

COURSE TITLE : SPORTS DISPUTE, DIPLOMACY & POLICY.***Responsible Faculty Instructor:*****Dr. Subhrajit Chanda (schanda@jgu.edu.in)**

Asst. Professor & Asst. Director CSLBG

Credits: 4Credits Type: ElectiveCross-registration: YesPre-requisites: N/A**COURSE DESCRIPTION (COURSE VISION):**

Sport has never been only about rules or competition. It has always carried a political and diplomatic weight, shaping how nations interact and how global communities perceive one another. From the Olympic boycotts during the Cold War to the suspension of India's football federation by FIFA, sporting disputes have consistently spilled beyond the field and into the realm of diplomacy. Questions of eligibility, doping, broadcasting rights, or governance are not merely legal matters; they are also matters of sovereignty, image, and international credibility. In this sense, the resolution of disputes in sport is inseparable from the conduct of diplomacy and the making of policy.

This course is designed to situate sports disputes within that larger international context. It examines how arbitral forums such as the Court of Arbitration for Sport (CAS) and institutions like FIFA or the IOC do not merely decide individual cases but also set norms that influence states, federations, and athletes across the globe. When CAS delivers an award in a doping case, or when FIFA intervenes in the governance of a national body, the ripple effects reach foreign ministries, trade relations, and even the strategies nations adopt in their Olympic bids. Through this lens, law is understood not just as a dispute-settlement tool but also as an instrument of diplomacy.

India provides a compelling case study for this vision. The **National Sports Governance Act of 2025** was not only a domestic regulatory reform but also a signal to the international community that India intends to align its governance structures with global expectations. Similarly, India's aspiration to host the 2036 Olympic Games cannot be separated from the credibility it demonstrates in resolving disputes fairly, protecting athlete rights, and engaging diplomatically with international federations. In this sense, sports law and sports diplomacy are two sides of the same coin.

The broader aim of the course is therefore twofold. First, it equips students with a solid grounding in the legal mechanisms of sports dispute resolution, from arbitration and mediation to the jurisprudence of CAS and the challenges of enforcement under the New York Convention. Second, it trains them to see disputes as arenas of policy and diplomacy, where legal decisions shape international relations, build or diminish soft power, and influence the global reputation of states. By the end of the course, students are expected not only to understand the technicalities of dispute resolution but also to recognize the broader political and diplomatic stakes at play.

TEACHING METHODOLOGY:

The course will be delivered through a combination of interactive lectures, case law discussions, and policy-oriented analysis to enable students to understand the intersection of sports dispute resolution, diplomacy, and governance. Doctrinal teaching will be complemented by the examination of landmark judgments, institutional frameworks such as the Court of Arbitration for Sport (CAS), and contemporary regulatory developments in India and globally.

Experiential learning will form an important component through simulations, role-plays, and negotiation exercises based on real-world sports disputes, allowing students to develop practical skills in advocacy, problem-solving, and strategic decision-making. Students will also engage in policy briefs and analytical writing to connect legal principles with diplomatic and governance implications.

Where feasible, guest interactions with practitioners and policymakers may be incorporated to provide industry perspectives. The overall methodology aims to combine theoretical understanding with practical application and critical thinking.

INTENDED LEARNING OUTCOMES:

By the conclusion of the course, students are expected to have developed both a doctrinal understanding of sports law and a sensitivity to its diplomatic and policy dimensions. They should be able to explain the legal principles that govern disputes in sport, including the operation of arbitral bodies such as the Court of Arbitration for Sport, the role of national courts, and the emerging frameworks under India's Sports Governance Act. This requires more than memorising statutes or cases; it requires the ability to trace how these principles shape governance practices and affect the day-to-day realities of athletes and federations.

Students will also be trained to engage critically with disputes as more than technical legal matters. By examining cases like *Bosman*, *Matuzalem*, or *Semenya*, they will learn how sports arbitration creates precedents that influence not only the sporting world but also broader human rights and diplomatic debates. The intended outcome here is to cultivate a habit of thinking across disciplines, where a legal decision is read not only for its doctrinal content but also for its political, ethical, and international implications.

Another outcome of the course is the ability to apply knowledge to practice. Through simulations and role-plays, students should be able to draft arguments, advise clients, and negotiate solutions in ways that reflect both legal reasoning and strategic awareness. The expectation is that by the end of the semester, they will feel confident in approaching a complex sports dispute, identifying the legal and policy issues at stake, and proposing reasoned solutions that are sensitive to both local and global contexts.

The course also aims to develop research and writing skills across different registers. Students will be able to write short commentaries on topical issues, prepare policy briefs that speak to regulators and diplomats, and produce longer academic research papers that demonstrate critical depth. In this way, the outcomes extend beyond doctrinal mastery to

include the ability to contribute meaningfully to debates in sports law and policy at multiple levels.

