

HOCKEY INDIA JUDGEMENT, 2013 – INTERPLAY BETWEEN COMPETITION AND SPORTS LAWS

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“Given the specificities of sport, the competition law must be applied with sufficient flexibility to take account of the unique features inherent in sports that distinguish it from other sectors.”

– Dhanraj Pillay v. Hockey India¹
31st May 2013

ABSTRACT

This review is a succinct analysis of the subtleties associated with the interplay between the persistently overlapping domains of competition and sports law, which every so often appear to be discordant with each other in spirit. Unlike the all-consuming prominence accorded to commerce in virtually every sector, the essence of sports often overshadows commerce diluting its fetters, to some extent, in the process. While the incidence and manifestation of such occurrences are open for deliberation, the scope of warranted intervention by competition law into the sphere of sports has spurred many debates since its inception; and considering the colossal amounts of money that accompany national and international meets and events, the extent of scrutiny sanctioned to competition regulators assumes paramount importance. Furthermore, the ensuing tussle bears testimony to the underpinnings of competition law that shroud the latter in its labyrinth. Even as the reflections upon the conceivable aftermath of the judgment have been restricted simply to a well-researched ‘critical appraisal’ of the salient features of the order, the controversial aspects of the Act that have consistently

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¹ Sh. Dhanraj Pillay & Ors v. Hockey India, Case No. 73 of 2011 (CCI, 31/05/2013) available at <http://www.cci.gov.in/May2011/OrderOfCommission/732011.pdf> last seen on 20/10/2014.

been highlighted across a plethora of cases besides finding their way into the case in point, have been scrutinised at greater depth. While expounding the impugned facets, the review passively highlights the extent of immunity that the legal corridors have allowed against the rapidly changing commercial scenario in the realm of sports.

1. INTRODUCTION

While there is a pronounced dissemblance between the manners in which the notion of competition operates in sports and in purely commercial sectors,² as an emerging profit-yielding industry, sports cannot break free from the yoke of the statutes governing competition.³ The exploration of the nuances that trace the convergence of competition and sports law, and their subsequent clashes, constitutes the bedrock of *Dhanraj Pillay v. Hockey India* – a 2013 judgment by the Competition Commission of India (hereinafter referred to as “**CCI**”) touted as the ‘Hockey India Order’⁴ by the media. Given the vast multitude of parallel developments spiralling into existence in the territories of sports and competition law, the elusiveness springs forth as it is but natural to lose sight of one in the enterprise to keep pace with the other.

The leading legislation concerning competition law in the country, at present, is The Competition Act, 2002 (hereinafter referred to as “**the Act**”), which was brought into force on 20 May 2009 – three years short of a decade since its enactment in 2002. Having been implemented only in part, the three functional elementary principles enumerated by the Act continue to include – the embargo on anti-competitive agreements, the proscription of abuse of dominance and the superintendence of combinations, branded universally as merger control.⁵

² K.J.M. Mortelmans, *Towards a Convergence of the Application of the Rules on Free Movement and Competition?*, 38 Common Market Law Review, 613 (2007), available at http://dspace.library.uu.nl/bitstream/handle/1874/7217/article_print32.html?sequence=1, last seen on 15/10/2014.

³ A. Vermeersch, *All's Fair in Sport and Competition? The Application of EC Competition Rules to Sport*, 3 JCER 238, 238 (2007), available at <http://www.jcer.net/index.php/jcer/article/viewFile/48/70>, last seen on 15/10/2014.

⁴ T. Sundar Ramanathan, *Hockey India Order – Sports and Competition Law*, Competition Law and Policy, available at <http://competitionlawyer.blogspot.in/2013/06/hockey-india-order-sports-and.html>, last seen on 16/10/2014.

⁵ C. Shroff & N.K. Uberoi, *India: Abuse of Dominance*, The Asia-Pacific Antitrust Review – Global Competition Review (2014), available at <http://globalcompetitionreview>.

In the case under review, the 46-year-old Indian field hockey player and former captain of the national hockey team – Dhanraj Pillay – often described as mercurial, levelled charges of abuse of dominant position and anti-competitive demeanour against Hockey India and the International Hockey Federation. Despite the organising bodies being exonerated of the claims of having indulged in practices contrary to the decorum required by the legal machinery of the state, antagonistic to the speculation in the media,⁶ the CCI, in a bid to preserve the sanctity of the national sport of the country, reproached the defence for the conflicts of interest between their regulatory and administrative powers directing them to streamline the inconsistent spheres by means of an internal mechanism.

2. OCCASIONED BY VIOLATION OF COMPETITION RUBRICS? –THE MILIEU OF THE PETITION

Dhanraj Pillay, Gundeep Kumar, Gurbax Singh Grewal, Balbir Singh Grewal, Alloysius Edwards and V Baskaran – the line-up of personages, who brought the claim before the panel, included former Olympic champions, and the star-achievers of Indian hockey. Under the radar of heavy criticism, Hockey India, the accredited body for hockey in the republic, laboured for a couple of years to encounter the contentions of gross exploitation of the powers vested in it. Having incurred the wrath of the bigwigs as well as the sports-enthusiasts through the alleged act of threatening the players with sanctions upon participation in World Series Hockey League that was slated to be organised by the rival society Indian Hockey Federation (hereinafter, IHF), and to be played in India between December 17 and January 22,⁷ Hockey India was subsequently absolved of the charges by a majority decision of five judges against the sole judge R. Prasad, who elected to opine to the contrary.

com/reviews/60/sections/206/chapters/2342/india-abuse-dominance/, last seen on 19/10/2014.

