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A Comparative Study of Sports Law of India and France

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I. INTRODUCTION

This paper aims to shape a comparative study of Sports Law in India and France. An intricate analysis of sports achievements of both the countries have thoroughly been done to understand the gap between the two. From the legal perspective the Sports Legislations in both the countries have been weighed up. India's National Sports Development Code 2011 and France's Code du Sport are the two laws which have been undertaken for this study.

II. FRANCE

France is one of the sports power houses and it was a primary reason a comparative study was undertaken between India and France. Let us look at the European nation's accomplishment in different events.

1) *At Olympics:* France has been a strong competitor in Sports highest event "The Olympics". Like United Kingdom, their achievements can be divided in period of three different eras. From 1896 to 1952 when they ranked among top eight countries, in fact out of the 12 Olympics during this era France were among top 5 in 8 of them. This manifested their dominance on sports. They also topped the chart in Paris Olympics in 1900, among their home crowd. With 26 Gold and 101 total medals they ended up at no.1 position, the very best of France at the Olympics.[1]

France at Olympics between 1896 to 1952

Olympic	Gold	Silver	Bronze	Total
1896 – Athens	5	4	2	11[2]
1900- Paris	26	41	34	101[3]
1904- St Louis	0	0	0	0[4]
1908- London	5	5	9	19
1912- Stockholm	7	4	3	14
1920- Antwerp	9	19	13	41
1924- Paris	13	15	10	38
1928-Amesterdam	6	10	5	21[5]
1932- Los Angeles	10	5	4	19[6]
1936-Berlin	7	6	6	19
1948- London	10	6	13	29[7]
1952-Helisinki	6	6	6	18

[1] http://olympic-museum.de/m-stand/olympic-games-medal-table-1900.php
[2] Olympics in Athens 1896: The Invention of the Modern Olympic Games (1896) review, Alexander Kitroeff, Journal of Modern Greek Studies
[3] https://www.theheraldreview.com/sports/article/AP-WAS-THERE-1900-Paris-Olympics-15429557.php
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The rise of Eastern European nations posts World War -II pegged France back. Between 1953-1987, their performance fell drastically. There are number of reasons which could be attributed to the decline of their performance during this era, but experts point out that the rise of East European nations was primal factor in this. These countries raised the bar of the competition and French sports could not cope up with the pressure and were pegged back both in terms of the quality and rankings. Their rankings deteriorated drastically which could be seen from comparing the table no.1 and table no.2, At Rome in 1960, they ended up at 25[8] and later in Tokyo they were at no. 21. [9]

France at Olympics between 1953-1987

Olympic	Gold	Silver	Bronze	Total
1956- Melbourne	4	4	6	14
1960-Rome	0	2	3	5
1964- Tokyo	1	8	6	15
1968- Mexico City	7	3	5	15
1972- Munich	2	4	7	13
1976- Montreal	2	3	4	9
1980- Moscow	6	5	3	14
1984- Los Angeles	5	7	16	28

After the fall of socialism in Eastern Europe some of the dominant countries in sports either cease to exist or they could not replicate the same level of excellence[10]. The world order changed and the three countries who benefited most were China, United Kingdom and France. Along with the former two, France's performance has considerably improved over the year. Since 1988, they been consistently among top 10 countries in the medal tally [11]

Current era (1988-2021*)

Olympic	Gold	Silver	Bronze	Total
1988 – Seoul	06	04	16	09[12]
1992-Barcelona	08	05	16	29[13]
1996- Atlanta	15	07	15	37
2000- Sydney	13	14	11	38
2004- Athens	11	09	13	35
2008- Beijing	07	16	20	43[14]
2012- London	11	11	13	35[15]
2016- Rio de Janerio	10	18	14	42

[8] http://olympic-museum.de/m-stand/olympic-games-medal-table-1960.php
[9] http://olympic-museum.de/m-stand/olympic-games-medal-table-1964.php
[10] The Olympics: Where Communism wins, The Philadelphia Inquirer, 30th July 2012, retrieved on 15th October 2020 at 18.40 hrs.
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[14]France: the Beijing Olympics 2008, Revisiting History to Build a New Future? Francoise Papa, International Journal of the History of the Sports, June 2010
[15]Paris 2024 Focused on Creating an Innovative Olympic Games for All of France on https://www.olympic.org/news/paris-2024-focused-on-creating-an-innovative-olympic-games-for-all-of-france