Finally, students are expected to emerge with an appreciation of the ethical and human rights challenges that permeate sports governance. Whether the issue concerns gender inclusion, discrimination, athlete welfare, or integrity in esports, they should be able to identify underlying normative questions and articulate responses that are legally sound and ethically responsible. The broader outcome is to shape not only competent professionals but also reflective practitioners who recognise the responsibility that comes with working in a field where law, diplomacy, and society converge.

READING LIST (upto 10 select readings):

1. Blackshaw, Ian S., International Sports Law: An Introductory Guide (Springer, 2017).
2. Beloff, Michael J., Kerr, Tim & Demetriou, Marie, Sports Law (2nd ed., Hart, 2012).
3. Siekmann, Robert & Soek, J., Lex Sportiva: What is Sports Law? (Springer, 2012).
4. Lewis, Adam & Taylor, Jonathan (eds), Sport: Law and Practice (3rd ed., Bloomsbury, 2014).
5. Nafziger, James A.R. (ed.), Transnational Law of Sports (Edward Elgar, 2013).
6. Lindholm, Johan, The Court of Arbitration for Sport and Its Jurisprudence (Springer, 2019).
7. Lovely Dasgupta, Court of Arbitration for Sports: Analysing Its Jurisprudence from a Third World Perspective (ISLJ, 2021)
8. Heerdt, D. & Rook, W., Remedy and Redress for Sport-Related Human Rights Abuses (ISLJ, 2022).
9. Chanda, Subhrajit, Gupta, A. & Bajpai, A., Need for Indian Court of Arbitration for Sports in India (ISLJ, 2024)
10. Freeburn, L., Forced Arbitration and Regulatory Power in International Sport (Marquette Sports Law Review, 2021).

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
MODULE 1: What is ‘Sports Policy’?	Week 1 & 2

<p><i>Emerging Regulatory Challenges: Identify and analyze upcoming issues in Indian sports law and policy.</i></p> <p><i>Policy Reforms and Future Directions: Discuss proposed reforms and the potential impact on sports governance.</i></p>	
<p>MODULE 2: Alternate Modes of Dispute Settlement and Its Importance in Sports <i>Overview</i></p> <p>The globalization of sport has generated a multitude of legal disputes that transcend domestic jurisdictions. Traditional litigation mechanisms, while offering formal recognition and enforceability, are often ill-suited to the peculiarities of sports disputes, which demand rapid resolution, technical expertise, and sensitivity to athletes’ short career spans. This module examines the evolution and significance of alternative dispute resolution (ADR) in sports, focusing on arbitration, mediation, and conciliation as mechanisms better adapted to the sporting world. It further interrogates institutional frameworks such as the Court of Arbitration for Sport (CAS), FIFA’s Dispute Resolution Chamber (DRC), and the WIPO Arbitration & Mediation Center. The Indian legal framework is also critically evaluated in light of the recently enacted National Sports Governance Act, 2025.</p> <p>Core Themes</p> <p>1. Traditional Litigation vs. ADR in Sports</p> <p>Limitations of domestic courts in resolving sports disputes: delays, lack of expertise, absence of fast-track remedies.</p> <p>Emergence of ADR as a tailored system offering confidentiality, specialisation, and rapid adjudication.</p> <p>Conceptual shift from judicialised dispute resolution to industry-specific self-regulation with international enforceability.</p> <p>2. Institutional Frameworks</p> <p>Court of Arbitration for Sport (CAS): Jurisdiction, divisions (Ordinary, Appeals, Ad Hoc), and its central role in global sports governance.</p> <p>FIFA DRC: Specialised resolution of transfer disputes, contractual conflicts, and employment-related claims.</p> <p>WIPO Arbitration & Mediation Center: Handling of intellectual property disputes, broadcasting rights, and sponsorship conflicts in the sports industry.</p> <p>Comparative strengths and weaknesses of each forum.</p>	<p>Week 3</p>

3. The Indian Legal System and Sports Arbitration

Arbitration and Conciliation Act, 1996: its application to sports contracts, including endorsements, broadcasting agreements, and disciplinary matters.

Judicial review under Articles 226 and 32: role of the High Courts and Supreme Court in absence of a specialised national tribunal.

Landmark Indian cases:

Zee Telefilms v. Union of India “determination of whether BCCI is “State” under Article 12.

Challenges of fragmented dispute resolution forums within India.

4. Mapping the Pyramid of International Sports Dispute Resolution

National Federations (first instance disputes).

International Federations (disciplinary and governance disputes).

CAS (global appellate body).

Swiss Federal Tribunal (limited review of CAS awards).

ECtHR and CJEU (in human rights and constitutional contexts).

5. Critical Reflections

Concerns regarding CAS:

Mandatory arbitration clauses and absence of true consent.

