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RETHINKING SPORTS GOVERNANCE IN INDIA: A CRITICAL APPRAISAL OF THE NATIONAL SPORTS GOVERNANCE ACT, 2025

~ *RAJIB KUMAR DAS**

ABSTRACT

The National Sports Governance Act, 2025 (NSGA) marks India's transition from largely voluntary sports governance norms, exemplified by the non-binding National Sports Development Code 2011, to a comprehensive statutory framework enacted amid longstanding concerns over corruption, federation non-compliance, and athlete welfare. This article critically evaluates the NSGA within a global reform environment characterized by commercialization-driven conflicts of interest, opacity, elite power concentration, safeguarding failures, and limited application of human rights and social protection frameworks to sport. The study critically analyses Indian sports law, governance reform, athlete rights, sports arbitration and Court of Arbitration for Sport (CAS) jurisdiction, constitutional and federal constraints, comparative models (UK, Australia, Canada), and integrity regimes including anti-doping and match-fixing. The NSGA's architecture establishing a National Sports Board to regulate recognition and compliance, a National Sports Tribunal for specialized adjudication, and a National Sports Election Panel for democratic processes signals an ambition to enhance transparency, accountability, and integrity. However, the analysis identifies substantial design and implementation risks: centralization may undermine federation autonomy and trigger international sanctions under Olympic Charter Rule 27; athlete welfare objectives are weakened by the absence of a codified Athlete Bill of Rights; tribunal independence may be compromised by executive influence; the Act may face constitutional vulnerabilities relating to legislative competence in a federal structure and freedom of association; and ambiguity over NST–CAS pathways creates jurisdictional uncertainty. Comparative evidence indicates that durable reform requires funding-linked governance standards, meaningful athlete representation, independent dispute resolution, and comprehensive integrity and safeguarding frameworks. The NSGA's transformative potential therefore depends on targeted amendments, clarified arbitration routes, stronger institutional independence, and sustained enforcement and culture change aligned with international good-governance and human-rights standards.

Keywords: National Sports Governance Act 2025, Indian sports law, sports federations, athlete rights, National Sports Tribunal, constitutional law, Olympic Charter, sports governance reform, autonomy, accountability

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1. INTRODUCTION

Indian sports governance has long been characterized by a paradox: extraordinary athletic talent coexisting with chronic institutional dysfunction.¹ For decades, National Sports Federations (NSFs) have operated with minimal accountability, plagued by allegations of mismanagement, nepotism, financial opacity, and governance failures that have undermined athlete welfare and India’s sporting potential.² Issues ranging from age fraud and corruption to unfair selection procedures and sexual harassment have persisted unchecked, while federations have resisted reform, invoking autonomy as a shield against oversight.³ The resulting governance vacuum has compelled judicial intervention, with the Hon’ble High Court of Delhi and the Hon’ble Supreme Court of India repeatedly stepping in to address systemic failures in bodies such as the Board of Control for Cricket in India (BCCI) and the Indian Olympic Association (IOA).⁴

The Hon’ble Supreme Court’s landmark judgment in *Board of Control for Cricket in India v Cricket Association of Bihar*⁵ exemplifies this judicial activism, where the Court appointed the Justice Lodha Committee to recommend comprehensive reforms to the BCCI’s governance structure.⁶ The Committee’s report exposed deep-seated conflicts of interest, lack of

¹ Subhrajit Chanda and Deevanshu Shrivastava, ‘National Sports Governance Act, 2025: Reform or Reinforced Control?’ <<https://lawschoolpolicyreview.com/2025/09/05/national-sports-governance-act-2025-reform-or-reinforced-control/>> accessed 16 April 2026; ‘National Sports Governance Act, 2025: Reform or Reinforced Control? - Publications Repository (PURE)’ <<https://pure.jgu.edu.in/id/eprint/10126/>> accessed 16 April 2026.

² Shilpa Rao Rastogi and Isha Dhanda, ‘Filling The Policy-Law Gap in Indian Sports Governance: A Critical Legal Review’ (2025) 46 EKSPLORIUM-BULETIN PUSAT TEKNOLOGI BAHAN GALIAN NUKLIR 1022 <<https://eksplorium.com/index.php/journal/article/view/346>> accessed 16 April 2026.

³ Versha Dhakad, ‘CRITICAL ANALYSIS OF THE NATIONAL SPORTS GOVERNANCE ACT, 2025’ (2025) 6 IJLRP - International Journal of Leading Research Publication <<https://doi.org/10.70528/IJLRP.V6.I12.1856>> accessed 16 April 2026.

⁴ *Indian Olympic Association v Union of India* WP(C) 876/2012 (Delhi High Court 2014)

⁵ *Board of Control for Cricket in India v Cricket Association of Bihar* (2015) 3 SCC 251

⁶ Lodha Committee, *Report on BCCI Reforms* (Supreme Court of India 2016)

transparency, and concentration of power in the hands of a few administrators.⁷ Similarly, the Hon'ble Delhi High Court's intervention in *Indian Olympic Association v Union of India*⁸ addressed electoral malpractices and governance deficiencies that led to the IOC's suspension of the IOA in 2012 a humiliating episode that barred Indian athletes from competing under the national flag.⁹ In a separate case, a division bench of the Hon'ble Madras High Court (Madras HC) in *The Secretary, Tamil Nadu Olympic Association vs S Nithya and Others*¹⁰ issued fourteen directives aimed at organizing sports governance in Tamil Nadu. These directives included: (i) compulsory registration of sports governing bodies with the Government of Tamil Nadu, (ii) creation of a dedicated grievance cell to address athlete selection-related complaints, ensuring each complaint is resolved within a week of being filed, (iii) requiring office bearers to be sportspersons, with at least seventy-five percent (75%) of voting members being sportspersons, and incorporating clear election rules for these positions in the constitution, and (iv) granting the State Government the authority to blacklist any organization that violates these directives. In the case of *K.P. Rao vs Union of India and Others*¹¹, the Hon'ble High Court of Delhi also addressed issues such as whether the tenure of governing body members of a NSF, as outlined in the National Sports Code, 2011 (Sports Code), applies to members of a constituent body of the NSF, and the consequences of non-compliance. Nonetheless, these judgments and their directives did not achieve the intended result of implementing a standardized governance mechanism among National Sports Federations (NSFs) in India.

Against this backdrop of crisis and court-driven oversight, the National Sports Governance Act, 2025 (NSGA) emerges as India's first comprehensive statutory framework for sports governance.¹² The NSGA represents a paradigm shift from the voluntary, non-binding National Sports Development Code of 2011 (NSDC 2011) to a mandatory legislative regime backed by statutory authority and institutional mechanisms.¹³ By establishing the National Sports Board (NSB) with sweeping regulatory powers, the National Sports Tribunal (NST) for specialized adjudication, and the National Sports Election Panel to ensure democratic governance, the

⁷ *ibid*

⁸ *Indian Olympic Association v Union of India* (n 4)

⁹ International Olympic Committee, 'IOC Suspends Indian Olympic Association' (IOC, 4 December 2012) <<https://www.olympic.org/news/ioc-suspends-indian-olympic-association>> accessed 16 April 2026

¹⁰ *Secretary, Tamil Nadu Olympic Association v. S Nithya and Others*, (2022) 5 MLJ 1.

¹¹ *K.P. Rao v. Union of India*, 2023/DHC/000974.

¹² National Sports Governance Act 2025 (India)

¹³ National Sports Development Code of India 2011

NSGA signals an ambitious attempt to professionalize Indian sports administration and align it with international good governance standards.¹⁴

However, the NSGA does not emerge in isolation. It is situated within a global context of sports governance reform characterized by widespread dysfunction, accountability deficits, and fundamental tensions between state regulation and federation autonomy.¹⁵ Sports governing bodies worldwide face criticism for prioritizing commercial interests over regulatory responsibilities, excluding key stakeholders from decision-making, and failing to protect athlete rights and welfare.¹⁶ The question therefore arises: does the NSGA represent genuine transformative reform, or does it merely substitute one form of control for another, risking international sanctions and constitutional challenges while failing to address the core issues of athlete welfare and institutional independence?¹⁷

This article provides a critical examination of the NSGA through doctrinal analysis, comparative evaluation against international standards, and assessment of its constitutional and practical implications. The analysis reveals fundamental tensions between the Act's stated objectives and its design, raising concerns about excessive centralization, compromised institutional independence, absence of comprehensive athlete rights protections, and jurisdictional ambiguity. Drawing on comparative frameworks from the United Kingdom, Australia, and Canada, as well as international instruments including the Olympic Charter, FIFA Statutes, and Council of Europe good governance guidelines, this article argues that the NSGA prioritizes state control over genuine reform. Without substantive amendments, the Act risks international sanctions, constitutional challenges, and failure to achieve its transformative potential, potentially jeopardizing India's aspiration to host the 2036 Olympics and emerge as a global sporting power.¹⁸

¹⁴ National Sports Governance Act 2025 (n 10) ss 3, 15, 22

¹⁵ K Foster, 'Is There a Global Sports Law?' (2003) 2 Entertainment and Sports Law Journal 1

¹⁶ Maximilian Seltmann, 'Placing Athlete Rights at the Heart of Good Governance in Sport: Leveraging Ideational Power, Democratising Governance' (2024) Sports Law, Policy & Diplomacy Journal <<https://doi.org/10.30925/slpdj>> accessed 16 April 2026

¹⁷ Chanda and Shrivastava (n 1).

¹⁸ International Olympic Committee, 'Future Olympic Games Host Selection' (IOC 2023) <<https://www.olympic.org>> accessed 16 April 2026.

2. HISTORICAL EVOLUTION OF INDIAN SPORTS LAW

2.1 THE PRE-NSGA ERA: VOLUNTARY COMPLIANCE AND GOVERNANCE DEFICITS

Prior to the enactment of the NSGA, Indian sports governance operated largely through voluntary compliance mechanisms, with the National Sports Development Code of 2011 (NSDC 2011) serving as the primary normative framework.¹⁹ The NSDC 2011 was formulated by the Ministry of Youth Affairs and Sports to establish minimum standards for recognition, governance, and financial management of National Sports Federations.²⁰ However, its non-binding nature rendered it largely ineffective, as federations could ignore its provisions without facing meaningful consequences.²¹ The Code required NSFs to adopt democratic constitutions, ensure transparent elections, maintain financial accountability, and prioritize athlete welfare, but compliance remained voluntary and enforcement mechanisms were absent.²²

This governance vacuum created an environment conducive to systemic dysfunction. Federations operated as fiefdoms controlled by entrenched elites who resisted transparency and accountability.²³ Age fraud scandals, financial misappropriation, nepotistic selection processes, and sexual harassment allegations became endemic, yet federations invoked the principle of autonomy to shield themselves from external oversight.²⁴ The absence of statutory authority meant that the government could only withdraw recognition or funding blunt instruments that often harmed athletes more than administrators.²⁵

The limitations of voluntary compliance were starkly illustrated by the BCCI's resistance to reform. Despite being the world's wealthiest cricket board, the BCCI operated without transparency, accountability, or democratic governance.²⁶ Conflicts of interest were rampant, with administrators holding simultaneous positions in the BCCI, state associations, and commercial entities.²⁷ The Supreme Court's intervention in *BCCI v Cricket Association of*

¹⁹ National Sports Development Code of India 2011 (n 11)

²⁰ Raj Kumar and Sonia Sharma, 'A Study of Emerging Trends in Sports and Law in India' (GIBS Law Journal) <<https://gibslawjournal.com>> accessed 16 April 2026.

²¹ Rastogi (n 2)

²² National Sports Development Code of India 2011 (n 11) cls 3.1–3.8

²³ Chanda and Shrivastava (n 1).

²⁴ KT Shewale, 'Bridging the Gap: Exploring the Intersection of Sports Law and the Constitution in India' (2025) 16 International Journal of Sports and Allied Themes 1 <<https://doi.org/10.71097/ijst.v16.i1.2056>> accessed 16 April 2026

²⁵ Dhakad (n 3)

²⁶ *Board of Control for Cricket in India v Cricket Association of Bihar* (n 5).

²⁷ Lodha Committee (n 6).

*Bihar*²⁸ exposed these governance failures and led to the appointment of the Justice Lodha Committee, whose recommendations included age and tenure limits for office-bearers, one-state-one-vote principle, and prohibition of conflicts of interest.²⁹ However, the BCCI's resistance to implementing these reforms demonstrated the inadequacy of judicial intervention as a substitute for comprehensive legislative reform.³⁰

2.2 JUDICIAL INTERVENTIONS: FILLING THE LEGISLATIVE VOID

In the absence of statutory frameworks, Indian courts assumed an increasingly active role in sports governance, intervening to address systemic failures and protect athlete rights.³¹ This judicial activism, while necessary, highlighted the urgent need for legislative reform. The Delhi High Court's intervention in the IOA crisis exemplifies this pattern. In *Indian Olympic Association v Union of India*,³² the Court addressed electoral malpractices and governance deficiencies that culminated in the IOC's suspension of the IOA in December 2012.³³ The suspension was triggered by the IOA's failure to comply with the Olympic Charter's requirements for democratic elections and governmental non-interference.³⁴ Indian athletes were forced to compete as "Independent Olympic Participants" at the 2014 Sochi Winter Olympics, a national humiliation that underscored the consequences of governance failure.³⁵

The Court's intervention facilitated fresh elections under judicial supervision, leading to the IOC's lifting of the suspension in February 2014.³⁶ However, this episode revealed fundamental tensions between Indian law and international sports governance norms. The IOA's constitution had been amended to comply with Indian government directives, including provisions for government nominees and age limits, which the IOC viewed as governmental interference violating Olympic Charter Rule 27.³⁷ This tension between domestic regulatory

²⁸ *Board of Control for Cricket in India v Cricket Association of Bihar* (n 5).

