
TEAM SPIRIT BEYOND THE FIELD: UNIONISING INDIAN SPORTSPERSONS AMIDST THE SHADOW OF BCCI

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ABSTRACT

This paper draws attention to the legal gaps and advocates for a policy shift towards acknowledging athletes' right to form Trade Unions through a focused analysis on Indian cricketers and the BCCI's autonomous structure. Although through Article 19(1)(c), the Indian Constitution has endorsed the right to form associations, it still remains ambiguous as to whether this right is accessible to professional athletes or not, especially cricketers who are governed by the Board of Control for Cricket in India (BCCI) and whether they have collective bargaining rights or not. The paper further analyzes the legal status of BCCI through judicial rulings and whether it falls within the definition of Industry as per Section 2(j) of the Industrial Disputes Act, 1947 or not. It also assesses the nature of the service contract between the player and the BCCI, whether it is a contract of service or a contract for service. Addition to this, the paper also focuses on whether cricketers are a workman under Section 2(s) of the Industrial Disputes Act, 1947 or not, followed by conclusion.

Keywords: Indian cricketers, BCCI, Industry, Player, Workman

Introduction

Sports is considered a public good and its promotion is a public function but amidst this promotion, we forget that sports persons are entitled to protect their rights as much as any other individual. Sportspersons today are not just entertainers, but also public figures and national ambassadors. They represent their country on international platforms thus contributing positively to the economy in terms of revenue and cultural value.

Despite playing an invaluable role in shaping the prestige of a nation, the Indian sportspersons are deprived of a fundamental shield. This shield is the right to form a trade union. Through Trade Unions, workers in every sector have the capability to collective bargaining. This offers them legal protection, empowers them to seek better salaries and address their grievances against the higher authority or the employer, except for sportspersons. Due to this gap, Indian cricketers are left at the mercy of organisations like the BCCI which holds an autonomous power over cricket related operations along with sole control over the contracts, careers and even earnings of each player. The role of BCCI as an independent authority makes this issue worse as it frequently limits the free will of cricketers by preventing them from forming any sort of players' union. For instance, in the United States of America, athletes belonging to various sports are granted the right to form trade unions¹ thus securing significant benefits for themselves and preventing their exploitation by sports authority. A similar implementation of a robust legal framework is the need of the moment in India because sportspersons are not just entertainers, they are the ambassadors of a nation but most importantly, individuals with rights.

1. Highlighting the gap in the Legal Framework

The Constitution of India grants certain fundamental rights to every citizen under Part III. One of these rights is established under Article 19(1)(c) which allows every citizen to form associations or unions whereas Article 19(4) imposes a reasonable restriction on this right².

The Trade Unions Act 1926 defines Trade Union under Section 2(h) as “Any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers

¹ Rutgers University Libraries, <https://libguides.rutgers.edu/c.php?g=336678&p=2267003> (last visited: Mar. 19, 2025)

² T.K. Rangarajan v. Government of Tamil Nadu & Ors, (2003) (6) SSC 581

and employers, or for imposing restrictive conditions on the conduct of any trade or business³.” The above definition establishes an employer employee relationship which workmen must have in order to form a trade union. A workmen is not specifically defined under The Trade Unions Act but is defined under Section 2(g) as “All persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises⁴”. This section adds an implied prerequisite that an employee must be employed in an industry or trade/business to ascertain that an employee is a workman.

The employment status of sportspersons’ remain ambiguous as they are not formally employed; instead they enter into a fixed-term contract with sports federations, franchises and leagues like IPL teams. The players are paid a fixed amount annually, based on the category such player falls under. Additionally, they are also paid on the basis of their performance in each match, sponsorships and endorsements. These facts establish an uncertainty as to whether the players fall under a contract for service or a contract of service with the sports federation. Therefore, it remains unclear that the role of a sportsperson is that of an employee or an individual contractor⁵. As a result, they cannot seek pensions, long-term job security or other benefits related to employment. It can be stated that the contractual relationship between the players and the federation is the combination of The Indian Contract Act of 1872 and the Industrial Disputes Act of 1947⁶.