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2) *Football:* Football is one the most popular sport in France. A sport in which their reputation has considerably increased in past two decades. They have been able to reach 3 finals during this phase and have been able to win two of them, one in 1998 and other in 2018.[16]
3) *Rugby:* Rugby is an integral part of the French culture, it is played all over the France as its popularity has soared in last 3-4 decades, especially with national men's team reaching final of the world cup three times, though they have failed to emerge as winners on any of the occasions but nonetheless they have left a deep impression on everyone.[17]
4) *Handball:* France has a very impressive record in Handball, they have won the Handball world cup five times, 1995,2001,2009,2011 and 2015 while the French women have brought the glory in 2003. They are the most successful team in the history of the game.[18]

Some notable names in French sports:
a) Zinedine Zidane[19]
b) Tony Parker[20]
c) Michel Platini[21]
d) Luc Abalo[22]
e) Yannick Noah[23]
f) Amélie Mauresmo
g) Didier Deschamps
h) André René Roussimoff
i) Sandrine Bailly
j) Marion Josserand
k) Marie DorinHabert
l) Laure Manaudou

III. SPORTS LAW IN FRANCE

France does not have a separate law for Sports, like India it has introduced a Sports Code which governs and controls the sports in France. We will analyse the French Sports Code and assesses the differences between the Indian sports code and the French sports code.

1) *Code du Sport:* The French Sports Code is written in French and is called Code du Sport which means Code of Sport[24]. The Code aimed to regulate the Sports and hence it codifies sports into four different divisions:
a) Organizing the Physical and Sports activities in France
b) Rules regarding Sports Players
c) Organization of Sports events in the territory of France
d) Financing of Sports

[16] France wins World Cup Football 2018, The Telegraph, 15th July 2018, retrieved on 16th October 2020 at 20.00 hrs
[17] Rugby World Cup: France denied by a fate that once defied New Zealand, The Guardian,24th October 2011, retrieved on 16th October 2020 at 20.30 hrs.
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[22] https://www.olympicchannel.com/en/athletes/detail/luc-abalo/
[23] June 5, 1983: The day Yannick Noah restored French glory in Paris, The Tennismajor.com, 5th June 2020 at 16th October 2020 at 22.20 hrs.
[24] Code Du Sport, France Sports Code

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The highest body of sports in France is Ministry of Sports of France which has the power to grant recognition to sports bodies in the country. In India, the Ministry of Sports and Youth Affairs has the power to do so though this is not directly mentioned but in NSDC it has been said that any sports body not complying with the code will not be recognized.

In France, a sports club who wants to hold an event and represent the country must be registered as per the norms laid down by the government, the same provision had been laid down in National Sports Development Code 2011 where it has been clearly mentioned that only recognised sports bodies can represent India.

The similarities between both the laws end here. There are number of differences between the sports system of both the countries:

A. Status of Sports Bodies

The Status of the Sports bodies in India has not been clear till the introduction of the sports code. The code of 2011 clarified that all the bodies will be autonomous without any government interference. Things are still not murkier as these sports organizations earn profit but a few of them have been registered under the cooperative society act, BCCI is the primary example for it.

In France however things are clearly laid out, the Sports Code of France (Code du Sports) clearly emphasis that all the sports bodies in France must be non-governmental bodies established under the Law of Contract of Association, 1901[25]. The major highlight of this law is that the clubs and federations earning revenues more than € 1.2 million annually or having such athletes as their employees whose income exceeds € 8,00,000 must establish a commercial operation in addition to the non-profit organisation. This wing will manage the commercial activities of these clubs and federations.

Further Article L.122 of French Sports Code makes it necessary for the sports bodies an clubs to acquire any of the following legal forms:

1) A Company with limited liability having a sole member as its owner
2) A limited liability company with the main objective of excelling in sports.
3) A Professional Sports Limited Company
4) A Company with limited liability
5) A limited company
6) Joint Stock Company

The above helps in treating these organizations according to the type of category they belong to. India must also try to adopt this formula which might help them ensure that all the sports bodies work more professionally and are treated accordingly.

B. Dispute Resolution

The Indian and French Sports law expects sports federations to have a fair dispute resolution system but the stark difference between both of them is that while NSDC 2011 leaves the system of dispute resolution to the sports bodies who generally are required to create a disciplinary committee at their level.

The Code du Sports however lay down extensive guidelines to be followed by the disciplinary committees of the sports federations. It clearly lays down that the disciplinary committee of these sports organizations must ensure that principles of French Constitution and Article 6 of the European Convention on Human Rights are followed. The principal of fair trial is stressed upon by both of them. The sports bodies are required to follow the following aspects in their procedure of grievance resolution:

1) Right to make an appeal against the decision and getting decision in first appeal.
2) To ensure that the hearing is impartial
3) Providing judgement within reasonable time frame
4) Transparency of the trial
5) Ensuring that parties have right to defend themselves

These qualities ensure that the parties get fair trial and also a chance to defend themselves, this detailed guidelines to the Indian Sports bodies is missing in the Indian Sports Law.