²⁹ Lodha Committee Report (n 6).

³⁰ Chanda and Shrivastava (n 1).

³¹ Shewale (n 22).

³² *Indian Olympic Association v Union of India* (n 4).

³³ International Olympic Committee (n 9).

³⁴ International Olympic Committee, *Olympic Charter* (IOC 2021) Rule 27 <<https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf>> accessed 16 April 2026.

³⁵ International Olympic Committee (n 9).

³⁶ *Indian Olympic Association v Union of India* (n 4).

³⁷ International Olympic Committee, *Olympic Charter* (n 32) Rule 27

imperatives and international autonomy norms would later become a central concern in evaluating the NSGA.³⁸

Other judicial interventions further demonstrated the courts' willingness to scrutinize sports governance. In *Zee Telefilms and Others v Union of India & Others*,³⁹ the Supreme Court examined the legality of the Board of Control for Cricket in India's monopolistic practices and its relationship with the government. In *Ajay Jadeja v Union of India*,⁴⁰ the Court addressed procedural fairness in disciplinary proceedings against cricketers accused of match-fixing, establishing important precedents for natural justice in sports disputes.⁴¹ These cases collectively established that sports bodies, despite their private character, exercise public functions and are therefore subject to judicial review and constitutional norms.⁴²

2.3 THE PATH TO STATUTORY REFORM: FROM NSDC 2011 TO NSGA 2025

The transition from the voluntary NSDC 2011 to the statutory NSGA 2025 reflects a growing consensus that voluntary compliance mechanisms were insufficient to address systemic governance failures.⁴³ The Draft National Sports Governance Bill, 2024, which preceded the NSGA, generated significant debate among stakeholders, with concerns raised about excessive centralization, potential Olympic Charter violations, and inadequate athlete rights protections.⁴⁴ Critics argued that the draft prioritized state control over genuine reform, risking international sanctions while failing to address core issues of athlete welfare and institutional independence.⁴⁵

The final NSGA 2025, while incorporating some stakeholder feedback, retained the centralized regulatory architecture that characterized the draft.⁴⁶ The Act establishes three key institutional mechanisms: the National Sports Board (NSB) with comprehensive regulatory powers over recognition and oversight of NSFs; the National Sports Tribunal (NST) for specialized adjudication of sports disputes; and the National Sports Election Panel to ensure democratic electoral processes.⁴⁷ These institutions represent a significant departure from the voluntary

³⁸ Chanda and Shrivastava (n 1)

³⁹ *Zee Telefilms and Others v Union of India & Others* (2005) 4 SCC 649

⁴⁰ *Ajay Jadeja v Union of India* (2000) 3 SCC 284

⁴¹ *ibid*

⁴² Shewale (n 22)

⁴³ Rastogi (n 2)

⁴⁴ Chanda and Shrivastava (n 1)

⁴⁵ *ibid*

⁴⁶ National Sports Governance Act 2025 (n 10)

⁴⁷ *ibid* ss 3, 15, 22

compliance model, vesting the state with statutory authority to regulate sports governance comprehensively.⁴⁸

However, the NSGA's enactment occurs within a broader global context of sports governance reform, characterized by tensions between state regulation and federation autonomy, commercialization pressures, and growing recognition of athlete rights.⁴⁹ International sports organizations, particularly the IOC and FIFA, have consistently emphasized the principle of autonomy, viewing governmental interference as a threat to the integrity and independence of sports governance.⁵⁰ This tension between domestic regulatory imperatives and international autonomy norms forms the central challenge in evaluating the NSGA's design and implementation.⁵¹

3. ARCHITECTURE OF THE NATIONAL SPORTS GOVERNANCE ACT, 2025

3.1 THE THREE PILLARS: NATIONAL SPORTS BOARD, NATIONAL SPORTS TRIBUNAL, AND NATIONAL SPORTS ELECTION PANEL

The NSGA 2025 establishes a comprehensive institutional architecture designed to regulate, adjudicate, and democratize Indian sports governance.⁵² This architecture rests on three institutional pillars, each with distinct functions and powers that collectively aim to transform the governance landscape.⁵³

The National Sports Board (NSB) serves as the primary regulatory authority, vested with sweeping powers over the recognition, oversight, and compliance monitoring of National Sports Federations.⁵⁴ The NSB's mandate includes establishing governance standards, conducting periodic audits, investigating complaints, and imposing sanctions for non-compliance.⁵⁵ The Board is empowered to withdraw recognition from federations that fail to meet prescribed standards, effectively controlling their access to government funding, international representation, and official status.⁵⁶ The NSB's composition includes government

⁴⁸ Dhakad (n 3)

⁴⁹ Foster (n 13)

⁵⁰ International Olympic Committee, Olympic Charter (n 32) Rule 27; Fédération Internationale de Football Association, *FIFA Statutes* (FIFA 2021) art 14 <<https://digitalhub.fifa.com/m/5371a6dcc42fbb44/original/FIFA-Statutes-2021.pdf>> accessed 16 April 2026

⁵¹ Chanda and Shrivastava (n 1).

⁵² National Sports Governance Act 2025 (n 10)

⁵³ *ibid* ss 3, 15, 22

⁵⁴ *ibid* s 3

⁵⁵ *ibid* ss 4–8

⁵⁶ *ibid* s 9

nominees, sports administrators, and athlete representatives, though the precise balance and appointment mechanisms have raised concerns about executive influence.⁵⁷

The National Sports Tribunal (NST) represents the Act's attempt to establish specialized adjudication for sports disputes, addressing the longstanding absence of dedicated sports dispute resolution mechanisms in India.⁵⁸ The NST is granted jurisdiction over a wide range of disputes, including selection controversies, disciplinary proceedings, contractual disputes, and challenges to federation decisions.⁵⁹ The Tribunal's establishment reflects recognition that general courts lack the specialized expertise and expedited procedures necessary for effective sports dispute resolution.⁶⁰ However, critical questions remain about the NST's independence, its relationship with the Court of Arbitration for Sport (CAS), and whether its design adequately insulates it from executive influence.⁶¹

The National Sports Election Panel addresses the endemic problem of electoral malpractices and undemocratic governance in sports federations.⁶² The Panel is tasked with supervising elections to NSF executive bodies, ensuring compliance with democratic norms, and preventing the manipulation and rigging that have characterized federation elections.⁶³ By mandating transparent electoral processes, term limits, and age restrictions, the Panel aims to break the stranglehold of entrenched elites and facilitate generational renewal in sports administration.⁶⁴

3.2 KEY PROVISIONS AND OBJECTIVES

The NSGA's substantive provisions establish comprehensive governance standards that NSFs must satisfy to obtain and retain recognition.⁶⁵ These standards address transparency, financial accountability, democratic governance, athlete welfare, and integrity mechanisms.⁶⁶ Key provisions include:

⁵⁷ Chanda and Shrivastava (n 1)

⁵⁸ National Sports Governance Act 2025 (n 10) s 15

⁵⁹ *ibid* ss 16–18

⁶⁰ A Rigozzi and W McAuliffe, 'Sports Arbitration and the Challenges of Reform' (2013) GAR Euro, Middle East and African Arbitration Review

⁶¹ Chanda and Shrivastava (n 1)

⁶² National Sports Governance Act 2025 (n 10) s 22

⁶³ *ibid* ss 23–25

⁶⁴ *ibid* s 24

⁶⁵ *ibid* ss 10–14

⁶⁶ Dhakad (n 3)

Recognition and Compliance Framework: The Act establishes detailed criteria for NSF recognition, including requirements for democratic constitutions, transparent financial management, athlete representation in decision-making bodies, and compliance with anti-doping regulations.⁶⁷ The NSB is empowered to conduct periodic compliance audits and impose graduated sanctions, ranging from warnings and fines to suspension and withdrawal of recognition.⁶⁸

Financial Transparency and Accountability: NSFs are required to maintain audited accounts, disclose sources of funding, and submit annual financial reports to the NSB.⁶⁹ The Act mandates compliance with the Right to Information Act 2005, treating NSFs as public authorities subject to transparency obligations.⁷⁰ These provisions aim to address the financial opacity that has facilitated corruption and misappropriation.⁷¹

Democratic Governance and Term Limits: The Act prescribes democratic electoral processes, including one-member-one-vote principles, secret ballots, and independent electoral supervision.⁷² Office-bearers are subject to age limits (typically 70 years) and tenure restrictions (maximum of three consecutive terms), designed to prevent the concentration of power and facilitate leadership renewal.⁷³

Athlete Welfare and Representation: The NSGA requires NSFs to establish athlete welfare committees, ensure athlete representation on executive bodies (minimum 25% representation), and implement grievance redressal mechanisms.⁷⁴ However, critics argue that these provisions fall short of a comprehensive Athlete Bill of Rights and lack enforceable welfare standards.⁷⁵

Integrity and Anti-Doping Mechanisms: NSFs must adopt codes of conduct, establish disciplinary procedures compliant with natural justice principles, and implement anti-doping

⁶⁷ National Sports Governance Act 2025 (n 10) s 10

⁶⁸ *ibid* s 9

⁶⁹ *ibid* s 11

⁷⁰ Right to Information Act 2005 (India) s 2(h)

⁷¹ Rastogi (n 2)

⁷² National Sports Governance Act 2025 (n 10) s 12

⁷³ *ibid* s 13

⁷⁴ *ibid* s 14

⁷⁵ Seltmann (n 14)

programs aligned with the World Anti-Doping Code.⁷⁶ The Act empowers the NSB to investigate integrity violations and impose sanctions.⁷⁷

3.3 STATED OBJECTIVES: TRANSPARENCY, ACCOUNTABILITY, AND ATHLETE WELFARE

The NSGA's preamble articulates ambitious objectives: enhancing transparency and accountability in sports governance; protecting athlete rights and welfare; ensuring democratic and inclusive governance; promoting integrity and ethical conduct; and aligning Indian sports governance with international standards.⁷⁸ These objectives reflect recognition that governance reform is essential not only for athlete welfare but also for India's sporting competitiveness and international reputation.⁷⁹

However, the critical question is whether the NSGA's design and implementation mechanisms are adequate to achieve these objectives, or whether the Act's centralized regulatory approach risks substituting governmental control for federation autonomy without addressing underlying governance pathologies.⁸⁰ The following sections examine these concerns through analysis of centralization risks, athlete rights deficits, institutional independence questions, constitutional dimensions, and comparative governance frameworks.⁸¹

4. CRITICAL ANALYSIS: CENTRALIZATION VS FEDERATION AUTONOMY

4.1 OLYMPIC CHARTER RULE 27 AND THE PRINCIPLE OF AUTONOMY

The tension between state regulation and federation autonomy represents the most critical challenge facing the NSGA's implementation.⁸² Olympic Charter Rule 27 establishes the foundational principle of sports autonomy, prohibiting governmental interference in the governance of National Olympic Committees and sports federations.⁸³ The Rule states: "The NOCs must preserve their autonomy and resist all pressures of any kind, including but not

⁷⁶ National Sports Governance Act 2025 (n 10) s 14; World Anti-Doping Agency, *World Anti-Doping Code* (WADA 2021) <<https://www.wada-ama.org/en/resources/the-code/world-anti-doping-code>> accessed 16 April 2026

⁷⁷ National Sports Governance Act 2025 (n 10) s 8

⁷⁸ *ibid* Preamble

⁷⁹ Rastogi (n 2)

⁸⁰ Chanda and Shrivastava (n 1)

⁸¹ Dhakad (n 3).