According to Section 4 of the Trade Unions Act⁷, the members can apply for the registration of their trade union by subscribing names of a minimum of seven members to the rules of the trade union and by complying with the provisions of the Act. In 1989, an attempt was made by Indian players to form an association but it was not encouraged by the sports authorities. This step by players seemed to have affected the careers of players primarily involved in the forming of the association, namely Mohinder Amarnath and Kris Srikkanth⁸. The lack of support on behalf of sports authorities was not only unjustified but also infringed upon players’ rights. In

³ The Trade Unions Act, 1926, § 2(h), No. 16, Acts of Parliament, 1926 (India)

⁴ The Trade Unions Act, 1926, § 2(g), No. 16, Acts of Parliament, 1926 (India)

⁵ Ipsita Sinha, *Status of Professional Athletes under Indian Labour Laws*, IP and Legal Filings (Mar. 19, 2025, 8:00 PM), https://www.ipandlegalfilings.com/status-of-professional-athletes-under-indian-labour-laws/#_edn5

⁶ Aryan Dash *Biraj Kuanar*, *Contracts and Sports Law in India: Scope, relevance, and Comparison with Laws of Other Nations*, Vol.2 Issue 1 JLRJS. 428, 433 (2025), <https://jlrjs.com/wp-content/uploads/2022/12/55.-Aryan-Dash-Biraj-Kuanar.pdf>

⁷ The Trade Unions Act, 1926, § 4, No. 16, Acts of Parliament, 1926 (India)

⁸ Shabbir Ahmed, *Selection controversy: Now, Srikkanth slams Amarnath for 'divulging secrets'*, India Today (Mar., 2025, 9:00 PM),

the case of *Tirumala Tirupati Devasthanam v. Commissioner of Labour*⁹ -The Supreme Court held that it is apparent from the definition that any group of employees which come together primarily may be registered as a trade union under the Act. This judgment opened doors for sportspersons to come under a single umbrella and form trade unions but till date, BCCI doesn't recognise any Trade Union except for Indian Cricketers' Association which was incorporated in 2019 but it still doesn't hold the power to collectively bargain.

2. The BCCI- An Independent Authority

The Board of Control for Cricket in India governs every aspect of cricket and holds an autonomous power. It supervises every match, from national and international matches to IPL teams. This body was established on 4th December, 1928 and is registered under Tamil Nadu Societies Registration Act 1975. Ever since its establishment, its legal status has been the centre of debate. A common question raised is whether this body is a Private entity or a Public Institution.

In the case of *Zee Telefilms Ltd v. Union of India*¹⁰, five judge bench held that BCCI does not fall under the definition of State provided under Article 12 of the Constitution. It was held to be out of the purview of Government control thus making it an independent authority. The above case formed a basis for "a private body performing a public function test". BCCI is regulated by its own Constitution and formulates its own policies. But taking into consideration the 1999 match fixing scandal and the 2010 IPL Corruption scandal, it is necessary to limit its unsupervised control and power over cricket in India.

In the case of *BCCI v. Cricket Association of Bihar*¹¹, The SC determined that the BCCI is not a State but discharges public functions which is evident through its actions. Even in the case of *Rahul Mehra v. Union of India*¹², it was held that though BCCI is a self regulatory body, it is subject to judicial review under Article 226. In 2015, Lodha Committee was established to bring reforms to the immense power of BCCI in a manner that it allows administrative transparency and accountability. The key recommendations by the committee were as follows:

⁹ *Tirumala Tirupati Devasthanam v. Commissioner of Labour & Ors.*, 1995 Supp (3) SCC 653

¹⁰ *Zee Telefilms Ltd v. Union of India*, (2005) 4 SCC 649

¹¹ *Board of Control for Cricket in India v. Cricket Association of Bihar*, (2015) 3 SCC 251

¹² *Rahul Mehra v. Union of India*, (2022) 4 SCC 257

1. A separation of power between administration and selection to prevent conflicts of interest.
2. Office bearers must be subject to age and tenure restrictions.
3. More transparency in the decision-making processes, including the publication of accounts and the selection process.
4. The committee proposed that each state association should have one vote to ensure equality among all regions.

