discomfort. This essay demonstrates the prejudice the transgender population encounters in the world of sports and the legal protection they receive in our society.

**KEYWORDS** – Fraud, Health, Sports, Athletes, Associations

### I) INTRODUCTION :

Sports have gained a unique spirit in the public's minds and have gained their charisma. The history of sports dates back to the time when people began to separate into sporty, purposeful, and energetic beings. Several sports, including polo, archery, chess, hockey, and wrestling, were first played during the Vedic era. Numerous domestic and international sporting events have been made possible by the slow but steady growth of sports as a form of entertainment. However, a specific legal structure to control these sporting bodies was required. The Seventh Schedule (entry 33) of the State List of the Indian Constitution now includes a section on sports.

One area of pure law that controls the sports and physical education departments is sports law. It frequently overlaps with other categories of laws.

The topic of "strict liability in sport" can be treated in modern sports law and jurisprudence in a variety of ways depending on the application's scope. In the event that forbidden substances or procedures are discovered, it is the athlete's responsibility to establish the following: the lack of "guilt and negligence" in the violation committed; the inadvertent usage; and the existence of "no significant guilt or negligence." Formally speaking, however, it is still possible to avoid sporting culpability if

innocence is demonstrated, which actually refers to the athlete's presumption of innocence.

There are many different types of injuries in contemporary sports, including not only bodily harm but also mental harm to the player and even his family. When the athletes' legal rights are violated, there is a ruckus. Despite the existence of numerous federations that offer sporting facilities, our country consistently performs poorly in international competitions like the Olympics. The absence of standardized sports laws in India is a major factor in the gap in the current system. Strict regulations that unite the authorities overseeing sports under one roof are urgently needed in the country.

Numerous governmental and quasi-governmental organizations, such the National Sports Policy, the Sports Authority of India, the Sports Law and Welfare Association of India, and the Sports Broadcasting Law in India, have emerged as a result of the evolution of sports law. These organizations perform administrative and judicial duties such as telecasting domestic matches and leagues, applying sanctions, and conducting administrative hearings. Despite being included in the list of states, sports are also subject to the 2011 National Sports Development Code.

## II) LEGAL ISSUES :

Sports executives, athletes, and sportsmen and athletes face numerous difficulties. Some of these problems include gender fraud, taxation, taxation without representation, match-fixing, betting, and doping.

### A. SEXUAL HARASSMENT :

Tease, humiliation with insulting remarks, or bullying based on sex, race, gender, or sexual orientation are all examples of sexual harassment. Many athletes experience sexual harassment. In a few instances, female athletes committed suicide as a result of coaches using them for sex. Numerous federations and associations have been detained for this mistreatment. Sportswomen under the age of 18

are abused between 2 and 8% of the time, and in most cases, the coaches and instructors are the ones who do it. Each and every athlete has the right to compete in a setting that is free from non-accidental violence. Women's rights are important, and this has been acknowledged at both the national and international levels. Gender equality and the right to life and liberty are both violated by sexual harassment in the workplace<sup>3</sup>. The legal system classifies sports as work-related activities. The Vishaka guidelines<sup>4</sup> have outlined the fundamental procedural rules that can be used in workplace sexual harassment situations. It includes definitions, guidelines for prevention, and solutions for sexual harassment. Before 1997, when the law was less clear, a victim of workplace sexual harassment might file a complaint under Section 354 or Section 509 of the Indian Penal Code. This directive was created because there were no domestic laws or provisions for their protection or to create strong defenses against the bad deeds. Based on the principles of gender equality and human decency, the Court made this ruling.

The following responsibilities belong to the employer under Vishaka regulations:

1. To offer a sanitary and secure workplace.
2. To make clear to employees in the workplace the repercussions of engaging in sexual harassment. It should also outline how the Internal Complaints Committee is organized.
3. To plan orientation events and educate people about sexual harassment.
4. To consider sexual harassment to be improper behavior.
5. To keep track of the Internal Complaint Committee's regular submissions.

In some cases, it may be necessary for the athlete to give up athletics since their mental health is ruined and they lose confidence in their abilities. Beyond health problems, abuse affects athletes by depriving them of sponsorships, opportunities, awards, and fame.

The trauma entirely engulfs the players. The most important thing is to come up with simple, practical solutions to safeguard sportsmen against such mistreatment. Athletes of all ages and abilities ought to be safeguarded. Mechanisms for the unrestricted disclosure of such abuses suffered by athletes should be developed. Campaigns should be launched to educate athletes on their rights, and sports organizations should support those who come out with information.

#### **B. DOPING IN SPORTS :**

Doping is yet another significant issue in sports law. Doping is the practice of a sportsperson using drugs or other illegal substances to enhance performance and gain an unfair competitive advantage. If such medications are eaten, muscle growth, stamina, and athletic ability increase. Premature heart diseases are the worst possible negative consequences of doping. The use of drugs has been around since the beginning of athletics. Many athletes took part in the Olympic Games in Greece in 688 BC while using special diets and medications. Many plant extracts were employed as medicines to promote their growth. Sports feature the fundamental idea of healthy competition in addition to the game's goal of victory.

In 1928, the International Sports Federation outlawed doping, but they lacked the technology to conduct dope tests. The continued use of these chemicals led to the development of synthetic hormones in 1950. The term "Blood doping" presented another significant problem for the International Sports Federation following the 1970s. To boost the blood's ability to carry oxygen, the blood is drawn out and infused. The athletes are seduced into the idea of doping in order to win the competition in a matter of milliseconds. The World Anti-Doping Agency (WADA) was created by the IOC with the goal of outlawing such substances. The WADA code has a fundamental framework for upholding and overseeing drug use in sports. The international guidelines for

testing and locating substances used by athletes are also included.