⁸² Chanda and Shrivastava (n 1)

⁸³ International Olympic Committee, *Olympic Charter* (n 32) Rule 27

limited to political, legal, religious or economic pressures which may prevent them from complying with the Olympic Charter.”⁸⁴

This principle reflects the Olympic Movement’s historical commitment to independence from state control, rooted in concerns that governmental interference compromises the integrity, universality, and apolitical character of sport.⁸⁵ The IOC has consistently enforced this principle, suspending National Olympic Committees that fail to maintain autonomy from governmental control.⁸⁶ The suspensions of the Kuwait Olympic Committee in 2010 and the Indian Olympic Association in 2012 demonstrate the IOC’s willingness to impose sanctions when governments enact legislation or take actions perceived as interfering with federation autonomy.⁸⁷

The Kuwait suspension was triggered by a government sports law that granted state authorities powers to intervene in sports federation governance, including the ability to dissolve federation boards and appoint administrators.⁸⁸ The IOC viewed this as incompatible with Olympic Charter Rule 27 and suspended the Kuwait Olympic Committee until the offending legislation was repealed.⁸⁹ Similarly, the IOA suspension in 2012 resulted from the Indian government’s insistence on amendments to the IOA constitution that the IOC deemed governmental interference.⁹⁰

FIFA has adopted a similarly strict approach to governmental non-interference, as reflected in Article 14 of the FIFA Statutes, which requires member associations to “manage their affairs independently and without undue influence from third parties.”⁹¹ FIFA has suspended member associations in numerous countries, including Pakistan, Nigeria, and Greece, for governmental interference in football governance.⁹² These suspensions have severe consequences, barring national teams from international competition and federations from accessing FIFA funding and development programs.⁹³

⁸⁴ *ibid*

⁸⁵ Foster (n 13)

⁸⁶ International Olympic Committee (n 9)

⁸⁷ International Olympic Committee, ‘IOC Suspends Kuwait Olympic Committee’ (IOC, 27 January 2010) <<https://www.olympic.org/news/ioc-suspends-kuwait-olympic-committee>> accessed 16 April 2026; International Olympic Committee (n 9)

⁸⁸ International Olympic Committee, ‘IOC Suspends Kuwait Olympic Committee’ (n 85)

⁸⁹ *ibid*

⁹⁰ International Olympic Committee (n 9)

⁹¹ Fédération Internationale de Football Association, *FIFA Statutes* (n 48) art 14

⁹² Foster (n 13)

⁹³ *ibid*

4.2 RISKS OF INTERNATIONAL SANCTIONS UNDER THE NSGA

The NSGA's centralized regulatory architecture raises substantial risks of international sanctions under Olympic Charter Rule 27 and FIFA Statutes Article 14.⁹⁴ The Act vests the National Sports Board with comprehensive powers over NSF recognition, governance standards, electoral processes, and disciplinary matters powers that international sports organizations may view as governmental interference incompatible with federation autonomy.⁹⁵

Several NSGA provisions are particularly vulnerable to IOC and FIFA scrutiny:⁹⁶

Recognition and De-recognition Powers: The NSB's authority to grant, suspend, or withdraw recognition from NSFs based on compliance with government-prescribed standards may be viewed as governmental control over federation existence and operations.⁹⁷ While the IOC and FIFA accept that governments may condition funding on governance standards, they distinguish this from governmental authority to determine which federations are "recognized" as legitimate representatives of their sports.⁹⁸

Electoral Supervision: The National Sports Election Panel's mandate to supervise NSF elections, while aimed at preventing electoral malpractices, may be perceived as governmental interference in internal democratic processes.⁹⁹ The IOC and FIFA have historically insisted that federations must conduct elections independently, subject only to oversight by international federations and continental confederations.¹⁰⁰

Tribunal Jurisdiction: The NST's jurisdiction over sports disputes, including selection controversies and disciplinary matters, may conflict with the principle that such disputes should be resolved through sports-specific mechanisms culminating in CAS arbitration.¹⁰¹ International federations typically require that national disputes be exhausted through domestic sports tribunals before CAS appeals, but these tribunals must be independent of governmental control.¹⁰²

⁹⁴ Chanda and Shrivastava (n 1)

⁹⁵ National Sports Governance Act 2025 (n 10) ss 3–9

⁹⁶ Dhakad (n 3)

⁹⁷ National Sports Governance Act 2025 (n 10) s 9

⁹⁸ Foster (n 13)

⁹⁹ National Sports Governance Act 2025 (n 10) ss 22–25

¹⁰⁰ International Olympic Committee, Olympic Charter (n 32) Rule 27

¹⁰¹ National Sports Governance Act 2025 (n 10) ss 15–18

¹⁰² Rigozzi and McAuliffe (n 58)

Compliance Audits and Sanctions: The NSB's powers to conduct compliance audits, investigate governance failures, and impose sanctions may be viewed as governmental oversight incompatible with federation autonomy.¹⁰³ While international federations conduct similar oversight of their members, they distinguish federation-to-federation accountability from governmental regulatory authority.¹⁰⁴

The consequences of international sanctions would be severe. Suspension of the IOA would bar Indian athletes from competing under the national flag at Olympic Games and other IOC-sanctioned events, as occurred in 2014.¹⁰⁵ FIFA suspension would exclude Indian football teams from international competition, including World Cup qualifiers and Asian Football Confederation tournaments.¹⁰⁶ Such sanctions would not only damage India's sporting reputation but also undermine the NSGA's stated objective of enhancing India's international sporting competitiveness.¹⁰⁷

4.3 BALANCING ACCOUNTABILITY AND AUTONOMY: A DELICATE EQUILIBRIUM

The challenge facing Indian policymakers is to balance legitimate accountability imperatives with respect for federation autonomy.¹⁰⁸ The governance failures that prompted the NSGA corruption, financial opacity, electoral malpractices, and athlete welfare deficits are real and require robust regulatory responses.¹⁰⁹ However, the NSGA's centralized approach risks overcorrection, substituting governmental control for federation autonomy without addressing underlying governance pathologies.¹¹⁰

Comparative evidence suggests that effective governance reform requires a more nuanced approach that leverages funding conditionality, stakeholder empowerment, and independent oversight rather than direct governmental control.¹¹¹ The UK Code for Sports Governance, for example, establishes comprehensive governance standards but links compliance to public funding eligibility rather than governmental recognition or de-recognition powers.¹¹² This

¹⁰³ National Sports Governance Act 2025 (n 10) ss 4–8

¹⁰⁴ Foster (n 13)

¹⁰⁵ International Olympic Committee (n 9)

¹⁰⁶ Fédération Internationale de Football Association, *FIFA Statutes* (n 48) art 14

¹⁰⁷ Chanda and Shrivastava (n 1)

¹⁰⁸ Rastogi (n 2)

¹⁰⁹ Dhakad (n 3)

¹¹⁰ Chanda and Shrivastava (n 1)

¹¹¹ UK Sport and Sport England, *A Code for Sports Governance* (UK Sport 2017) <<https://www.uk sport.gov.uk/resources/governance-code>> accessed 16 April 2026

¹¹² *ibid*

approach preserves federation autonomy while creating strong incentives for governance reform.¹¹³

Similarly, the Australian Mandatory Sports Governance Principles condition government funding on compliance with governance standards, including board composition requirements, financial transparency, and integrity mechanisms.¹¹⁴ However, the Australian Sports Commission does not claim authority to recognize or de-recognize sports federations, preserving the distinction between funding conditionality and governmental control.¹¹⁵

The NSGA could be amended to adopt a similar approach, with the NSB exercising funding conditionality and compliance monitoring powers while respecting federation autonomy over recognition, electoral processes, and internal governance.¹¹⁶ Such amendments would reduce the risk of international sanctions while maintaining accountability mechanisms.¹¹⁷ However, this would require political will to prioritize long-term sporting interests over short-term regulatory control a challenge given India's historical pattern of governmental intervention in sports governance.¹¹⁸

5. ATHLETE RIGHTS AND WELFARE

5.1 THE ABSENCE OF A CODIFIED ATHLETE BILL OF RIGHTS

Despite the NSGA's stated commitment to athlete welfare, the Act conspicuously lacks a comprehensive, codified Athlete Bill of Rights.¹¹⁹ This omission represents a fundamental flaw in the legislation's design, perpetuating a governance-first rather than athlete-centered approach to sports reform.¹²⁰ While the Act includes scattered provisions addressing athlete representation, welfare committees, and grievance mechanisms, these fall far short of the comprehensive rights framework that international best practice demands.¹²¹

¹¹³ *ibid*

¹¹⁴ Australian Sports Commission, *Mandatory Sports Governance Principles* (ASC 2020) <<https://www.sportaus.gov.au/governance>> accessed 16 April 2026

¹¹⁵ *ibid*

¹¹⁶ Chanda and Shrivastava (n 1)

¹¹⁷ Rastogi (n 2)

¹¹⁸ Shewale (n 22).

¹¹⁹ Seltmann (n 14)

¹²⁰ Chanda and Shrivastava (n 1)

¹²¹ National Sports Governance Act 2025 (n 10) s 14

The absence of a codified Athlete Bill of Rights is particularly striking given the global movement toward recognizing athletes as rights-holders rather than mere beneficiaries of administrative benevolence.¹²² The World Players Association's Universal Declaration of Player Rights (2017) articulates a comprehensive framework encompassing civil and political rights, economic and social rights, and sports-specific protections.¹²³ The Declaration recognizes athletes' rights to freedom of expression and association, fair working conditions, social protection, health and safety, education, privacy, and effective remedies for rights violations.¹²⁴

Similarly, the European Elite Athletes Association's EU Athletes' Charter of Player Rights (2016) establishes detailed protections for professional athletes, including rights to fair contracts, collective bargaining, social security, career transition support, and protection against discrimination and harassment.¹²⁵ These instruments reflect growing recognition that athletes, as workers in a highly commercialized industry, require robust legal protections comparable to those afforded workers in other sectors.¹²⁶

The NSGA's failure to codify athlete rights leaves Indian athletes vulnerable to the same governance failures and welfare deficits that have characterized the pre-NSGA era.¹²⁷ Without enforceable rights to fair selection processes, due process in disciplinary proceedings, protection against harassment and abuse, access to healthcare and injury support, career transition assistance, and effective grievance mechanisms, athletes remain dependent on the discretion of administrators whose interests may not align with athlete welfare.¹²⁸

5.2 ATHLETE REPRESENTATION: TOKENISM OR MEANINGFUL PARTICIPATION?

The NSGA requires NSFs to ensure athlete representation on executive bodies, mandating minimum 25% athlete membership.¹²⁹ While this provision represents progress beyond the

¹²² Seltmann (n 14)

¹²³ World Players Association, *Universal Declaration of Player Rights* (WPA 2017) <<https://www.worldplayers.org/>> accessed 16 April 2026

¹²⁴ *ibid*

¹²⁵ European Elite Athletes Association, *EU Athletes' Charter of Player Rights* (EEA 2016) <<https://www.euathletes.org/>> accessed 16 April 2026

¹²⁶ Seltmann (n 14)

¹²⁷ Dhakad (n 3)

¹²⁸ Rastogi (n 2)

¹²⁹ National Sports Governance Act 2025 (n 10) s 14

complete exclusion that characterized many federations historically, critical questions remain about whether this constitutes meaningful participation or mere tokenism.¹³⁰

Research on athlete representation in sports governance reveals that numerical presence does not automatically translate into meaningful influence.¹³¹ Athletes serving on governance bodies often face structural barriers to effective participation, including information asymmetries, lack of administrative experience, time constraints due to training and competition commitments, and power dynamics that marginalize athlete voices in decision-making.¹³² Without institutional support, training, and genuine commitment to athlete empowerment, representation requirements risk becoming symbolic gestures that legitimize governance structures without fundamentally altering power relations.¹³³

The Commonwealth Games Federation's experience with its Athletes Advisory Commission provides instructive lessons.¹³⁴ The CGF made constitutional changes in 2017 to create its first athlete representation body, with the Chair of the Athletes Advisory Commission becoming a voting member of the CGF Executive Board.¹³⁵ Research examining this reform found that meaningful athlete representation requires not only formal positions but also institutional culture change, capacity building for athlete representatives, and genuine receptiveness to athlete perspectives in decision-making.¹³⁶

The NSGA's athlete representation provisions lack several elements essential for meaningful participation:¹³⁷

Independent Athlete Commissions: The Act does not require NSFs to establish independent athlete commissions with dedicated resources, secretariat support, and authority to advocate for athlete interests.¹³⁸ Without such structures, athlete representatives may be isolated and unable to effectively articulate collective athlete concerns.¹³⁹

¹³⁰ Seltmann (n 14)

¹³¹ Urvasi Naidoo and David Grevemberg, 'The Role of Athlete Commissions in Addressing Sport-Related Human Rights Abuses: A Case Study of the Commonwealth Games Federation Athletes Advisory Commission' (2022) 22 *International Sports Law Journal* 1 <<https://doi.org/10.1007/s40318-021-00208-9>> accessed 16 April 2026

¹³² *ibid*

¹³³ Seltmann (n 14)

¹³⁴ Naidoo and Grevemberg (n 129)

¹³⁵ *ibid*

¹³⁶ *ibid*

¹³⁷ National Sports Governance Act 2025 (n 10) s 14

¹³⁸ *ibid*

¹³⁹ Seltmann (n 14)

Election by Athletes: The Act does not specify that athlete representatives must be elected by their peers rather than appointed by federation administrators.¹⁴⁰ Appointment processes risk selecting compliant athletes who will not challenge administrative decisions, undermining the purpose of athlete representation.¹⁴¹

Protection Against Retaliation: The Act lacks provisions protecting athlete representatives from retaliation, including selection discrimination, funding withdrawal, or disciplinary action in response to advocacy activities.¹⁴² Without such protections, athletes may be reluctant to voice concerns or challenge administrative decisions.¹⁴³

Capacity Building and Resources: The Act does not mandate training, capacity building, or dedicated resources for athlete representatives, leaving them ill-equipped to participate effectively in governance processes.¹⁴⁴

5.3 WELFARE FRAMEWORKS: COMPARING INTERNATIONAL STANDARDS

International best practice in athlete welfare extends far beyond representation to encompass comprehensive support systems addressing athletes' physical, mental, financial, and career needs.¹⁴⁵ The Canadian Safe Sport Framework exemplifies this comprehensive approach, establishing integrated systems for athlete safety, well-being, and development.¹⁴⁶

The Canadian framework includes:¹⁴⁷

Safeguarding Mechanisms: Comprehensive policies and procedures to prevent and respond to harassment, abuse, and discrimination, including mandatory background checks, codes of conduct, reporting mechanisms, and independent investigations.¹⁴⁸

Mental Health Support: Recognition of athletes' mental health needs and provision of accessible counseling, psychological support, and crisis intervention services.¹⁴⁹

¹⁴⁰ National Sports Governance Act 2025 (n 10) s 14

¹⁴¹ Naidoo and Grevemberg (n 129)

¹⁴² National Sports Governance Act 2025 (n 10)

¹⁴³ Seltmann (n 14)

