



A ROLE OF CONTRACTS IN SPORTS LAW IN INDIA

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ABSTRACT

As of now, sports are becoming a vital part of life. It's an ever-growing depends upon the people may change. As it is growing in nature, the development and measures are taken duly respect to the same such as separate funding the sports, and allowances for the participants, etc., Contracts plays a major and dominant role in sports law. It is well known that entering into a contract by mutual consent and knowing the terms and conditions of the contract. This article clearly explains the contract's role in sports law and the essentials for a valid contract. This article addresses the hurdles of players and suggestions to overcome them through government regulatory measures.

Keywords: contract, sports, agreement, government policy, agency

INTRODUCTION

A contract is a legally binding agreement. An agreement turns into a contract when it is enforceable by law. According to section 2(h) of the Indian Contract Act, "an agreement enforceable by law is a contract". Sir William Anson defines "contracts" as: -

A contract is an agreement enforceable at law made between two or more persons, by which rights are acquired by one or more to acts or forbearances on the part of the other or others.

According to Sir Frederic Pollock, the contract is "Every agreement and promise enforceable at law". Contract represents the meeting minds of the parties i.e., said as consensus ad idem. Contracts in Sports law are similar to the concept of contract formation as any other agreement. There are some essentials factor or basis of the contract, are mentioned in section 10 of the Indian Contract Act of 1872:

- Agreement
- Competent between parties

- Lawful consideration
- Lawful obligation

NATIONAL SPORTS POLICY

In August 1984, both houses of parliament passed a resolution on the national sports policy. The national sports policy of 1984 had promising and fulfilling aspects but it could not have implemented. Again with determination, National sports policy 2001 was drafted with a three-fold goal.

The policy's guidelines are given below:

- The initial goal was to clearly define the areas of responsibility for all agencies responsible for sports promotion and development.
- The second goal was to identify which sports federations were qualified for coverage under these rules and then federations must follow to get government help and even sponsorship.
- The third phase was to determine the government's qualifying criteria for awarding money to sports federations.

ROLE OF CONTRACT IN SPORTS LAW

The contract is a legal ground for most of the relations or binding between the persons to maintain their promise, including Sports law. In other words, contracts are mutual agreements that legitimately secure two parties or more parties. Generally, Sports contracts are held between the sports organization, sports agents, and players or athletes. It enumerates or describes the rights and responsibilities as well as duties of participants in sports. All contracts are clearly expressed in nature, which gives their consent by their words or in a written format by signing the contract which involves the offer, acceptance, proposal, and consideration. At the same time implied contracts are held to be void and not a real contract.

ESSENTIALS OF A SPORT CONTRACT

Sports contracts are mutually considering terms and conditions entered between two or more persons or with the agency. There are some essential elements for agreeing and the validity of the agreement.

➤ Agreement

To constitute a contract under sports law, it is essential to form an agreement. An agreement must contain an offer and the acceptance from the person to whom the offer is made or the authorized agent (contracting parties). It's not mandatory to accept the offer if not suited, it can be rejected or otherwise, a counteroffer can be made.

➤ Competency of Parties

A competent person is a person of legal age i.e., one who attains a majority age which is mentioned in the act. To put it simply, the person who attains the age of majority i.e., 18 years is said to have the mental capacity to agree. They should be soundness of mind.

➤ Consideration

Consideration is nothing but something in return. There must be a consideration in the agreement then it is said to be enforced as a contract.

➤ Lawful Purpose

The contract is an agreement between the parties, that binds the parties to their legal obligations. The primary element of the agreement is to be legally enforceable by law. If not otherwise, it is not a contract.

➤ Consent or Assent

The consent given to the party should be free. Consent without force, compulsion, fraud, mistake, misrepresentation, or undue influence is said to be otherwise considered free consent.

VARIOUS CONTRACTS BETWEEN PLAYERS AND OTHERS

✓ Appearance Contract:

Appearance contracts are contracts signed by the athletes to appear in public functions for certain considerations for which the terms and conditions are mentioned in the contracts.

✓ Agency Contract

A sports agency contract is a legal document or legal obligation between a professional athlete and a sports agency. The agent is the person who manages most of the aspects of professional athletes. There is a principal and agent relationship between the agent and athlete.

✓ Indemnity Contract

Indemnity agreements are also known as insurance agreements. As many sports people will tend to have physical injuries, that time indemnity contracts play a vital role.

✓ Standard Player Contract

These standard player contracts are signed by athletes to a concerned sports club. Athletes agree to play for certain clubs.

✓ Endorsement Contract

Endorsement contracts create a relationship between the athletes and private sponsors. These contracts enable the sponsors to utilize the sportsperson's name or image for their promotion.

ISSUES IN SPORTS LAW

- i. Sports injuries about the issue of liability – it is a major issue that affects the player for a long time. If a player is playing for the prescribed or concerned club, they should take responsibility for the player's welfare.
- ii. Employment issues – it is a major issue in sports. Players do not get an employment opportunity. Government should also take punitive actions regarding the same.
- iii. Harassment – it became most common in all fields including sports. There are two types of harassment in sports i.e., sexual harassment and another one is seniority of players. The female players are harassed by their male coaches or senior players, for this government must strengthen the law and should provide heinous punishments.

K. Murugan vs Fencing Association of India

Murugan Etc. Etc vs Fencing Assn. Of India, Jabalpur is one of the most important cases known for the importance of the Olympic games in India. The Olympic games in India are regulated by the Olympic Association of India registered under the Societies Registration Act, of 1860. The judgment is known as a benchmark for strengthening the Olympic games in India. The judgment includes all the guidelines for the regulations of the Olympic Association, their role, and the appointment of authorities.

CONCLUSION

In the end, sports have engaged as a part of human life. It serves as an entertainment to human resources. The contract law is indulged in sports. The interaction between sports and law is shaped by the need of society and laws are also developing in the changing society. But still lagging in the sports law, they should give concern to the sports field because many hurdles are faced by the players. The affected victims cannot claim their rights and

suffer for the same due to uneven and improper laws.

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