Eurocentric bias and concentration of authority in Lausanne.

Lack of athlete representation in ICAS governance.

Debates on whether private arbitral tribunals should adjudicate matters with public law and human rights dimensions.

Relevance of comparative models, e.g., Portugal’s mandatory sports arbitration framework.

6. The Indian Context: Future Directions

Inconsistencies arising from India’s multi-forum dispute resolution approach.

Opportunities presented by the National Sports Governance Act, 2025 for institutionalising a National Court of Arbitration for Sport (NCAS-India).

<p>Potential benefits: athlete-centred justice, expedited timelines, integration with global ADR, reduction of judicial backlog.</p> <p>Implications for India’s Olympic aspirations and global sports governance credibility.</p>	
<p>MODULE 3: The Indian Legal System and Sports Arbitration</p> <p>This session examines how Indian courts handle sports disputes in the absence of a dedicated tribunal. It focuses on the role of constitutional remedies under Articles 226 and 32, the application of the Arbitration and Conciliation Act, 1996 to sports contracts, and landmark judicial interventions. The session also compares India’s fragmented model with the international pyramid structure of sports arbitration led by ICAS and CAS.</p> <p>Illustrative Indian Cases</p> <ul style="list-style-type: none"> • BCCI v. Cricket Association of Bihar (2016, SC – Lodha reforms): Supreme Court-mandated reforms in cricket governance. • Ajay Jadeja v. Union of India (Delhi HC, 2001): Challenge to disciplinary sanctions imposed by BCCI. • Pramod Chandurkar v. Wrestling Federation of India (Delhi HC, 2019): Selection dispute highlighting lack of transparency. <ul style="list-style-type: none"> • Comparative Dimension • ICAS as governing body of CAS. • CAS structure: Ordinary, Appeals, Ad Hoc divisions. • Pyramid model: National Federation → International Federation → CAS → Swiss Federal Tribunal → ECtHR/CJEU (limited scope). • Critical Reflection • Reliance on courts = delays + inconsistency. • Judicial activism (e.g., Lodha reforms) filled the legislative vacuum. • National Sports Governance Act, 2025 presents opportunity for a dedicated National Court of Arbitration for Sport (NCAS-India). 	<p>Week 4</p>
<p>MODULE 4: CAS’s Landmark Judgments and Decisions as Precedent</p> <ul style="list-style-type: none"> • This session focuses on the jurisprudence of the Court of Arbitration for Sport (CAS) and its role in shaping global sports law. CAS has generated a body of Lex Sportiva that serves as precedent, influencing not only sports federations but also national courts and governments. The session examines landmark CAS cases, their regulatory implications, and their impact on international diplomacy and governance. • Key CAS Cases (Non-Repetitive) 	<p>Week 5</p>

- Bosman Ruling (1995, ECJ but triggered by CAS appeals)
- Revolutionised football transfers by upholding free movement of players in the EU.
- Impact: dismantled transfer restrictions, reshaped global football economy.
- Sharapova v. ITF (2016, CAS)
 - Reduced Sharapova’s 2-year doping ban to 15 months.
 - Impact: CAS as a corrective forum balancing WADA sanctions with fairness.
- Matuzalem v. FIFA (2012, Swiss Federal Tribunal appeal from CAS)
- CAS award enforcing heavy penalties on player for breach of contract overturned for violating public policy.
- Impact: highlighted tension between CAS autonomy and state courts.
 - CAS 2008/1455 – USADA v. Jessica Hardy
- Case on supplement contamination → proportionality in doping sanctions.
- Impact: refined standards of proof in anti-doping disputes.
 - CAS 2011/A/2426 – Claudia Pechstein (before Mutu case at ECtHR)
- Groundbreaking case on procedural fairness in athlete hearings.
 - Impact: raised legitimacy questions about CAS’s independence.

Themes for Reflection

- **Precedent Creation:** CAS as a de facto “Supreme Court of Sport.”
- **Diplomatic Fallout:** Cases like *Bosman* influenced EU policy and reshaped FIFA/UEFA regulations.
- **Judicial Limits:** State courts (Swiss Federal Tribunal, ECJ) occasionally curtail CAS authority.
- **Athlete Justice:** How CAS balances regulatory authority with fairness and proportionality.

Critical Questions

1. Should CAS decisions be treated as binding precedent worldwide?
2. Does the *Bosman* case show that sports arbitration can transform global policy?
3. Are state courts right to intervene in CAS awards when public policy is at stake?