¹⁴⁴ National Sports Governance Act 2025 (n 10) s 14

¹⁴⁵ Sport Canada, *Safe Sport Framework* (Government of Canada 2019) <<https://www.canada.ca/en/canadian-heritage/services/sport-policies-acts-regulations/safe-sport.html>> accessed 16 April 2026

¹⁴⁶ *ibid*

¹⁴⁷ *ibid*

¹⁴⁸ *ibid*

¹⁴⁹ *ibid*

Career Transition Programs: Support for athletes transitioning out of competitive sport, including education, vocational training, job placement assistance, and financial planning.¹⁵⁰

Healthcare and Injury Management: Comprehensive healthcare coverage, access to sports medicine specialists, injury prevention programs, and rehabilitation support.¹⁵¹

Financial Protection: Minimum income guarantees for elite athletes, pension schemes, insurance coverage, and protection against exploitative contracts.¹⁵²

The NSGA's athlete welfare provisions are rudimentary by comparison.¹⁵³ The Act requires NSFs to establish athlete welfare committees but does not specify their mandate, composition, resources, or accountability mechanisms.¹⁵⁴ There are no provisions for mental health support, career transition programs, healthcare guarantees, or financial protections.¹⁵⁵ The Act's grievance mechanisms lack independence, with complaints addressed through NSF internal processes that may be subject to conflicts of interest and power imbalances.¹⁵⁶

The United Nations Guiding Principles on Business and Human Rights provide a framework for understanding sports organizations' human rights responsibilities.¹⁵⁷ The Principles establish that all business enterprises, including sports organizations, have a responsibility to respect human rights, conduct human rights due diligence, and provide effective remedies for rights violations.¹⁵⁸ Applying this framework to sports governance requires recognizing athletes as rights-holders, conducting systematic assessments of human rights risks in sports operations, and establishing independent, accessible grievance mechanisms.¹⁵⁹

The NSGA's failure to incorporate human rights frameworks represents a missed opportunity to align Indian sports governance with international standards and protect athletes from systemic rights violations.¹⁶⁰ Without such frameworks, the Act risks perpetuating the

¹⁵⁰ *ibid*

¹⁵¹ *ibid*

¹⁵² *ibid*

¹⁵³ National Sports Governance Act 2025 (n 10) s 14

¹⁵⁴ *ibid*

¹⁵⁵ *ibid*

¹⁵⁶ *ibid*

¹⁵⁷ United Nations Human Rights Council, *Guiding Principles on Business and Human Rights* (UN 2011) UN Doc A/HRC/17/31

¹⁵⁸ *ibid*

¹⁵⁹ Seltmann (n 14)

¹⁶⁰ Dhakad (n 3)

governance-first approach that has historically subordinated athlete welfare to administrative convenience and commercial interests.¹⁶¹

6. INSTITUTIONAL INDEPENDENCE AND THE NATIONAL SPORTS TRIBUNAL

6.1 NST DESIGN AND COMPOSITION

The National Sports Tribunal represents the NSGA's most significant institutional innovation, establishing India's first specialized adjudicatory body for sports disputes.¹⁶² The NST is granted jurisdiction over a broad range of disputes, including athlete selection controversies, disciplinary proceedings, contractual disputes between athletes and federations, challenges to federation decisions, and anti-doping violations.¹⁶³ The Tribunal's establishment reflects recognition that general courts lack the specialized expertise, expedited procedures, and sports-specific understanding necessary for effective dispute resolution.¹⁶⁴

However, the NST's design raises critical concerns about institutional independence and susceptibility to executive influence.¹⁶⁵ The Act vests appointment authority in the central government, with the NST's presiding officer and members selected by a government-constituted committee.¹⁶⁶ While the Act specifies qualification criteria including judicial experience, legal expertise, and sports administration background the absence of transparent, merit-based selection processes and meaningful stakeholder participation in appointments creates risks of politicization and executive capture.¹⁶⁷

Comparative analysis of sports dispute resolution mechanisms reveals that institutional independence requires not only formal autonomy but also structural safeguards against political interference.¹⁶⁸ The Court of Arbitration for Sport, widely regarded as the gold standard for sports arbitration, maintains independence through several mechanisms: arbitrators are selected from a closed list maintained by the International Council of Arbitration for Sport (ICAS);

¹⁶¹ Chanda and Shrivastava (n 1).

¹⁶² National Sports Governance Act 2025 (n 10) s 15

¹⁶³ *ibid* ss 16–18

¹⁶⁴ Rigozzi and McAuliffe (n 58)

¹⁶⁵ Chanda and Shrivastava (n 1)

¹⁶⁶ National Sports Governance Act 2025 (n 10) s 15

¹⁶⁷ Dhakad (n 3)

¹⁶⁸ Rigozzi and McAuliffe (n 58)

parties have significant input into arbitrator selection; and CAS operates under Swiss law with institutional autonomy from sports organizations and governments.¹⁶⁹

The Canadian Sport Dispute Resolution Centre (CSDRC) provides another instructive model.¹⁷⁰ Established by federal legislation, the CSDRC operates independently of government and sports organizations, with a board of directors representing diverse stakeholders including athletes, sports organizations, and independent members.¹⁷¹ Arbitrators are selected through transparent processes emphasizing expertise, impartiality, and diversity.¹⁷² The CSDRC's independence is reinforced by secure funding, transparent governance, and statutory protections against interference.¹⁷³

The NST's design lacks several of these independence safeguards:¹⁷⁴

Appointment Process: Government-controlled appointments without meaningful stakeholder participation or transparent selection criteria create risks of political influence and patronage.¹⁷⁵

Tenure and Removal: The Act does not specify fixed terms for NST members or establish rigorous removal procedures requiring cause and due process, leaving members vulnerable to political pressure.¹⁷⁶

Funding and Resources: The NST's dependence on government funding without statutory guarantees of adequate resources creates potential leverage for executive influence.¹⁷⁷

Institutional Culture: The absence of provisions fostering a culture of independence, including ethics codes, conflict-of-interest rules, and transparency requirements, undermines institutional integrity.¹⁷⁸

¹⁶⁹ Court of Arbitration for Sport, 'About CAS' <<https://www.tas-cas.org/en/general-information/about-cas.html>> accessed 16 April 2026

¹⁷⁰ Canadian Sport Dispute Resolution Centre, 'About CSDRC' <<https://www.crdsc-sdrcc.ca/eng/home>> accessed 16 April 2026

¹⁷¹ *ibid*

¹⁷² *ibid*

¹⁷³ *ibid*

¹⁷⁴ National Sports Governance Act 2025 (n 10) s 15

¹⁷⁵ Chanda and Shrivastava (n 1)

¹⁷⁶ National Sports Governance Act 2025 (n 10) s 15

¹⁷⁷ *ibid*

¹⁷⁸ Dhakad (n 3)

6.2 EXECUTIVE INFLUENCE AND COMPROMISED INDEPENDENCE

The risk of executive influence over the NST is not merely theoretical but reflects broader patterns of governmental control over regulatory and adjudicatory institutions in India.¹⁷⁹ Research on tribunal independence in India reveals systematic challenges, including political appointments, inadequate tenure protections, resource constraints, and institutional cultures that prioritize governmental interests over impartial adjudication.¹⁸⁰

The consequences of compromised independence would be severe. Athletes and federations may lack confidence in the NST's impartiality, leading to forum shopping, appeals to general courts, and erosion of the Tribunal's legitimacy.¹⁸¹ International sports organizations may refuse to recognize NST decisions, insisting on CAS arbitration as the exclusive forum for final dispute resolution.¹⁸² This would undermine the NSGA's objective of establishing effective domestic dispute resolution mechanisms and could contribute to international sanctions under Olympic Charter Rule 27.¹⁸³

The *Lindland v United States Wrestling Association*¹⁸⁴ case illustrates the tensions that arise when domestic courts or tribunals intervene in sports disputes without adequate deference to sports-specific expertise and international arbitration norms. In *Lindland*, a U.S. federal court issued an injunction overturning an athlete selection decision, prompting international controversy and highlighting the need for specialized sports dispute resolution mechanisms that balance domestic legal norms with international sports governance requirements.¹⁸⁵

6.3 NST-CAS JURISDICTIONAL INTERFACE: AMBIGUITY AND UNCERTAINTY

Perhaps the most critical deficiency in the NSGA's dispute resolution framework is the undefined relationship between the NST and the Court of Arbitration for Sport.¹⁸⁶ The Act is silent on whether NST decisions are final or subject to CAS appeal, creating jurisdictional uncertainty that could paralyze dispute resolution and trigger conflicts with international sports organizations.¹⁸⁷

¹⁷⁹ Shewale (n 22)

¹⁸⁰ *ibid*

¹⁸¹ Rigozzi and McAuliffe (n 58)

¹⁸² Foster (n 13)

¹⁸³ International Olympic Committee, Olympic Charter (n 32) Rule 27

¹⁸⁴ *Lindland v United States Wrestling Association* 227 F 3d 1000 (7th Cir 2000)

¹⁸⁵ *ibid*

¹⁸⁶ Chanda and Shrivastava (n 1)

¹⁸⁷ National Sports Governance Act 2025 (n 10)

International federations typically require that disputes be resolved through domestic sports tribunals before CAS appeals, but these domestic tribunals must satisfy CAS standards for independence, procedural fairness, and expertise.¹⁸⁸ CAS jurisprudence establishes that domestic tribunal decisions are subject to CAS review on both procedural and substantive grounds, with CAS exercising de novo review authority.¹⁸⁹ This ensures that domestic disputes are ultimately subject to international arbitration, preserving the autonomy of international sports governance from domestic legal systems.¹⁹⁰

The NSGA's failure to clarify the NST-CAS relationship creates several problematic scenarios:¹⁹¹

Scenario 1: NST as Final Authority: If the NSGA is interpreted to make NST decisions final and non-appealable to CAS, this would conflict with international federation rules requiring CAS as the ultimate appellate forum.¹⁹² International federations could refuse to recognize NST decisions, creating parallel dispute resolution systems and undermining the NST's effectiveness.¹⁹³

Scenario 2: Automatic CAS Appeals: If NST decisions are automatically appealable to CAS, this could reduce the NST to a preliminary forum with limited practical significance, as parties would routinely appeal to CAS for de novo review.¹⁹⁴

Scenario 3: Conditional CAS Appeals: A more nuanced approach would establish the NST as the primary forum for domestic disputes, with CAS appeals available only for disputes involving international competition, international federation rules, or parties from multiple jurisdictions.¹⁹⁵ However, the NSGA does not establish such a framework.¹⁹⁶

The jurisdictional ambiguity is compounded by questions about the NST's authority over disputes involving international federations, foreign athletes, or international competitions.¹⁹⁷ CAS jurisprudence establishes that international sports disputes are governed by international

¹⁸⁸ Rigozzi and McAuliffe (n 58)

¹⁸⁹ Court of Arbitration for Sport (n 167)

¹⁹⁰ Foster (n 13)

¹⁹¹ Chanda and Shrivastava (n 1)

¹⁹² *ibid*

¹⁹³ Rigozzi and McAuliffe (n 58)

¹⁹⁴ *ibid*

¹⁹⁵ Zia Akhtar, 'Sports Law' (2023) *Sports Law, Policy & Diplomacy Journal* <<https://doi.org/10.30925/slpdj>> accessed 16 April 2026

¹⁹⁶ National Sports Governance Act 2025 (n 10)

¹⁹⁷ Chanda and Shrivastava (n 1)

sports law a *lex sportiva* comprising international federation rules, Olympic Charter provisions, and CAS precedents rather than domestic law.¹⁹⁸ The NST's application of Indian law to such disputes could conflict with international sports law, creating enforcement challenges and legitimacy deficits.¹⁹⁹

Resolving these jurisdictional ambiguities requires legislative amendments clarifying the NST-CAS relationship, specifying which disputes are subject to NST jurisdiction, establishing clear pathways for CAS appeals, and ensuring that NST procedures and standards satisfy CAS requirements for independence and procedural fairness.²⁰⁰ Without such clarification, the NST risks becoming a source of confusion and conflict rather than an effective dispute resolution mechanism.²⁰¹

7. CONSTITUTIONAL DIMENSIONS

7.1 FEDERAL STRUCTURE AND THE SEVENTH SCHEDULE

The NSGA's constitutional validity faces potential challenges under India's federal structure, particularly regarding legislative competence under the Seventh Schedule of the Constitution.²⁰² The Seventh Schedule distributes legislative powers between the Union (central government) and States through three lists: the Union List (subjects on which only Parliament may legislate), the State List (subjects reserved to State legislatures), and the Concurrent List (subjects on which both Parliament and State legislatures may legislate).²⁰³

Sports and physical education do not appear explicitly in the Union List, raising questions about Parliament's authority to enact comprehensive sports governance legislation.²⁰⁴ Entry 33 of the State List includes "theatres and dramatic performances; cinemas," which some constitutional scholars argue could be interpreted to encompass sports and entertainment activities, suggesting that sports governance may fall within State legislative competence.²⁰⁵ However,

¹⁹⁸ Foster (n 13)

¹⁹⁹ Rigozzi and McAuliffe (n 58)

²⁰⁰ Chanda and Shrivastava (n 1)

²⁰¹ Dhakad (n 3).