[25]Law of Contract of Association, 1st July 1901

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C. Chamber of Arbitration for Sports (CAS)

The French Sports law sets up Chamber of Arbitration for Sports on same line as Court of Arbitration of Sports (CAS) at Lausanne. Comité national olympique et sportif français (CNOSF) clearly mentions that the parties to the dispute can opt for arbitration for the settlement of the dispute. The jurisdiction of CAS is limited here as all disputes which are related to the regulated sports and of involving public exercise could be dealt only by the administrative courts.

In India the National Sports Development Code 2011, suggests that the disputes may be resolved by arbitration however there is no separate arbitration centre set only for sports, it may be resolved only under "The Arbitration and Conciliation Act 1996".

D. Liability of Organisers

In National Sports Development Code 2011, there are no specific liabilities of the organisers of the events. The Code though lay does down certain guidelines regarding:

1) Taxation of the money earned by organisers
2) Considering the commercial interest of the organisers
3) Puts onus on the Organisers to put up a long term development plan of the events they plan to organize over the course of period. [26]

The Code however does not create any liability of the organizers towards the spectators specifically.

The French Sports Code creates a relationship between the organisers and the spectators. It further says that the organisers become responsible the moment the tickets are purchased by them. The rest of the relationship liability of organiser is governed by the French consumer law which in India is governed by its own consumer protection act. The main difference is the efforts which have been put up by The General Direction for Fair Trading, Consumer Affairs and Fraud Control (DGCCRF) where it found that majority of the sports organisers where breaching their duties towards the spectators. The DGCCRF found out that there were number of the organisers who didn't mentioned crucial terms and conditions to the spectators at the time of sale of tickets. Not only this were the price of the tickets not shown properly as the number of additional services were added to the price once consumer had decided to purchase the tickets.

The DGCCRF also found out that the organisers of the event have at times not reimbursed the amount of ticket in case of postponement of the events. This was serious breach of the contract. Such a research had not been done by any of the concerned bodies or ministries in India. Thereby outlining that in spite of all the efforts, the spectators still does not have the kind of priority in the sports code as they deserve.

E. Riot Prevention

Sports brings people together, while it has the ability to bind the people from different religion, cast and colour but on the other hand one of the main threats at the sports gathering is the occurrence of the riot at any period of time. The French Sports law has ensured that there are no riots at sports events and if anything such happens the organisers are well equipped with security.

The Law put onus on the event organisers to ensure that there are sufficient security measures. The spectators are not allowed to bring dangerous items in the sports stadium and if they refuse to comply then they could be denied entry as well. The authorities have been given power to deny any supporters who flouts the security norms, causes serious disturbances to the public order.

In India the sports code does nor mentions these measures though the event organisers could be held responsible for the negligence from their part in case if they fail to maintain the security measures, under different sections and provisions of Criminal laws, they could also be held liable for compensation under different provisions of Tort Law and Consumer Protection Act. However a lot is still left desired from Sports Law in country which must take necessary step to protect public rights who attends a sport event.

IV. CONCLUSION

In last 25 years, India has progressed remarkably in sports. It has excelled in sports like Cricket, Tennis, Badminton, and Athletics and has produced number of match winners like Mahendra Singh Dhoni and Virat Kohli (Cricket) Saina Nehwal (Badminton) Mary Kom (Boxing) Dola Banerjee (Archery) Narain Karthikeyan (Auto-racing), Jyoti Randhawa(Golf), Baichung Bhutia (Football) Abhinav Bindra (Shooting) Dutee Chand (Sprinter) and many more players who have brought laurels for the country.

[26] National Sports Development Code 2011, https://yas.nic.in/sites/default/files/File918.compressed.pdf

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The question is why India has not been able to achieve what it should be achieving with kind of population (1.41 billion) and huge resources at her disposal now? At the Olympics, India's performance have been dismal, it has not been good in games like Football, Rugby or Tennis or even Athletics barring few individual performances.

So what has been the reason? Over the years India has invested a lot in its sports infrastructure and unfurnished number of new talents but in spite of the fact the performance have not much improved. One of the main reasons is that India's sports do not have an independent and answerable sports regulator; neither has a strong dispute resolution which could take care of the speedy resolution of sports dispute.