Many of these recommendations were extensively opposed by the BCCI especially the age and tenure restriction recommendation. Even the one state one vote suggestion was restrained by the Mumbai Cricket Association, also, its president, Sharad Pawar stepped down. It was contended by BCCI with the support of various Cricket Associations that the Lodha Committee recommendations were violative of Fundamental Rights. The SC held that the recommendations were not violative¹³ and further appointed four eminent persons from different backgrounds to oversee the operations of BCCI until a fresh election for the post of office bearers took place. Finally, a new constitution was drawn by the BCCI based on the committee's recommendation of restructuring the board, it was also approved by the SC.

The Competition Commission of India (CCI) while looking into the issue of whether BCCI has abused its dominant position or not, cited the case of Hemant Sharma & Ors. v. Union of India & Ors.¹⁴ where All India Chess Federation was held to be an enterprise, stated that since BCCI is indulged in revenue generating activities, it shall fall under the definition of enterprise as per The Competition Act, 2005. BCCI was held to exercise the abuse of its dominant position and a hefty fine of Rs. 52.24 Cr was imposed¹⁵. In 2022, it was held by the SC that BCCI can be akin to a “shop” in the case of BCCI v. Regional Director¹⁶.

¹³ *Lodha panel recommendations not violates Article 19(1)(c)*: SC, Times of India (Mar. 23, 2025, 12:45PM) <https://timesofindia.indiatimes.com/city/delhi/lodha-panel-recommendations-not-violates-article-191c-sc/articleshow/53271284.cms>

¹⁴ Hemant Sharma & Ors. v. Union of India & Ors., (2012) 186 DLT 17

¹⁵ Apurv Sardeshmukh, *Abuse of Dominant Position by the BCCI – CCI Decision*, INDIA LAW PARTNERS (Mar. , 2025, 1:09 PM), https://www.indialawjournal.org/archives/volume6/issue_1/article5.html

¹⁶ BCCI v. Regional Director, (2022) INSC 848

3. Is BCCI an Industry as per Section 2(j)?

Industry is defined under Section 2(j) of the Industrial Disputes Act 1947 as “Any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen”¹⁷. Whether BCCI falls within the ambit of industry or not must be determined on the basis of certain tests laid down by the SC in judicial pronouncements.

In *Cricket Club of India v. Bombay Labour Union and Anr*¹⁸, The SC probed the definition of Industry and held that The Cricket Club was a self serving institution and not an undertaking in the nature of trade or business. Its primary objective was to encourage and promote sports hence it was not held to be an industry. However, this judgment was overruled in the case of *Bangalore Water Supply and Sewerage Board v. A Rajappa and Ors*¹⁹ by the Seven Judge Bench. It was held that Industry has a wide import which includes any systematic activity organised by the cooperation between employer and employee for the production and/ or distribution of goods or/ and services in order to satisfy human needs. This inclusion is famously known as the Triple Test. Therefore, any organisation satisfying this test shall be deemed to be an Industry.

Establishing BCCI as an Industry:

1. **Systematic Activity:** The Indian Premier League, domestic matches and international matches are all organized, administered, and overseen by the BCCI. It solely looks after the ticket sale for each match, broadcasting rights and securing sponsorship.
2. **Employer-Employee Relationship:** BCCI has contracts with administrators, coaches, players, ground staff and other members of the crew. By maintaining cricket's commercial facets through sponsorships, media rights and merchandise, it additionally creates a workforce which is reliant on it.
3. **Production and/ or Distribution of Goods and Services:** BCCI has generated significant revenue from its commercial endeavors, such as the IPL. The organization is earning income through sponsorship, media rights, and merchandising and similar activities. A

¹⁷ The Industrial Disputes Act, 1947, § 2(j), No. 14, Acts of Parliament, 1947 (India)

¹⁸ *Cricket Club of India v. Bombay Labour Union and Anr*, AIR 1969 SC 276

¹⁹ *Bangalore Water Supply and Sewerage Board v. A Rajappa and Ors*, AIR 1978 SC 548

report mentioned that BCCI earned Rs.11,769 Cr as well as a 78% year-on-year increase²⁰.