²⁰² Constitution of India 1950, Seventh Schedule

²⁰³ *ibid*

²⁰⁴ Shewale (n 22)

²⁰⁵ Constitution of India 1950, Seventh Schedule, State List, Entry 33

the Union government's authority to enact the NSGA likely derives from several Union List entries:²⁰⁶

Entry 63 (Union List): *“The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.”*²⁰⁷ This entry could support Parliament's authority to establish and regulate national sports institutions, including the NSB, NST, and National Sports Election Panel, as institutions of national importance.²⁰⁸

Entry 97 (Union List): *“Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.”*²⁰⁹ This residuary power grants Parliament authority over matters not specifically assigned to States or the Concurrent List, potentially encompassing national sports governance.²¹⁰

Entry 25 (Concurrent List): *“Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List II.”*²¹¹ Sports governance could be characterized as falling within educational and developmental activities, supporting concurrent legislative authority.²¹²

However, these constitutional foundations are not unassailable. State governments could challenge the NSGA on grounds that it encroaches on State legislative competence, particularly regarding intra-state sports activities, state-level sports federations, and sports infrastructure within State territories.²¹³ Such challenges could result in judicial review, potential invalidation of NSGA provisions, or requirements for cooperative federalism mechanisms that respect State autonomy.²¹⁴

²⁰⁶ Shewale (n 22)

²⁰⁷ Constitution of India 1950, Seventh Schedule, Union List, Entry 63

²⁰⁸ Shewale (n 22)

²⁰⁹ Constitution of India 1950, Seventh Schedule, Union List, Entry 97

²¹⁰ Shewale (n 22)

²¹¹ Constitution of India 1950, Seventh Schedule, Concurrent List, Entry 25

²¹² Shewale (n 22)

²¹³ *ibid*

²¹⁴ Dhakad (n 3)

7.2 ARTICLE 19(1)(C): FREEDOM OF ASSOCIATION

The NSGA's regulatory framework may face constitutional challenges under Article 19(1)(c) of the Constitution, which guarantees all citizens the right "to form associations or unions."²¹⁵ This fundamental right protects the freedom to establish and operate voluntary associations, including sports federations, without unreasonable governmental interference.²¹⁶

The Supreme Court has consistently held that the right to form associations includes the right to manage association affairs autonomously, elect office-bearers democratically, and determine membership criteria and internal rules.²¹⁷ However, this right is not absolute; Article 19(4) permits "reasonable restrictions" on associational freedom "in the interests of the sovereignty and integrity of India or public order or morality."²¹⁸

The NSGA's provisions granting the NSB authority to prescribe governance standards, supervise elections, and withdraw recognition from non-compliant federations could be challenged as unreasonable restrictions on associational freedom.²¹⁹ Sports federations could argue that these provisions effectively grant the government veto power over federation existence and operations, transforming voluntary associations into state-controlled entities.²²⁰

The constitutional validity of such restrictions would depend on whether they satisfy the "reasonable restriction" test established in Supreme Court jurisprudence.²²¹ This test requires that restrictions: (1) serve a legitimate public interest; (2) are proportionate to the objective sought; (3) employ the least restrictive means available; and (4) do not destroy the essence of the fundamental right.²²²

The government would likely argue that the NSGA's restrictions serve legitimate public interests in preventing corruption, protecting athlete welfare, ensuring financial accountability, and enhancing India's sporting competitiveness.²²³ However, federations could counter that the Act's centralized regulatory approach is disproportionate, employing more restrictive means

²¹⁵ Constitution of India 1950, art 19(1)(c)

²¹⁶ Shewale (n 22)

²¹⁷ *ibid*

²¹⁸ Constitution of India 1950, art 19(4)

²¹⁹ Chanda and Shrivastava (n 1)

²²⁰ *ibid*

²²¹ Shewale (n 22)

²²² *ibid*

²²³ Rastogi (n 2)

than necessary to achieve these objectives, and that funding conditionality and stakeholder empowerment would constitute less restrictive alternatives.²²⁴

The Supreme Court's decision in *Zee Telefilms and Others v Union of India & Others*²²⁵ provides relevant precedent. In *Zee Telefilms*, the Court examined the BCCI's status as a private association exercising public functions, holding that such associations are subject to judicial review and constitutional norms despite their private character.²²⁶ However, the Court distinguished judicial review from direct governmental control, emphasizing that associations retain autonomy over internal affairs subject to constitutional constraints and judicial oversight.²²⁷

7.3 ARTICLE 21: LIFE, LIBERTY, AND ATHLETE RIGHTS

Article 21 of the Constitution guarantees that "no person shall be deprived of his life or personal liberty except according to procedure established by law."²²⁸ The Supreme Court has expansively interpreted Article 21 to encompass a wide range of substantive rights beyond mere physical liberty, including rights to livelihood, dignity, privacy, health, and fair procedure.²²⁹

Athletes could invoke Article 21 to challenge governance failures that deprive them of livelihood opportunities, subject them to arbitrary selection or disciplinary processes, or expose them to harassment and abuse.²³⁰ The NSGA's athlete welfare provisions could be viewed as implementing Article 21's protective mandate, establishing procedural safeguards and substantive protections for athlete rights.²³¹

However, the NSGA's failure to codify comprehensive athlete rights and establish robust enforcement mechanisms may render these protections inadequate to satisfy Article 21's requirements.²³² The Supreme Court has held that Article 21 requires not only formal procedural protections but also substantive fairness and effective remedies for rights violations.²³³ The NSGA's reliance on NSF internal grievance mechanisms, without

²²⁴ Chanda and Shrivastava (n 1)

²²⁵ *Zee Telefilms and Others v Union of India & Others* (n 37)

²²⁶ *ibid*

²²⁷ *ibid*

²²⁸ Constitution of India 1950, art 21

²²⁹ Shewale (n 22)

²³⁰ *ibid*

²³¹ National Sports Governance Act 2025 (n 10) s 14

²³² Seltmann (n 14)

²³³ Shewale (n 22)

independent oversight or enforceable standards, may fall short of these constitutional requirements.²³⁴

Moreover, Article 21's procedural protections extend to disciplinary proceedings, requiring that athletes facing sanctions receive notice, opportunity to be heard, access to evidence, and reasoned decisions subject to independent review.²³⁵ The NSGA's provisions addressing disciplinary procedures must be interpreted and implemented consistently with these constitutional requirements, potentially requiring amendments to strengthen procedural safeguards.²³⁶

7.4 ARTICLE 14 AND ARTICLE 15: EQUALITY AND NON-DISCRIMINATION

Articles 14 and 15 of the Constitution establish fundamental equality and non-discrimination guarantees.²³⁷ Article 14 provides that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."²³⁸ Article 15 prohibits discrimination on grounds of "religion, race, caste, sex, place of birth or any of them."²³⁹

These provisions have significant implications for sports governance, requiring that selection processes, resource allocation, disciplinary procedures, and governance structures operate without arbitrary discrimination.²⁴⁰ The NSGA's governance standards must be interpreted to incorporate constitutional equality norms, prohibiting discriminatory practices in athlete selection, coaching appointments, funding distribution, and administrative positions.²⁴¹

Gender equality represents a particularly critical dimension. Despite constitutional guarantees, Indian sports have historically exhibited significant gender disparities in funding, facilities, media coverage, and administrative representation.²⁴² The NSGA's failure to include explicit gender equality provisions or mandate gender-balanced governance structures represents a missed opportunity to address systemic discrimination.²⁴³

²³⁴ National Sports Governance Act 2025 (n 10) s 14

²³⁵ *Ajay Jadeja v Union of India* (n 38)

²³⁶ National Sports Governance Act 2025 (n 10) ss 16–18

²³⁷ Constitution of India 1950, arts 14, 15

²³⁸ Constitution of India 1950, art 14

²³⁹ Constitution of India 1950, art 15

²⁴⁰ Shewale (n 22)

²⁴¹ *ibid*

²⁴² Rastogi (n 2)

²⁴³ National Sports Governance Act 2025 (n 10)

International human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), establish that States have obligations to eliminate discrimination in sports and ensure women's equal access to sports participation, facilities, and governance.²⁴⁴ India's ratification of CEDAW creates international legal obligations that should inform interpretation and implementation of the NSGA's equality provisions.²⁴⁵

The UK's Equality Act 2010 provides a comparative model for integrating equality and non-discrimination norms into sports governance.²⁴⁶ The Act prohibits discrimination on multiple grounds, including sex, race, disability, sexual orientation, and gender reassignment, and requires sports organizations to promote equality and eliminate discrimination.²⁴⁷ The UK Code for Sports Governance incorporates these equality requirements, mandating diverse and inclusive governance structures.²⁴⁸

The NSGA could be strengthened through amendments explicitly incorporating equality and non-discrimination norms, mandating gender-balanced governance, requiring diversity and inclusion policies, and establishing enforcement mechanisms for equality violations.²⁴⁹ Such amendments would align Indian sports governance with constitutional requirements and international human rights standards.²⁵⁰

8. COMPARATIVE GOVERNANCE FRAMEWORKS

8.1 UNITED KINGDOM: CODE FOR SPORTS GOVERNANCE 2017

The UK Code for Sports Governance, developed jointly by UK Sport and Sport England, represents a comprehensive framework for sports governance reform that balances accountability with autonomy.²⁵¹ The Code establishes detailed governance standards that

²⁴⁴ United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women* (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13

²⁴⁵ *ibid*

²⁴⁶ Equality Act 2010 (UK)

²⁴⁷ *ibid*

²⁴⁸ UK Sport and Sport England (n 109)

²⁴⁹ Seltmann (n 14)

²⁵⁰ United Nations, *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171

²⁵¹ UK Sport and Sport England (n 109)

sports organizations must satisfy to receive public funding, creating strong incentives for reform while preserving organizational independence.²⁵²

The Code is structured around seven principles.²⁵³

Structure: Organizations must have clear governance structures with defined roles, responsibilities, and decision-making processes. Boards must be appropriately sized (typically 8-12 members), with clear separation between governance and management functions.²⁵⁴

People: Board members must possess appropriate skills, experience, and diversity. The Code mandates that boards include at least 30% gender diversity and reflect broader diversity in terms of background, expertise, and perspectives.²⁵⁵

Communication: Organizations must communicate effectively with stakeholders, including athletes, members, and the public. This includes transparent reporting, accessible information, and meaningful consultation processes.²⁵⁶

Standards and Conduct: Organizations must adopt codes of conduct, conflict-of-interest policies, and ethical standards for board members, staff, and volunteers.²⁵⁷

Policies and Processes: Organizations must establish robust policies addressing key governance areas, including financial management, risk management, safeguarding, equality and diversity, and dispute resolution.²⁵⁸

Accountability: Organizations must be accountable to stakeholders through transparent reporting, independent audits, and effective oversight mechanisms.²⁵⁹

Innovation: Organizations must demonstrate continuous improvement, learning from best practices, and adapting to changing environments.²⁶⁰

²⁵² *ibid*

²⁵³ *ibid*

²⁵⁴ *ibid*

²⁵⁵ *ibid*

²⁵⁶ *ibid*

²⁵⁷ *ibid*

²⁵⁸ *ibid*

²⁵⁹ *ibid*

²⁶⁰ *ibid*

The UK Code's effectiveness derives from several design features that distinguish it from the NSGA:²⁶¹

Funding Conditionality Rather Than Recognition Control: The Code links compliance to public funding eligibility rather than governmental authority to recognize or de-recognize organizations. This preserves organizational autonomy while creating strong incentives for governance reform.²⁶²

Tiered Approach: The Code establishes different tiers of requirements based on funding levels, recognizing that smaller organizations may lack capacity for full compliance while ensuring that organizations receiving significant public funding meet higher standards.²⁶³

Independent Assessment: Compliance is assessed by UK Sport and Sport England through transparent processes, with organizations required to submit annual governance statements and undergo periodic reviews.²⁶⁴

Stakeholder Engagement: The Code was developed through extensive consultation with sports organizations, athletes, and governance experts, ensuring buy-in and practical feasibility.²⁶⁵

Safeguarding Integration: The Code incorporates comprehensive safeguarding requirements, reflecting the UK's leadership in child protection in sport through the Child Protection in Sport Unit.²⁶⁶

The UK experience demonstrates that effective governance reform requires balancing accountability with autonomy, leveraging funding conditionality rather than direct control, and ensuring that standards are developed collaboratively with stakeholders.²⁶⁷ The NSGA could benefit from adopting similar approaches, particularly the funding conditionality model and tiered compliance framework.²⁶⁸

²⁶¹ *ibid*

²⁶² *ibid*

²⁶³ *ibid*

²⁶⁴ *ibid*

²⁶⁵ *ibid*

²⁶⁶ UK Child Protection in Sport Unit, *Safeguarding Standards* <<https://thecpsu.org.uk/>> accessed 16 April 2026

²⁶⁷ UK Sport and Sport England (n 109)

²⁶⁸ Chanda and Shrivastava (n 1)

8.2 AUSTRALIA: MANDATORY SPORTS GOVERNANCE PRINCIPLES 2020

The Australian Sports Commission's Mandatory Sports Governance Principles establish comprehensive governance standards for sports organizations receiving federal funding.²⁶⁹ Like the UK Code, the Australian framework employs funding conditionality to drive governance reform while respecting organizational autonomy.²⁷⁰

The Principles address seven key areas:²⁷¹

Principle 1: Organizational Structure and Governance: Organizations must have clear constitutional frameworks, defined governance structures, and appropriate board composition.²⁷²

Principle 2: Roles and Responsibilities: Clear delineation of roles between boards, management, and members, with documented position descriptions and performance expectations.²⁷³

Principle 3: Board Composition and Performance: Boards must possess appropriate skills, experience, and diversity, with at least 40% gender diversity and skills-based appointment processes.²⁷⁴

Principle 4: Transparency and Accountability: Organizations must maintain financial transparency, publish annual reports, and ensure accountability to members and stakeholders.²⁷⁵