The system of sports infrastructure has considerably improved however there is a lot of scope of improvement in sports facilities in small towns and districts, it is also imperative that more sportspersons and good administrators become part of the sports organisations which could help them laying down good short and long term plans. Sports must be made mandatory as a subject in the schools so that children could at least participate in one of the sport which could also provide them a platform to excel.

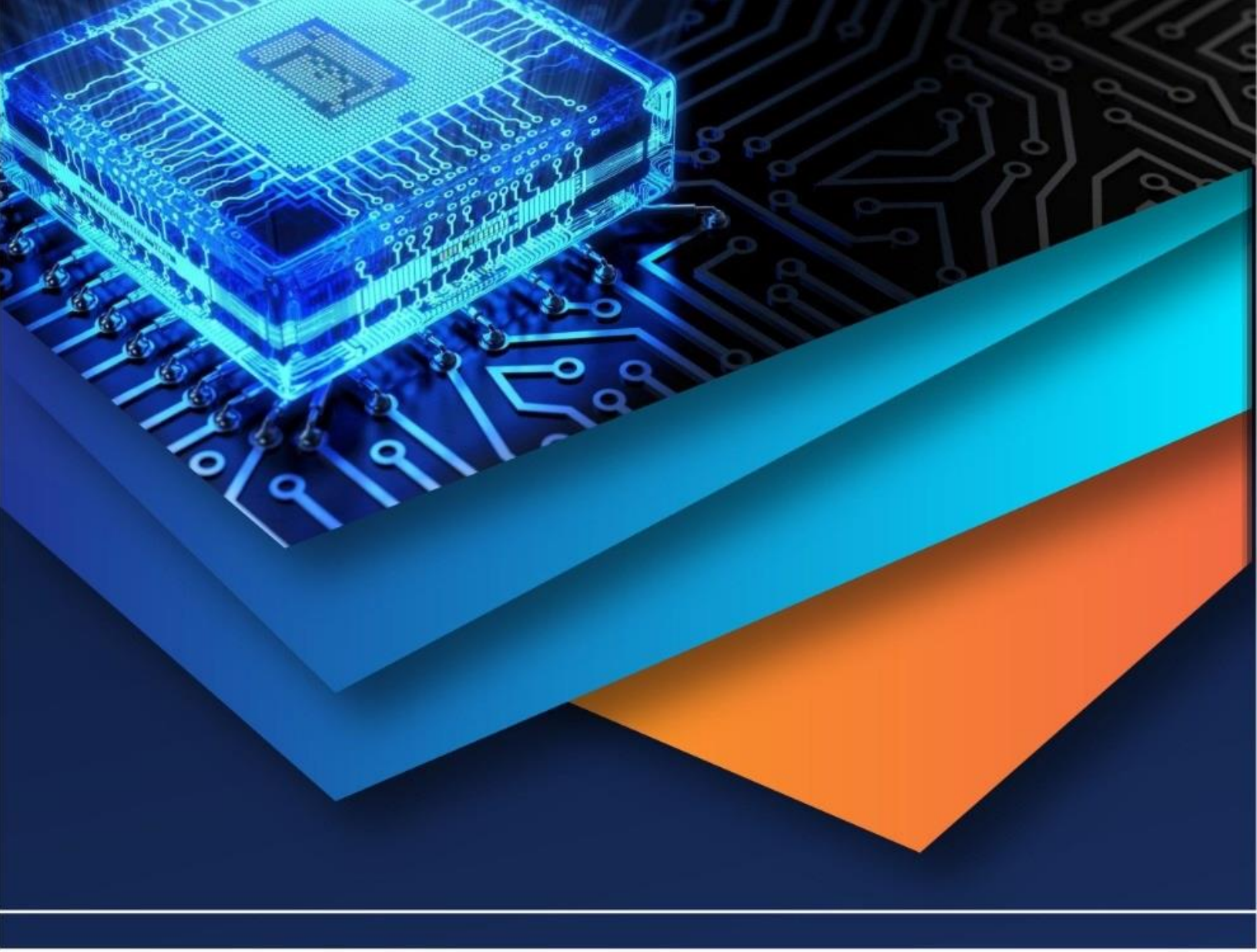
A culture of inter sports school competitions and strong pool at the university is also required to be created which could help the country widen its talent pool, it would also help the children from poorer backgrounds to participate without approaching to the academies who charge exorbitant fees. It is also a time for India to understand that getting success only in cricket will not help her to become a sports nation.

For India it is the time to reboot its Sports Law and assess what makes French Sports Code a very good sports law and what are the pointers it could inculcate in its Indian counterpart.

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