4. “Business or Trade” within 2(j): The BCCI falls within the ambit of “business” as it engages in a variety of commercial activities, including organizing events, broadcasting, selling tickets, and sponsorship agreements. The ESI Court and the Bombay HC had rightly concluded that the BCCI is carrying out systematic economic commercial activities²¹.

Therefore, it can be concluded that BCCI shall fall within the purview of “Industry” under Section 2(j) as it satisfies the Triple Test.

Though Profit Motive is irrelevant, BCCI generates revenue through various platforms and stands to be the richest cricket board in the world. In 2024, its financial strength was Rs.18,760 Cr²². This calls for a scrutinised research upon reexamination of the legal status of BCCI. At this point, the BCCI holds so much authority and power that they can either make or break any cricketer's career.

4. “Who is a workman?” according to Judicial Pronouncements

Section 2(s) of the Industrial Disputes Act 1947, defines workman as “Any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied”²³. Indian cricketers may not be engaged in clerical or manual work but are engaged in highly specialised skill based work. BCCI enters into an employment contract with cricketers for specific matches such as, Champions League, Indian Premier League, etc. It is not necessary that a cricketer is chosen to play every year, they may or may not be called by BCCI, depending upon the cricketers algorithm throughout the matches. Various tests have

²⁰ *BCCI's Surplus Earning From IPL 2023 Jumps 116 Per Cent To Rs 5120 Crore Says Report Total Income Is*, Sports NDTV (Mar. 24, 2025, 8:00PM) <https://sports.ndtv.com/ipl-2024/bccis-surplus-earning-from-ipl-2023-jumps-116-per-cent-to-rs-5120-crore-total-income-is-6376424#:~:text=According%20to%20the%20report%2C%20BCCI's,year%2Don%2Dyear%20increase.>

²¹ *Supra*

²² *Richest cricket boards in the world from BCCI to NZCB*, TIMES OF INDIA (Mar. 24, 2025, 9:10 PM), <https://timesofindia.indiatimes.com/sports/cricket/richest-cricket-boards-in-the-world-from-bcci-to-nzcb/articleshow/113587928.cms>

²³ The Industrial Disputes Act, 1947, § 2(s), No. 14, Acts of Parliament, 1947 (India)

been laid down in judicial proceedings relating to “who is a workman”.

The first test of due control and supervision was laid down by the Court in the case of *Dharangadhra Chemical Works Ltd. v. State of Saurashtra*²⁴, it included:

1. Understanding of an ordinary person: It was stated that even if the nature of the work or manner of performance is such that it cannot specifically be stated whether a master servant relationship is present or not, it doesn't mean it is inexistent.
2. Confirmatory test: It mentions that the permanency or regularity in the work done is an integral part in a contract of service.

Another test which is the organisational test or integration test was established in the case of *Silver Jubilee Tailoring House v. Chief Inspector of shops and establishments*²⁵. It examines whether an individual was fully integrated into the establishment or remained apart or independent from the industry. If he was fully integrated, he can be termed as a workman.

5. Contract of Service or Contract for Service?

Service Contracts are the formal contracts which determine the relationship between an employer and an employee. These contracts are generally of two kinds, Contract for Service and Contract of Service. While a Contract for Service establishes a relationship between a client and a contractor where the contractor works independently, without clients intervention. Such contracts outline the kind and scope of work along with the timeline for completion. Gig workers like freelancers, graphic designers usually work under a contract for service. A Contract of Service establishes an employer employee relationship where the employee works under the direct control of the employer. Such contracts include the working hours of an employee, scope of job and other vital employment terms.