Principle 5: Financial Management: Robust financial management systems, independent audits, and risk management frameworks.²⁷⁶

Principle 6: Integrity and Compliance: Organizations must adopt integrity frameworks addressing conflicts of interest, ethical conduct, anti-doping, match-fixing, and safeguarding.²⁷⁷

²⁶⁹ Australian Sports Commission (n 112)

²⁷⁰ *ibid*

²⁷¹ *ibid*

²⁷² *ibid*

²⁷³ *ibid*

²⁷⁴ *ibid*

²⁷⁵ *ibid*

²⁷⁶ *ibid*

²⁷⁷ *ibid*

Principle 7: Dispute Resolution: Accessible, independent dispute resolution mechanisms compliant with national sports tribunal standards.²⁷⁸

The Australian framework's distinctive features include:²⁷⁹

Mandatory Compliance: Unlike the UK Code's tiered approach, the Australian Principles are mandatory for all organizations receiving federal funding, regardless of amount.²⁸⁰

Skills-Based Board Appointments: The Principles require skills-based board appointment processes, moving away from representative or electoral models that may prioritize political connections over competence.²⁸¹

High Gender Diversity Threshold: The 40% gender diversity requirement exceeds the UK's 30% threshold, reflecting Australia's stronger commitment to gender equality in sports governance.²⁸²

Integration with National Integrity Framework: The Principles are integrated with Australia's National Integrity Framework, which establishes comprehensive standards for anti-doping, match-fixing prevention, child safeguarding, and complaints handling.²⁸³

Sport Integrity Australia: Australia has established Sport Integrity Australia as an independent statutory agency responsible for anti-doping, integrity education, and investigations, providing a model for institutional independence that contrasts with the NSGA's government-controlled NSB.²⁸⁴

The Australian experience demonstrates that mandatory governance standards can coexist with organizational autonomy when implemented through funding conditionality, supported by independent integrity agencies, and integrated with comprehensive safeguarding and dispute resolution frameworks.²⁸⁵ The NSGA could benefit from adopting Australia's skills-based appointment requirements, higher gender diversity thresholds, and independent integrity agency model.²⁸⁶

²⁷⁸ *ibid*

²⁷⁹ *ibid*

²⁸⁰ *ibid*

²⁸¹ *ibid*

²⁸² *ibid*

²⁸³ *ibid*

²⁸⁴ *ibid*

²⁸⁵ *ibid*

²⁸⁶ Chanda and Shrivastava (n 1)

8.3 CANADA: SAFE SPORT FRAMEWORK AND DISPUTE RESOLUTION

Canada's approach to sports governance reform emphasizes athlete safety, welfare, and rights through its Safe Sport Framework and independent dispute resolution mechanisms.²⁸⁷ The Safe Sport Framework, launched in 2019, establishes comprehensive standards for preventing and responding to harassment, abuse, and discrimination in sport.²⁸⁸

The Framework's key components include:²⁸⁹

Universal Code of Conduct: A standardized code applicable to all participants in the Canadian sport system, establishing behavioral expectations and prohibited conduct.²⁹⁰

Mandatory Training: Required training for coaches, administrators, and volunteers on safeguarding, harassment prevention, and ethical conduct.²⁹¹

Independent Mechanism for Reporting: The Sport Dispute Resolution Centre of Canada (SDRCC) operates an independent mechanism for reporting and investigating complaints, ensuring that athletes can report concerns without fear of retaliation.²⁹²

Sanctions and Accountability: Clear sanctions for code violations, including suspension, termination, and criminal referrals where appropriate.²⁹³

Athlete-Centered Approach: The Framework prioritizes athlete voices, experiences, and welfare, reflecting Canada's commitment to athlete-centered governance.²⁹⁴

The Canadian Sport Dispute Resolution Centre (CSDRC) provides a model for independent sports dispute resolution that contrasts sharply with the NSGA's government-controlled NST.²⁹⁵ Established by federal legislation in 2003, the CSDRC operates independently of government and sports organizations, with secure funding, transparent governance, and statutory protections against interference.²⁹⁶

²⁸⁷ Sport Canada (n 143)

²⁸⁸ *ibid*

²⁸⁹ *ibid*

²⁹⁰ *ibid*

²⁹¹ *ibid*

²⁹² Canadian Sport Dispute Resolution Centre (n 168)

²⁹³ Sport Canada (n 143)

²⁹⁴ *ibid*

²⁹⁵ Canadian Sport Dispute Resolution Centre (n 168)

²⁹⁶ *ibid*

The CSDRC's key features include:²⁹⁷

Independence: The CSDRC operates at arm's length from government and sports organizations, with a board of directors representing diverse stakeholders and arbitrators selected through transparent, merit-based processes.²⁹⁸

Accessibility: The CSDRC provides accessible, affordable dispute resolution through mediation and arbitration, with expedited procedures for time-sensitive disputes such as athlete selection.²⁹⁹

Expertise: CSDRC arbitrators possess specialized expertise in sports law, ensuring informed decision-making that respects sports-specific norms while applying legal principles.³⁰⁰

Finality with CAS Appeals: CSDRC decisions are final and binding domestically, but parties may appeal to CAS for disputes involving international competition or international federation rules, clarifying the domestic-international jurisdictional interface.³⁰¹

Athlete Support: The CSDRC provides support services for athletes navigating dispute resolution, including legal information, procedural guidance, and financial assistance for legal representation.³⁰²

The Canadian Olympic Committee's Canadian Sport Governance Code (2021) complements the Safe Sport Framework by establishing comprehensive governance standards for Olympic sports organizations.³⁰³ The Code emphasizes athlete representation, diversity and inclusion, financial transparency, and ethical conduct, with compliance monitored through independent assessments.³⁰⁴

Canada's integrated approach combining safe sport frameworks, independent dispute resolution, and comprehensive governance codes provides a holistic model that addresses athlete welfare, institutional independence, and governance accountability simultaneously.³⁰⁵

²⁹⁷ *ibid*

²⁹⁸ *ibid*

²⁹⁹ *ibid*

³⁰⁰ *ibid*

³⁰¹ *ibid*

³⁰² *ibid*

³⁰³ Canadian Olympic Committee, *Canadian Sport Governance Code* (COC 2021)

³⁰⁴ *ibid*

³⁰⁵ Sport Canada (n 143); Canadian Sport Dispute Resolution Centre (n 168)

The NSGA could benefit significantly from adopting Canada's safe sport emphasis, independent dispute resolution model, and athlete-centered governance approach.³⁰⁶

8.4 LESSONS FOR INDIA: BALANCING ACCOUNTABILITY AND AUTONOMY

Comparative analysis of UK, Australian, and Canadian governance frameworks reveals several common principles that distinguish effective reform from mere regulatory control.³⁰⁷

Funding Conditionality Over Recognition Control: Effective frameworks leverage funding conditionality to drive governance reform while preserving organizational autonomy, avoiding the governmental control that risks international sanctions.³⁰⁸

Independent Institutions: Successful reform requires independent institutions for dispute resolution, integrity oversight, and compliance monitoring, insulated from governmental and sports organization influence.³⁰⁹

Athlete-Centered Approach: Effective governance prioritizes athlete welfare, rights, and representation, moving beyond governance-first approaches that subordinate athlete interests to administrative convenience.³¹⁰

Comprehensive Safeguarding: Leading frameworks integrate comprehensive safeguarding mechanisms addressing harassment, abuse, discrimination, and athlete welfare, recognizing that governance reform must protect athletes from systemic rights violations.³¹¹

Stakeholder Engagement: Successful reform requires meaningful consultation with athletes, sports organizations, and governance experts, ensuring buy-in, practical feasibility, and legitimacy.³¹²

Clarity on International Arbitration: Effective frameworks clarify the relationship between domestic dispute resolution and international arbitration (CAS), ensuring that domestic mechanisms satisfy international standards while preserving ultimate recourse to CAS.³¹³

³⁰⁶ Chanda and Shrivastava (n 1)

³⁰⁷ UK Sport and Sport England (n 109); Australian Sports Commission (n 112); Sport Canada (n 143)

³⁰⁸ UK Sport and Sport England (n 109)

³⁰⁹ Canadian Sport Dispute Resolution Centre (n 168)

³¹⁰ Seltmann (n 14)

³¹¹ Sport Canada (n 143)

³¹² UK Sport and Sport England (n 109)

³¹³ Canadian Sport Dispute Resolution Centre (n 168)

The NSGA's centralized, government-controlled approach diverges significantly from these international best practices.³¹⁴ Without amendments adopting funding conditionality, institutional independence, athlete-centered design, comprehensive safeguarding, and CAS jurisdictional clarity, the Act risks perpetuating governance dysfunction while triggering international sanctions and constitutional challenges.³¹⁵

9. INTEGRITY, ANTI-DOPING AND MATCH-FIXING

9.1 WADA CODE COMPLIANCE AND NADA

The integrity of sport depends fundamentally on effective anti-doping regimes that detect, deter, and sanction performance-enhancing drug use.³¹⁶ The World Anti-Doping Code (WADA Code), adopted by the World Anti-Doping Agency in 2003 and regularly updated, establishes the international framework for anti-doping policy, including prohibited substances lists, testing protocols, sanctions, and procedural rights.³¹⁷

India's anti-doping regime operates through the National Anti-Doping Agency (NADA), established in 2005 as an autonomous body under the Ministry of Youth Affairs and Sports.³¹⁸ NADA is responsible for implementing the WADA Code in India, conducting testing, managing results, and pursuing anti-doping rule violations.³¹⁹ The NSGA reinforces NADA's role by requiring NSFs to adopt anti-doping programs compliant with the WADA Code and cooperate with NADA's testing and investigation activities.³²⁰

However, India's anti-doping regime faces significant challenges that the NSGA does not adequately address:³²¹

Institutional Independence: NADA's status as a body under the Ministry of Youth Affairs and Sports raises concerns about independence from governmental and sports organization influence.³²² The WADA Code requires that national anti-doping organizations operate

³¹⁴ Chanda and Shrivastava (n 1)

³¹⁵ Dhakad (n 3).

³¹⁶ World Anti-Doping Agency (n 74)

³¹⁷ *ibid*

³¹⁸ Shivankar Sharma and Pranav Menon, 'A Comparative Study of the Application of Strict Liability Principles in Sports: Critiquing Anti-Doping Policies; Examining "Illicit Crowd Chanting" and Match Fixing' (unpublished manuscript, 2024)

³¹⁹ *ibid*

³²⁰ National Sports Governance Act 2025 (n 10) s 14

³²¹ Sharma and Menon (n 316)

³²² *ibid*

independently, free from conflicts of interest that could compromise testing, investigations, or adjudication.³²³ NADA's organizational structure and funding dependence on the government create potential conflicts, particularly when high-profile athletes or politically connected sports administrators are implicated in doping violations.³²⁴

Resource Constraints: Effective anti-doping requires substantial resources for testing, laboratory analysis, investigations, and education programs.³²⁵ NADA's budget and testing capacity remain limited relative to India's large athlete population and geographic expanse, resulting in testing gaps that undermine deterrence.³²⁶

Adjudication and Appeals: Anti-doping rule violations are adjudicated by the Anti-Doping Disciplinary Panel, with appeals to the National Anti-Doping Appeal Panel.³²⁷ However, questions remain about these panels' independence, expertise, and procedural fairness.³²⁸ The NSGA's establishment of the NST creates potential jurisdictional overlap and confusion regarding which body has authority over anti-doping disputes.³²⁹

Strict Liability Principle: The WADA Code applies a strict liability principle, holding athletes responsible for prohibited substances in their systems regardless of intent or fault.³³⁰ This principle has generated controversy and legal challenges, with critics arguing that it violates principles of fairness and proportionality.³³¹ Indian courts have grappled with strict liability in anti-doping cases, with some decisions questioning whether the principle satisfies constitutional due process requirements.³³²

The NSGA could strengthen India's anti-doping regime by clarifying NADA's independence, ensuring adequate resources, establishing clear jurisdictional boundaries between NADA panels and the NST, and addressing procedural fairness concerns in strict liability

³²³ World Anti-Doping Agency (n 74)

³²⁴ Sharma and Menon (n 316)

³²⁵ *ibid*

³²⁶ *ibid*

³²⁷ *ibid*

³²⁸ *ibid*

³²⁹ National Sports Governance Act 2025 (n 10) ss 15–18

³³⁰ World Anti-Doping Agency (n 74)

³³¹ Sharma and Menon (n 316)

³³² *ibid*

application.³³³ However, the Act's current provisions are largely silent on these critical issues.³³⁴

9.2 MATCH-FIXING: LEGAL FRAMEWORK AND ENFORCEMENT GAPS

Match-fixing represents one of the gravest threats to sports integrity, undermining competitive fairness, public confidence, and the fundamental values of sport.³³⁵ Match-fixing involves manipulating competition outcomes through corruption, typically driven by illegal gambling syndicates seeking to profit from predetermined results.³³⁶ The globalization of sports betting, particularly through online platforms, has exponentially increased match-fixing risks, with criminal networks operating across borders and exploiting regulatory gaps.³³⁷

India has experienced high-profile match-fixing scandals, most notably in cricket, where the 2000 match-fixing investigation implicated prominent players and administrators.³³⁸ The *Ajay Jadeja v Union of India*³³⁹ case arose from this scandal, with the Supreme Court examining procedural fairness in disciplinary proceedings against players accused of match-fixing.³⁴⁰ However, India lacks comprehensive anti-match-fixing legislation, relying instead on general criminal laws addressing fraud, cheating, and conspiracy.³⁴¹