<p>MODULE 5: Policy Oversight and Country Diplomacy in Sport (Post-Sports Act 2025)</p> <p>This session examines the new oversight structures introduced by the <i>National Sports Governance Act, 2025</i>, which have reduced reliance on judicial intervention by creating statutory mechanisms for dispute resolution and governance. It also situates India’s reforms within the broader framework of sports diplomacy, showing how legal policy reform enhances international credibility and soft power.</p> <p>Core Themes</p> <p>1. Oversight under the Sports Act 2025</p> <ul style="list-style-type: none"> • Establishment of dedicated dispute resolution bodies and regulatory authorities. • Athlete Rights Charter → institutionalised grievance redressal without needing to approach courts. • Integration of federations under a statutory governance framework. • Accountability and transparency through statutory compliance rather than ad-hoc judicial review. <p>2. Policy Shifts</p> <ul style="list-style-type: none"> • Transition from fragmented, court-driven oversight to centralised statutory governance. • Redefinition of roles of regulators: broadcasting, competition, and taxation now linked to a coherent policy framework. • Impact on federations: compliance obligations and removal of discretionary practices. 	<p>Week 6 & 7</p>
<p>MODULE 6: Policy and Procedure in Sports Governance: Legitimacy and Representation</p> <p>This session evaluates how sports governance policies are formed, who holds power within federations, and how legitimacy and accountability are established. It interrogates the role of gatekeepers, nomination committees, and policy elites in shaping leadership and decision-making.</p> <ul style="list-style-type: none"> • Core Themes <ol style="list-style-type: none"> 1. Policy Formation and Implementation • National Sports Governance Act, 2025. • Interaction with Olympic Charter and international norms. <p>11. Legitimacy & Accountability</p> <ul style="list-style-type: none"> • Democratic deficits in Indian federations. • Judicial interventions to ensure compliance with governance norms (S. Nithya v. Union of India). <p>12. Representation & Inclusion</p> <ul style="list-style-type: none"> • How nomination committees control leadership pipelines. 	<p>Week 8 & 9</p>

<ul style="list-style-type: none"> • Gender, regional, and athlete representation gaps. 	
<p>MODULE 7: Case Studies in Governance, Policy, and Diplomacy</p> <p>Through case studies, this session illustrates how disputes evolve into governance and policy crises, shaping the architecture of sports law at national and international levels.</p> <p>Case Studies</p> <ul style="list-style-type: none"> • South Africa’s Sporting Isolation (Apartheid): Sport as a human rights and policy instrument. • Cold War Boycotts (1980 & 1984 Olympics): Diplomacy through boycott. • India–Pakistan Cricket Diplomacy: Cricket as a tool of foreign policy. • FIFA v. AIFF Suspension (2022): Governance failures and international oversight. 	<p>Week 9 & 10</p>
<p>MODULE 8: Policy Challenges in Fantasy Sports and E-Sports</p> <p>This module addresses the rise of fantasy sports and e-sports, examining how they disrupt traditional policy frameworks and create regulatory uncertainty. Students will analyse whether gambling, taxation, and integrity issues demand harmonised national and international policy solutions.</p> <p>Core Themes</p> <ol style="list-style-type: none"> 1. Fantasy Sports Regulation <ul style="list-style-type: none"> • Distinction between skill and chance. • NITI Aayog’s Draft Guidelines for Fantasy Sports (2020). • GST, consumer protection, and advertisement regulation. 2. E-Sports as Policy Challenge <ul style="list-style-type: none"> • Recognition as a sport. • Governance gaps: anti-doping, cheating software, player contracts. • India’s 2025 Act and whether it accommodates e-sports. 3. Global Governance <ul style="list-style-type: none"> • Singapore and South Korea: leading models in e-sports regulation. • Need for diplomatic cooperation across borders. 	<p>Week 11 & 12</p>
<p>MODULE 9: Human Rights Issues in Sports</p> <ul style="list-style-type: none"> • Examine key human rights concerns in sports, including discrimination based on gender, sex characteristics, and identity, with a focus on athlete-centric frameworks for inclusion and equality. • Critically analyse landmark cases such as <i>Caster Semenya v. World Athletics</i> and <i>Dutee Chand v. AFI/IAAF</i>, highlighting regulatory 	<p>Week 13 & 14</p>

<p>challenges and judicial responses across international and domestic forums.</p> <ul style="list-style-type: none"> ✓ Evaluate the role and limitations of private tribunals such as the Court of Arbitration for Sport (CAS) in adjudicating human rights disputes and their interaction with international human rights obligations. ✓ Explore appellate mechanisms and judicial oversight, including access to the European Court of Human Rights (ECtHR), Court of Justice of the European Union (CJEU), and national courts for enforcing human rights in sport. ✓ Assess the economic implications of inclusion and exclusion in sports governance, focusing on institutional incentives, athlete livelihoods, and reputational risks. ✓ Discuss future challenges for India’s sports policy, particularly in relation to discrimination, grievance redressal, and inclusive governance frameworks under proposed legal reforms such as the National Sports Governance Bill, 2024. 	
<p>REVISION WEEK</p>	<p>Week 15</p>