The contract clauses between players and BCCI includes the obligations of a cricketer, their remuneration, details relating to the match i.e. the practice hours, when and where to be present during the match, etc. The four cornerstones of a contract of service were laid down in the case

²⁴ *Dharangadhra Chemical Works Ltd. v. State of Saurashtra*, 1957 AIR 264

²⁵ *Silver Jubilee Tailoring House v. Chief Inspector of shops and establishments*, 1974 AIR 37

of Short v. J & W Henderson Ltd.²⁶ as follows:

- Masters power of Selection
- Payment of Wages/ Remuneration
- Right to Control the method of Performance
- Right to dismiss/ suspend

If the tests laid down through judicial pronouncements are satisfied then it establishes not only a contract of service but also that players are the workmen of the board and not just employees. Each player has to abide by the rulebook of the BCCI, its analogous to the Constitution except in the cricket world. A few rules which establish a master servant relationship between the players and the board are as follows:

1. The players need to pass a maximal aerobic endurance fitness test termed as Yo-Yo test²⁷ in order to be selected. This test examines the endurance, capability, strength and fitness of each player. Another test is conducted by ICC called doping control²⁸ to ensure that the players remain clean and drug free. Indian cricketers namely, Yusuf Pathan, Prithvi Shaw, Pradeep Sangwan and Anshula Rao were banned for a specific time period by BCCI for failing this test²⁹. This indicates towards the monopoly of BCCI and satisfies the integration/ organisational test.
2. Players are categorised under central contract as A+; A; B; C class players with annual graded salaries of around INR 7 Cr; 5 Cr; 3 Cr; 1 Cr, respectively which indicates towards the second cornerstone.

IPL teams may be owned by private bodies but while paying salary to each player of

²⁶ Short v. J & W Henderson Ltd, (1945) 79 Ll L Rep 271

²⁷ Wood, R. (2018), *"The Complete Guide to the Yo-Yo Test"*, THE YOYO TEST (Mar.27, 2025, 12:59 PM), <https://www.theyoyotest.com/>

²⁸ *ICC Anti-Doping Code*, ICC CRICKET (Mar. 27, 2025, 1:04 PM), <https://www.icc-cricket.com/about/integrity/anti-doping/code#:~:text=The%20ICC%20conducts%20doping%20control,urine%20and%20blood%20samples.>

²⁹ Prakash Rai, *4 Indian Cricketers Who Were Handed Bans By BCCI For Failing Dope Test*, MENSXP (Mar. 27, , 1:11 PM), <https://www.mensxp.com/sports/cricket/111162-indian-cricketers-banned-by-bcci-for-doping.html>

their respective team, they strictly have to follow the salary cap set by the BCCI.

Also, players cannot participate in personal endorsements or photo shoots during tour. In a way, BCCI stops their additional source of income for a brief period of time.

3. All players must attend practice sessions and travel only with the team for every match, practice sessions and also stay with the team until the end of the series, even if matches finish early. Any kind of injury has to immediately be reported to the BCCI. Players mandatorily have to attend official promotional events and shoots of the BCCI thus satisfying the third cornerstone and supervision test.
4. A strict guideline is provided for family visits. In cases where the player is away for a minimum of 45 days, family can visit for a maximum of two weeks per series where BCCI only pays for the shared accommodation and rest is paid by the player.
5. Players are not allowed to participate in overseas T20 Leagues while being an active player of the Indian Cricket Team. Rinku Singh, An A team player was suspended for three months for playing an unsanctioned league in Abu Dhabi without any notice or warning thus not giving him a chance to represent India³⁰. BCCI contested that it wanted to set an example that such conduct would be unacceptable. However, Anuj Rawat, another player played in Mauritius with Pakistani players who were of questionable character³¹, was not suspended instead was immediately offered a chance to play U-19 for India in Sri Lanka. Though both players committed the same offence, the biased decision of the BCCI is questionable because if it wants to teach upcoming players a lesson, it must be the same for all.
6. A baggage limit is set for all the players which varies on the basis of the kind of match (T20; champions league; etc).