The NSGA includes limited provisions addressing match-fixing, requiring NSFs to adopt integrity codes and cooperate with investigations.³⁴² However, the Act does not establish a dedicated anti-match-fixing framework comparable to those adopted in other jurisdictions.³⁴³ Critical gaps include:³⁴⁴

³³³ *ibid*

³³⁴ National Sports Governance Act 2025 (n 10)

³³⁵ D Hill, *Match-Fixing: The Biggest Threat to Sport in the 21st Century* (Polirom 2010)

³³⁶ Nicholas P Smith, 'Understanding Match-Fixing in Sport: Theory and Practice' (2025) *International Journal of Sport Communication* <<https://doi.org/10.1123/ijsc.2024-0224>> accessed 16 April 2026

³³⁷ Marcelo Moriconi, 'What Are They Talking About? Dislocations between Institutional Narratives and On-Field Sports Actors Perspectives on Match-Fixing' (2023) *Deviant Behavior* <<https://doi.org/10.1080/01639625.2023.2246094>> accessed 16 April 2026

³³⁸ *Ajay Jadeja v Union of India* (n 38)

³³⁹ *ibid*

³⁴⁰ *ibid*

³⁴¹ Rastogi (n 2)

³⁴² National Sports Governance Act 2025 (n 10) s 14

³⁴³ Hill (n 333)

³⁴⁴ Rastogi (n 2)

Criminal Sanctions: The NSGA does not criminalize match-fixing or establish specific offenses addressing sports corruption.³⁴⁵ While general criminal laws may apply, they are not tailored to sports-specific contexts and may be difficult to prosecute effectively.³⁴⁶

Intelligence and Investigation: Effective match-fixing prevention requires sophisticated intelligence gathering, monitoring of betting patterns, and coordination with law enforcement and gambling regulators.³⁴⁷ The NSGA does not establish mechanisms for such intelligence and investigation activities.³⁴⁸

Whistleblower Protection: Athletes, coaches, and officials who report match-fixing face significant risks of retaliation, including career damage, social ostracism, and physical threats.³⁴⁹ The NSGA lacks whistleblower protection provisions that would encourage reporting and protect those who come forward.³⁵⁰

Education and Prevention: Match-fixing prevention requires comprehensive education programs for athletes, coaches, and officials on integrity risks, manipulation tactics, and reporting obligations.³⁵¹ The NSGA does not mandate such education programs.³⁵²

International Cooperation: Match-fixing networks operate internationally, requiring cross-border cooperation in intelligence sharing, investigations, and prosecutions.³⁵³ The NSGA does not establish frameworks for international cooperation.³⁵⁴

Comparative analysis reveals that leading jurisdictions have adopted comprehensive anti-match-fixing legislation addressing these gaps.³⁵⁵ The Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention), adopted in 2014, establishes an international framework for match-fixing prevention, including criminal sanctions, intelligence

³⁴⁵ National Sports Governance Act 2025 (n 10)

³⁴⁶ Hill (n 333)

³⁴⁷ Smith (n 334)

³⁴⁸ National Sports Governance Act 2025 (n 10)

³⁴⁹ Moriconi (n 335)

³⁵⁰ National Sports Governance Act 2025 (n 10)

³⁵¹ Hill (n 333)

³⁵² National Sports Governance Act 2025 (n 10)

³⁵³ Smith (n 334)

³⁵⁴ National Sports Governance Act 2025 (n 10)

³⁵⁵ Council of Europe, *Good Governance in Sport* (Council of Europe 2018) <<https://www.coe.int/en/web/sport/good-governance>> accessed 16 April 2026

sharing, betting regulation, and education programs.³⁵⁶ Countries including Australia, France, and Italy have enacted domestic legislation implementing the Convention's principles.³⁵⁷

The NSGA could be strengthened through amendments establishing comprehensive anti-match-fixing frameworks, including criminal sanctions, dedicated investigation units, whistleblower protections, mandatory education programs, and international cooperation mechanisms.³⁵⁸ Without such provisions, India's sports integrity regime will remain vulnerable to manipulation by criminal networks.³⁵⁹

9.3 INTEGRITY GOVERNANCE: CONFLICTS OF INTEREST AND TRANSPARENCY

Beyond anti-doping and match-fixing, sports integrity requires addressing conflicts of interest, financial transparency, and ethical conduct in sports governance.³⁶⁰ The NSGA includes provisions requiring NSFs to adopt codes of conduct, disclose conflicts of interest, and maintain financial transparency.³⁶¹ However, these provisions lack specificity and enforcement mechanisms.³⁶²

The Lodha Committee's report on BCCI reforms identified conflicts of interest as a central governance pathology, with administrators simultaneously holding positions in the BCCI, state associations, and commercial entities, creating incentives for self-dealing and corruption.³⁶³ The Committee recommended strict conflict-of-interest rules, including prohibitions on simultaneous positions and cooling-off periods.³⁶⁴ However, the BCCI's resistance to implementing these recommendations demonstrates the challenges of enforcing integrity standards without robust institutional mechanisms.³⁶⁵

The NSGA's conflict-of-interest provisions require NSF office-bearers to disclose conflicts but do not establish clear prohibitions, cooling-off periods, or enforcement mechanisms.³⁶⁶ The

³⁵⁶ *ibid*

³⁵⁷ Hill (n 333)

³⁵⁸ Rastogi (n 2)

³⁵⁹ Smith (n 334)

³⁶⁰ Lodha Committee (n 6)

³⁶¹ National Sports Governance Act 2025 (n 10) s 14

³⁶² Chanda and Shrivastava (n 1)

³⁶³ Lodha Committee (n 6)

³⁶⁴ *ibid*

³⁶⁵ *Board of Control for Cricket in India v Cricket Association of Bihar* (n 5)

³⁶⁶ National Sports Governance Act 2025 (n 10) s 14

Act's reliance on NSF self-regulation, without independent oversight or sanctions for violations, undermines effectiveness.³⁶⁷

Financial transparency represents another critical integrity dimension. The NSGA requires NSFs to maintain audited accounts and submit financial reports to the NSB.³⁶⁸ However, the Act does not mandate public disclosure of financial information, limiting transparency and accountability to stakeholders including athletes, members, and the public.³⁶⁹ The Right to Information Act 2005 applies to NSFs as public authorities, but its effectiveness depends on proactive disclosure and responsive information provision, which many federations have resisted.³⁷⁰

Comparative frameworks demonstrate that effective integrity governance requires detailed conflict-of-interest rules, mandatory public financial disclosure, independent ethics oversight, and robust enforcement mechanisms.³⁷¹ The UK Code for Sports Governance, for example, requires organizations to publish annual reports including financial statements, governance structures, and conflict-of-interest disclosures.³⁷² The Australian Mandatory Sports Governance Principles establish detailed conflict-of-interest rules and require independent ethics committees.³⁷³

The NSGA could be strengthened through amendments establishing detailed conflict-of-interest prohibitions, mandatory public financial disclosure, independent ethics oversight, and graduated sanctions for integrity violations.³⁷⁴ Without such provisions, the Act's integrity objectives will remain aspirational rather than enforceable.³⁷⁵

10. RECOMMENDATIONS FOR REFORM

The preceding analysis reveals that while the NSGA represents a significant step toward statutory sports governance in India, fundamental design flaws and implementation gaps threaten its effectiveness and risk unintended consequences including international sanctions

³⁶⁷ Chanda and Shrivastava (n 1)

³⁶⁸ National Sports Governance Act 2025 (n 10) s 11

³⁶⁹ *ibid*

³⁷⁰ Right to Information Act 2005 (n 68)

³⁷¹ UK Sport and Sport England (n 109); Australian Sports Commission (n 112)

³⁷² UK Sport and Sport England (n 109)

³⁷³ Australian Sports Commission (n 112)

³⁷⁴ Chanda and Shrivastava (n 1)

³⁷⁵ Dhakad (n 3).

and constitutional challenges.³⁷⁶ This section presents evidence-based recommendations for reform, organized around six priority areas: athlete rights codification, NST-CAS jurisdictional clarification, institutional independence, federal design, safeguarding frameworks, and integrity mechanisms.³⁷⁷

10.1 CODIFICATION OF COMPREHENSIVE ATHLETE RIGHTS

Recommendation 1: Amend the NSGA to include a comprehensive, codified Athlete Bill of Rights establishing enforceable protections across civil, political, economic, social, and sports-specific dimensions.³⁷⁸

The Athlete Bill of Rights should include:³⁷⁹

- **Fair Selection Rights:** Transparent, merit-based selection criteria; advance notice of selection processes; opportunity to be heard; reasoned decisions; and independent review of selection disputes.³⁸⁰
- **Due Process Rights:** Notice of charges; access to evidence; opportunity for representation; impartial adjudication; reasoned decisions; and appeals to independent tribunals in disciplinary proceedings.³⁸¹
- **Freedom of Expression and Association:** Rights to express opinions on sports governance, advocate for reforms, form athlete associations, and engage in collective action without retaliation.³⁸²
- **Health and Safety Rights:** Access to comprehensive healthcare; sports medicine specialists; injury prevention programs; mental health support; and protection against unsafe training or competition conditions.³⁸³

³⁷⁶ Chanda and Shrivastava (n 1)

³⁷⁷ Dhakad (n 3)

³⁷⁸ Seltmann (n 14)

³⁷⁹ World Players Association (n 121); European Elite Athletes Association (n 123)

³⁸⁰ *Ajay Jadeja v Union of India* (n 38)

³⁸¹ *ibid*

³⁸² Constitution of India 1950, art 19(1)(c)

³⁸³ Sport Canada (n 143)

- **Economic Rights:** Fair compensation; transparent contracts; collective bargaining rights; social security coverage; pension schemes; and protection against exploitative agreements.³⁸⁴
- **Career Transition Rights:** Education support; vocational training; job placement assistance; and financial planning for post-athletic careers.³⁸⁵
- **Privacy Rights:** Protection of personal data; control over image rights; and limits on intrusive monitoring or surveillance.³⁸⁶
- **Protection Against Harassment and Abuse:** Comprehensive safeguarding policies; independent reporting mechanisms; prompt investigations; and effective remedies for harassment, abuse, and discrimination.³⁸⁷
- **Effective Remedies:** Access to independent grievance mechanisms; legal representation; financial assistance for dispute resolution; and compensation for rights violations.³⁸⁸

Recommendation 2: Establish an independent Athlete Rights Commission with authority to receive complaints, conduct investigations, issue recommendations, and monitor NSF compliance with athlete rights standards.³⁸⁹

10.2 NST-CAS JURISDICTIONAL CLARIFICATION

Recommendation 3: Amend the NSGA to clarify the NST-CAS jurisdictional relationship, establishing the NST as the primary forum for domestic disputes while preserving CAS as the ultimate appellate forum for disputes involving international competition, international federation rules, or cross-border parties.³⁹⁰

Specific provisions should:³⁹¹

³⁸⁴ World Players Association (n 121)

³⁸⁵ Sport Canada (n 143)

³⁸⁶ Constitution of India 1950, art 21

³⁸⁷ Sport Canada (n 143)

³⁸⁸ United Nations Human Rights Council (n 155)

³⁸⁹ Seltmann (n 14)

³⁹⁰ Rigozzi and McAuliffe (n 58)

³⁹¹ Chanda and Shrivastava (n 1)

- Define “domestic disputes” subject to NST jurisdiction (e.g., disputes involving only Indian parties, domestic competitions, and Indian law).³⁹²
- Establish that NST decisions in domestic disputes are final and binding, subject to limited judicial review on procedural grounds only.³⁹³
- Provide that disputes involving international competition, international federation rules, or parties from multiple jurisdictions may be appealed to CAS following NST decisions.³⁹⁴
- Require that NST procedures and standards satisfy CAS requirements for independence, procedural fairness, and expertise to ensure CAS recognition of NST decisions.³⁹⁵
- Establish expedited NST procedures for time-sensitive disputes such as athlete selection for international competitions.³⁹⁶

Recommendation 4: Negotiate a Memorandum of Understanding between the NST and CAS clarifying jurisdictional boundaries, appeal procedures, and mutual recognition of decisions.³⁹⁷

10.3 INSTITUTIONAL INDEPENDENCE

Recommendation 5: Restructure the NSB and NST to enhance institutional independence through transparent appointment processes, stakeholder representation, tenure protections, and secure funding.³⁹⁸

Specific reforms should include:³⁹⁹

- **NSB Composition:** Establish a balanced board including government nominees (maximum 40%), athlete representatives elected by athletes (minimum 30%), sports administration experts, legal professionals, and independent members.⁴⁰⁰

³⁹² Foster (n 13)

³⁹³ Rigozzi and McAuliffe (n 58)

³⁹⁴ Court of Arbitration for Sport (n 167)

³⁹⁵ Rigozzi and McAuliffe (n 58)

³⁹⁶ *Lindland v United States Wrestling Association* (n 182)

³⁹⁷ Akhtar (n 193)

³⁹⁸ Chanda and Shrivastava (n 1)

³⁹⁹ *ibid*

⁴⁰⁰ Seltmann (n 14)

- **NST Appointments:** Create an independent Judicial Appointments Commission for NST members, including representatives from the judiciary, legal profession, sports law experts, and athlete representatives.⁴⁰¹
- **Tenure and Removal:** Establish fixed terms (e.g., 5 years) for NSB and NST members, with removal only for cause through transparent procedures requiring due process.⁴⁰²
- **Secure Funding:** Provide statutory funding guarantees for the NSB and NST, insulating them from budgetary leverage and political pressure.⁴⁰³
- **Ethics and Transparency:** Mandate codes of conduct, conflict-of-interest disclosures, public reporting, and independent ethics oversight for NSB and NST members.⁴⁰⁴