#### **III) SPORTS PHARMACOLOGY :**

It is important to always maintain the athletes' health and to provide care when necessary. The study of medicine in sports is extremely important. Even athletes should be knowledgeable about the medications they use and understand how they affect the body. Pharmacists need to be aware of the medications that are prohibited both in and outside of competition. They ought to be familiar with the WADA code's rules. They ought to contribute to preserving and restoring fair play and healthy competition in sports.

The key benefit of sports pharmacology is that it can keep athletes from taking any drugs that might impair or improve their performance. They are less likely to get into trouble as a result.

Through the use of standardized medications that are beneficial for the treatment of their health, it aids athletes in achieving their objectives in a quality manner.

#### **IV) GENDER IDENTITY :**

Each gender is unique and can be classified as either male or female or neither. A person's gender can be inferred from the way they look; for instance, the way they dress can reveal the interests of a particular gender. The pronoun that comes before their name is then decided, and that identification is used to refer to them. Anyone who violates the accepted definition of gender identification is protected under the term "transgender." Both male to female and female to male transsexuals are included. The first kind occurs when a person is assigned the gender of a man at birth, and the second type occurs when a person is assigned the gender of a woman at birth, but in both instances, the person later self-identifies as the opposite gender. Cisgender refers to someone whose gender identity matches the one assigned to them at birth. The self-determination of one's sex is the primary means of self-expression and

individual autonomy in the realm of personal liberty protected by article 21 of the Indian Constitution.

Many sporting event organizations require transgender athletes to have a gender-confirmatory surgery before they compete with other participants since there is an athletic advantage to some participants according to their gender identification. Many transgender athletes who take part in sporting events lament the prejudice and victimization they experience. There are many disparities in the sports policies for transgender individuals, and there is no adequate organization for transgender people to participate in sports. Athletics are sex-segregated and divided into "men's" and "women's" divisions, and transgender persons are not given the appropriate acknowledgment in athletics.

#### **V) GENDER TESTING AND EQUALITY :**

To ascertain an athlete's gender and determine if they are qualified to participate in a given sport, gender testing or sex verification is utilized. If the game is limited to a single-sex, the constraints are placed on the players. Over time, there have been several concerns raised about male competitors competing as females in the Olympics and other events, as well as intersex restrictions placed on female athletes that gave them an unfair edge. The first mandatory gender determination test was introduced by the field's governing body, the International Association of Athletics Federations (IAAF), at the 1996 European Athletics Championships. In response to the claims made by some of the female athletes, this test was conducted. These accusations were based on the belief that some of the top female athletes—most of whom were from the Soviet Union and Eastern Europe—were actually guys. The athletes occasionally underwent needless operations including female genital mutilation and sterilization. A sexual identity crisis may result from the sex tests, which help reveal the aberrant hormone levels. Therefore, they encounter derogatory responses from the

public, which causes them to become socially isolated and occasionally results in suicide due to accumulated depression.

The intrusive aspect of this sex test protocol impairs the athletes' right to privacy when they take part in the sporting event. Men were not subjected to sex tests, and women were the main target of these tests. Women athletes were required to go naked in front of the commission members as part of the IOC Medical Association's "Gender Parade" procedure to demonstrate that they possess female sexual characteristics. This was the most significant instance of discrimination in sports that broke Article 15 of the Indian Constitution. Article 14 states that everyone is equal in the eyes of the law, yet sex tests ignore this principle. Always targeted, female athletes were made to submit to DNA and visual tests. Medical professionals often reject gender tests because they are unethical and discriminatory against women. The test asks questions about a person's gender, which could seriously invade their privacy.

The biggest problem was that some men genetically shaped them for unfair competitive advantage by personifying them as women with chromosomal defects that made them look like women. Men will dominate the world of women's sport as a result of the concern that they will pose as women. However, the essential point that needs to be made is that gender fraud and the transgender issue should not be conflated. Their differences can be determined using circumstantial evidence.

No one should be denied the opportunity to engage in sports since doing so results in discrimination on the basis of gender. Participation in sports is a right and privilege of every person. In competitive sports, many transgender athletes encounter unpleasant situations.

#### **VII) CONCLUSION :**

Sports have gained a lot of ground in the public's consciousness. Both national and

international athletic activities are governed by sports law. Its territory is listed in the Indian Constitution's State List's Seventh Schedule (entry 33). People who work in sports often have to deal with legal difficulties. Some of the problems include gender fraud, doping, taxation, match-fixing, betting, discrimination, and sexual harassment. Sexual harassment in sports is regarded as being similar to workplace harassment. The Vishaka recommendations go into more detail about the fundamental procedural rules that can be employed to safeguard the social security and honor of women. The Vishaka recommendations were replaced by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013. Doping is another practice where athletes use illegal substances to improve their performance. The two main organizations in charge of policing drug use in sports are WADA and NADA. There are numerous legislation that control these intellectual property rights in sports since new techniques or inventions introduced into the field of play must be protected. Although it is not now acknowledged as a legal issue, transgender athletes cause a lot of social discomfort. the prejudice experienced by the transgender population in the world of sports and the nation's legal acceptance of them.

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