Players are not allowed to bring personal staff such as chefs, chauffeurs, etc, even if

³⁰ *BCCI suspends India A cricketer Rinku Singh for three months*, TIMES OF INDIA (Mar.27, 2025, 1:41 PM), <https://timesofindia.indiatimes.com/sports/cricket/news/bcci-suspends-india-a-cricketer-rinku-singh-for-three-month s/articleshow/69580963.cms>

³¹ *India U-19 captain Rawat under scanner for playing unsanctioned league in Mauritius*, TIMES OF INDIA (Mar.27, 2025, 1:44 PM), <https://timesofindia.indiatimes.com/sports/cricket/news/india-u-19-captain-rawat-under-scanner-for-playing-unsancti oned-league-in-mauritius/articleshow/65248084.cms>

they pay them unless the BCCI explicitly approves.

BCCI's pre-approval is required for any player to attend entertainment shows or events. This indicates BCCI's control over players. This also establishes a master servant relationship.

7. BCCI follows its own rules and regulations as provided in its Constitution. It has the power to dismiss or suspend or ban any cricketer in cases where there has been performance issue, breach of contract, injuries, involvement in illegal matters (corruption, match fixing, etc). Ajay Jadeja, a regular former ODI Indian player was banned by BCCI for five years because there were rumours of him being involved in match fixing though no hard evidence was found against him³². The mere suspicion resulted in him being banned, though this ban was removed by the Delhi HC later. The exercise of BCCI's power to dismiss/ suspend/ ban players is threatening and questionable since cricket in India is not just a sport but an emotion which affects the public at large.

All of the above points summarise that the service contract between Indian cricketers and the BCCI is that of a contract of service and also establishes them as workmen of the board and not merely employees. Cricketers may not be selected by the BCCI every year or every time but when they are, they strictly have to adhere to the BCCI rulebook and the guidelines provided in it. If they fail to do so, they may be suspended or banned, depending upon the offence they've committed. This clearly satisfies the tests of due control and supervision and the organisational/ integration test ascertained by the Court. It also indicates a master servant relationship between them.

In *Shankar Balaji Waje v. State of Maharashtra*³³ where an independent labourer who was paid only if the standard/ quality of the end product was met, was not held to be a workman under Section 2(s), Subba Rao, J. expressed a dissenting opinion stating, "It is not necessary that supervision must be exercised at all times but the exercise of control at the final stage is sufficient to establish a master-servant relationship because economic realities must also be

³² *Ajay Jadeja vs Union Of India And Ors.*, 95(2002)DLT14

³³ *Shankar Balaji Waje vs State Of Maharashtra*, 1962 AIR 517

taken into consideration". Taking this opinion as a persuasive authority, the Indian cricketers should be declared as workmen of the BCCI.

It was also inferred from the judgment passed in the case of *Hussain Bhai Calicut v. Alath Factory Thozhilali Union*³⁴ that it is essential to test before an industrial adjudicator the true basis and actual nature of employment. Whether it is genuine or a camouflage through a mode of contractor to hide an employer employee relationship. As the livelihood of an individual totally depends on the industry, it is necessary to lift the veil and truly understand the contractual relationship between employer and employee. The players may not wholly depend on the industry for livelihood but a major part of their income depends on it and the fact that the BCCI puts a restriction on players when it comes to participating in personal endorsements, etc while they are playing for the BCCI is ipso facto a limitation to an additional source of income for players. Hence the relationship between players and BCCI must be reconsidered by the court.

Conclusion

It is the cry of the hour that the Indian cricketers who are supervised and authorised by the BCCI must be guaranteed legal protection and labour rights. The rare legal status of a private body performing public function further makes the players vulnerable to exploitation. The lack of a structured union because they are controlled by an independent authority is no excuse to deprive them of their rights. This paper has established BCCI as an Industry and Indian cricketers as workmen of the board thus advocating a contract of service between them. A paradigm repositioning is the need of the moment to align Indian cricket with the global standards where such players deserve fair treatment and room to negotiate their terms and conditions, grievances, etc. Allowing such sportspersons to form Trade Unions will not only uphold the true essence of democracy but also restrict the abuse of power by the BCCI. This shall contribute to the overall welfare of this sport and also motivate upcoming players.

³⁴ *Hussain Bhai Calicut v. Alath Factory Thozhilali Union*, 1978 SCR (3)1073

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