Recommendation 6: Transform the NSB from a regulatory authority with recognition/de-recognition powers to a funding and compliance monitoring body, preserving federation autonomy while leveraging funding conditionality to drive governance reform.⁴⁰⁵

10.4 FEDERAL DESIGN AND COOPERATIVE GOVERNANCE

Recommendation 7: Amend the NSGA to incorporate cooperative federalism mechanisms, respecting State legislative competence while establishing national standards for sports governance.⁴⁰⁶

Specific provisions should:⁴⁰⁷

- Establish a National Sports Governance Council including representatives from the Union government, State governments, NSFs, athletes, and independent experts to coordinate sports governance policy.⁴⁰⁸
- Clarify that the NSGA applies to national-level sports governance, with State governments retaining authority over intra-state sports activities and state-level federations.⁴⁰⁹

⁴⁰¹ Rigozzi and McAuliffe (n 58)

⁴⁰² Chanda and Shrivastava (n 1)

⁴⁰³ *ibid*

⁴⁰⁴ UK Sport and Sport England (n 109)

⁴⁰⁵ Chanda and Shrivastava (n 1)

⁴⁰⁶ Shewale (n 22)

⁴⁰⁷ *ibid*

⁴⁰⁸ *ibid*

⁴⁰⁹ Constitution of India 1950, Seventh Schedule

- Provide for Union-State cooperation in areas including sports infrastructure, athlete development, anti-doping, and integrity enforcement.⁴¹⁰
- Establish funding mechanisms supporting State sports governance reform aligned with national standards.⁴¹¹

Recommendation 8: Conduct constitutional review of the NSGA’s legislative competence under the Seventh Schedule, potentially seeking constitutional amendment to explicitly include sports governance in the Union or Concurrent List.⁴¹²

10.4 COMPREHENSIVE SAFEGUARDING FRAMEWORKS

Recommendation 9: Amend the NSGA to establish comprehensive safeguarding frameworks addressing harassment, abuse, discrimination, and athlete welfare, modeled on Canada’s Safe Sport Framework.⁴¹³

The safeguarding framework should include:⁴¹⁴

- **Universal Code of Conduct:** Standardized behavioral expectations and prohibited conduct applicable to all participants in Indian sport.⁴¹⁵
- **Mandatory Training:** Required safeguarding, harassment prevention, and ethical conduct training for coaches, administrators, officials, and volunteers.⁴¹⁶
- **Independent Reporting Mechanism:** Establish an independent Safe Sport Unit within the NST or as a separate statutory body to receive complaints, conduct investigations, and impose sanctions.⁴¹⁷
- **Whistleblower Protection:** Comprehensive protections against retaliation for athletes, coaches, and officials who report safeguarding concerns.⁴¹⁸

⁴¹⁰ Shewale (n 22)

⁴¹¹ *ibid*

⁴¹² *ibid*

⁴¹³ Sport Canada (n 143)

⁴¹⁴ *ibid*

⁴¹⁵ *ibid*

⁴¹⁶ *ibid*

⁴¹⁷ Canadian Sport Dispute Resolution Centre (n 168)

⁴¹⁸ Sport Canada (n 143)

- **Background Checks:** Mandatory background checks for coaches, officials, and volunteers working with athletes, particularly minors.⁴¹⁹
- **Child Protection:** Specialized child protection policies, procedures, and training, aligned with international standards including the UN Convention on the Rights of the Child.⁴²⁰
- **Mental Health Support:** Accessible mental health services, counseling, and crisis intervention for athletes.⁴²¹
- **Gender Equality:** Explicit gender equality provisions, including gender-balanced governance, equal resource allocation, and protection against gender-based discrimination and harassment.⁴²²

Recommendation 10: Establish an independent Safe Sport Commission with authority to develop safeguarding standards, monitor compliance, investigate complaints, and impose sanctions.⁴²³

10.5 INTEGRITY MECHANISMS

Recommendation 11: Strengthen the NSGA's integrity provisions through detailed conflict-of-interest rules, mandatory public financial disclosure, independent ethics oversight, and comprehensive anti-match-fixing frameworks.⁴²⁴

Specific reforms should include:⁴²⁵

- **Conflict-of-Interest Rules:** Prohibit simultaneous positions in NSFs, state associations, and commercial entities; establish cooling-off periods; and require independent ethics committee approval for potential conflicts.⁴²⁶
- **Financial Transparency:** Mandate public disclosure of NSF financial statements, executive compensation, sponsorship agreements, and related-party transactions.⁴²⁷

⁴¹⁹ UK Child Protection in Sport Unit (n 264)

⁴²⁰ Sport Canada (n 143)

⁴²¹ *ibid*

⁴²² United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (n 242)

⁴²³ Sport Canada (n 143)

⁴²⁴ Lodha Committee (n 6)

⁴²⁵ *ibid*

⁴²⁶ *ibid*

⁴²⁷ Right to Information Act 2005 (n 68)

- **Independent Ethics Oversight:** Establish independent ethics committees for each NSF, with authority to investigate integrity violations and recommend sanctions.⁴²⁸
- **Anti-Match-Fixing Legislation:** Enact comprehensive anti-match-fixing legislation criminalizing sports corruption, establishing dedicated investigation units, protecting whistleblowers, mandating education programs, and facilitating international cooperation.⁴²⁹
- **NADA Independence:** Restructure NADA as an independent statutory body with secure funding, transparent governance, and insulation from governmental and sports organization influence.⁴³⁰
- **Betting Regulation:** Establish comprehensive sports betting regulation, including licensing requirements, integrity monitoring, information sharing with sports organizations, and enforcement mechanisms.⁴³¹

Recommendation 12: Ratify the Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention) and implement its provisions through domestic legislation.⁴³²

11. CONCLUSION

The National Sports Governance Act, 2025 represents a watershed moment in Indian sports law, marking the transition from voluntary compliance frameworks to comprehensive statutory regulation.⁴³³ The Act's establishment of the National Sports Board, National Sports Tribunal, and National Sports Election Panel signals an ambitious attempt to professionalize Indian sports administration, enhance transparency and accountability, and align governance with international standards.⁴³⁴ These objectives are laudable and necessary, given the chronic governance failures, corruption scandals, and athlete welfare deficits that have plagued Indian sports for decades.⁴³⁵

⁴²⁸ Australian Sports Commission (n 112)

⁴²⁹ Hill (n 333); Smith (n 334)

⁴³⁰ Sharma and Menon (n 316)

⁴³¹ Council of Europe (n 353)

⁴³² *ibid*

⁴³³ National Sports Governance Act 2025 (n 10)

⁴³⁴ *ibid* ss 3, 15, 22

⁴³⁵ Chanda and Shrivastava (n 1)

However, this critical appraisal reveals that the NSGA's design and implementation mechanisms fall significantly short of its transformative aspirations.⁴³⁶ The Act's centralized regulatory approach, vesting comprehensive powers in government-controlled institutions, risks substituting governmental control for federation autonomy without addressing underlying governance pathologies.⁴³⁷ This approach creates substantial risks of international sanctions under Olympic Charter Rule 27 and FIFA Statutes Article 14, potentially barring Indian athletes from international competition and undermining India's sporting reputation.⁴³⁸

The NSGA's most critical deficiencies include:⁴³⁹

Absence of Comprehensive Athlete Rights: The Act's failure to codify an Athlete Bill of Rights perpetuates a governance-first rather than athlete-centered approach, leaving athletes vulnerable to the same welfare deficits and rights violations that characterized the pre-NSGA era.⁴⁴⁰

Compromised Institutional Independence: The NSB and NST's susceptibility to executive influence, through government-controlled appointments and funding dependence, undermines their credibility and effectiveness as independent regulatory and adjudicatory bodies.⁴⁴¹

Jurisdictional Ambiguity: The undefined relationship between the NST and CAS creates uncertainty that could paralyze dispute resolution and trigger conflicts with international sports organizations.⁴⁴²

Constitutional Vulnerabilities: The Act faces potential challenges under India's federal structure, freedom of association guarantees, and equality norms, requiring careful constitutional review and potential amendments.⁴⁴³

⁴³⁶ Dhakad (n 3)

⁴³⁷ Chanda and Shrivastava (n 1)

⁴³⁸ International Olympic Committee, Olympic Charter (n 32) Rule 27; Fédération Internationale de Football Association, *FIFA Statutes* (n 48) art 14

⁴³⁹ Dhakad (n 3)

⁴⁴⁰ Seltmann (n 14)

⁴⁴¹ Chanda and Shrivastava (n 1)

⁴⁴² Rigozzi and McAuliffe (n 58)

⁴⁴³ Shewale (n 22)

Inadequate Safeguarding and Integrity Frameworks: The Act's limited provisions addressing harassment, abuse, discrimination, match-fixing, and conflicts of interest fall short of international best practices and leave significant enforcement gaps.⁴⁴⁴

Comparative analysis of governance frameworks in the United Kingdom, Australia, and Canada demonstrates that effective reform requires balancing accountability with autonomy, leveraging funding conditionality rather than direct control, establishing independent institutions, prioritizing athlete welfare and rights, and integrating comprehensive safeguarding and integrity mechanisms.⁴⁴⁵ The NSGA diverges significantly from these international best practices, prioritizing state control over genuine reform.⁴⁴⁶

However, the NSGA's transformative potential is not irretrievably lost. The Act can be salvaged through targeted amendments addressing its core deficiencies:⁴⁴⁷

- Codifying comprehensive athlete rights with enforceable protections and independent oversight.⁴⁴⁸
- Clarifying NST-CAS jurisdictional relationships to ensure domestic dispute resolution while preserving international arbitration pathways.⁴⁴⁹
- Restructuring the NSB and NST to enhance institutional independence through transparent appointments, stakeholder representation, tenure protections, and secure funding.⁴⁵⁰
- Transforming the NSB from a recognition authority to a funding and compliance monitoring body, preserving federation autonomy while leveraging funding conditionality.⁴⁵¹
- Incorporating cooperative federalism mechanisms respecting State legislative competence.⁴⁵²

⁴⁴⁴ Sport Canada (n 143); Hill (n 333)

⁴⁴⁵ UK Sport and Sport England (n 109); Australian Sports Commission (n 112); Sport Canada (n 143)

⁴⁴⁶ Chanda and Shrivastava (n 1)

⁴⁴⁷ Dhakad (n 3)

⁴⁴⁸ Seltmann (n 14)

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⁴⁵⁰ Chanda and Shrivastava (n 1)

⁴⁵¹ UK Sport and Sport England (n 109)

⁴⁵² Shewale (n 22)

- Establishing comprehensive safeguarding frameworks addressing harassment, abuse, discrimination, and athlete welfare.⁴⁵³
- Strengthening integrity mechanisms through detailed conflict-of-interest rules, financial transparency, independent ethics oversight, and comprehensive anti-match-fixing legislation.⁴⁵⁴

These reforms would align the NSGA with international good governance standards, reduce risks of international sanctions and constitutional challenges, and genuinely advance athlete welfare and sports integrity.⁴⁵⁵ Without such reforms, the Act risks becoming yet another missed opportunity in India's long struggle to professionalize sports governance a statute that promised transformation but delivered only reinforced control.⁴⁵⁶

India's aspiration to host the 2036 Olympic Games provides both urgency and opportunity for governance reform.⁴⁵⁷ The IOC's host selection process increasingly emphasizes governance standards, human rights protections, and athlete welfare, reflecting the Olympic Movement's evolving priorities.⁴⁵⁸ India's ability to secure Olympic hosting rights will depend significantly on demonstrating robust, internationally credible sports governance aligned with Olympic Charter principles.⁴⁵⁹ The NSGA, if amended to address its core deficiencies, could become a cornerstone of India's Olympic bid, showcasing a commitment to governance excellence and athlete-centered reform.⁴⁶⁰

The choice facing Indian policymakers is clear: pursue genuine transformative reform through evidence-based amendments that balance accountability with autonomy, prioritize athlete welfare, and align with international standards; or persist with the current centralized, control-oriented approach that risks international sanctions, constitutional challenges, and perpetuation of governance dysfunction.⁴⁶¹ The evidence presented in this article strongly supports the

⁴⁵³ Sport Canada (n 143)

⁴⁵⁴ Lodha Committee (n 6); Hill (n 333)

⁴⁵⁵ Council of Europe (n 353)

⁴⁵⁶ Chanda and Shrivastava (n 1)

⁴⁵⁷ International Olympic Committee (n 16)

⁴⁵⁸ *ibid*

⁴⁵⁹ International Olympic Committee, Olympic Charter (n 32)

⁴⁶⁰ Rastogi (n 2)

⁴⁶¹ Chanda and Shrivastava (n 1)

former path a path that requires political will, stakeholder engagement, and sustained commitment to governance excellence.⁴⁶²

Indian sports governance stands at a crossroads. The NSGA represents a significant step forward, but its ultimate success depends on recognizing its limitations and embracing the reforms necessary to achieve its transformative potential.⁴⁶³ The time for such reform is now, as India seeks to emerge as a global sporting power and fulfill its Olympic aspirations.⁴⁶⁴ The athletes, administrators, and sports enthusiasts of India deserve nothing less than governance that genuinely serves their interests, protects their rights, and enables their excellence.⁴⁶⁵

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