⁶ Sidhartha & Pankaj Doval, *Hockey India faces Competition Commission of India Heat*, The Times of India (01/06/2013), available at <http://timesofindia.indiatimes.com/sports/hockey/top-stories/Hockey-India-faces-Competition-Commission-of-India-heat/articleshow/20375200.cms?referral=PM>, last seen on 15/10/2014.

⁷ IndiaTimes, *150 Indian Players Sign Up for World Series Hockey*, India Times Beta (18/11/2011), available at: <http://www.indiatimes.com/hockey/150-indian-players-sign-up-for-world-series-hockey-6599.html>, last seen on 15/10/2014.

The trials and tribulations leading to the organization of the World Series Hockey League institute the core of the controversy. Envisioned as the first professional hockey league in India by the IHF in collaboration with Nimbus Sport, that is a subsidiary of the sports rights-management and marketing company Nimbus Communications Limited, it was expected to witness participation from eight city-based teams comprising national and international players competing 61 matches for a total prize of \$2 million⁸ – an idea structured roughly around the Twenty20 cricket tournament Indian Premier League that has emerged as a tremendously successful model in the sub-continent.⁹

Interestingly, IHF, which lingered in the spotlight for the entire spell of the proceedings, is not affiliated to the International Hockey Federation (hereinafter, FIH) as the association accords recognition exclusively to Hockey India as the national federation for hockey in the country. It is pertinent to note that parallel coercions from the international organisation followed soon thereafter, and was met with remonstrations by the European players, who eventually appealed before the European Competition Commission, Competition Authorities of Spain, Belgium and the United Kingdom against the protocols published by the FIH seeking restraint from partaking in the sporting event regardless of the interest exhibited by the players.¹⁰ The repercussions resounded in Pakistan as well, where the Pakistan Hockey Federation, under pressure from the FIH, prohibited the national players from taking part in the World Series Hockey League.¹¹

The *Regulations on Sanctioned and Unsanctioned Events*, or the *FIH Regulations*, circulated by the global establishment to all allied national associations through a letter dated March 11, 2011, endowed Hockey India with the

⁸ Press Trust of India, *World Series Hockey Season 2 from December 15*, NDTV Sports Beta (06/09/2012), available at: India Times Beta (18/11/2011), available at <http://www.indiatimes.com/hockey/150-indian-players-sign-up-for-world-series-hockey-6599.html>, last seen on 15/10/2014.

⁹ Shruti Choudhury, *Competition Commission of India to Referee Indian Hockey Sluggfest*, The Economic Times (19/11/2011), available at: India Times Beta (18/11/2011), available at http://articles.economicstimes.indiatimes.com/2011-11-19/news/30419506_1_hockey-india-competition-act-international-hockey-federation, last seen on 15/10/2014.

¹⁰ Vaish Associates Advocates, *Media Updates: CCI to Investigate Indian Hockey & Chess Federation*, 3 Competition Law Bulletin 3, 4 (November-December 2011), available at: http://www.vaishlaw.com/new/fp_competition/_Nov%20-%20Dec%202011.pdf, last seen on 17/10/2014.

¹¹ *Supra* 9.

power to initiate disciplinary action in the event of participation in any events that had earned the status of being unsanctioned vide the notification, and the penalty for contravention entailed debarment from the selection procedure to the national team as per the amendment to its *Code of Conduct Agreement* (hereinafter, the *CoC Agreement*). The league in question had attained the standing of an unendorsed prospective private professional league. However, soon after the directive surfaced, Hockey India floated the proposal for laying the foundation of its own professional hockey series along the lines of the league envisaged by Nimbus Sport and the IHF.

At this juncture, the petitioners deemed it crucial to seek a probe into the assumed misconduct of Hockey India eliciting unwarranted constraints on the mobility of players, and additionally on prospective private professional leagues.

3. THE DYNAMICS OF THE SUCCESSIVE POLEMICS

– PYRAMID STRUCTURE AS THE JUSTIFICATION FOR MONOPOLY?

3.1. Abuse of Monopoly Powers

The principal, and correspondingly mammoth, onus on the informants was to successfully demonstrate the jurisdiction of the CCI to consider a matter adjunct to the discipline of sports. Submitting, therefore, that by virtue of being registered under the Societies Registration Act of 1860, Hockey India was a society, and consequently a ‘person’ under the Act.¹² As the custom dictates a characterisation of the relevant marketplace to be put forth in course of the courtroom debates focussing on the abuse of dominant position under competition law, the informants chose to designate – *the market for conducting and governing international hockey activities for both men and women in India* – as the official definition. Proceeding with their arguments, the counsel articulated that on account of being handed over the charge of recruiting players for the national team, besides being the sole governing body for the national sport, Hockey India was in a position of monopoly that quintessentially brings about a dominant position. Evinced further by the presence of the FIH in the grand scheme of events, the monopoly powers wielded by Hockey India forms the crux of one side of the argument.

¹² Section 2(l) (v), The Competition Act, 2002.

Adducing further evidence to substantiate the dominant position of Hockey India, the formal incapacity of the players to call its regulations into question was cited. In a bid to present an irrefutable argument, quite remarkably, the petitioners to the claim alluded to the connexion of Hockey India with activities concerning the procurement of sponsorship for the team, which being downright commercial in nature, confers upon it the grade of an 'enterprise' under the Act.¹³

Nonetheless, as the existence of monopoly powers is not the bone of contention here, even as the manipulation of the same constitutes the backbone of the *mêlée*, it is absolutely indispensable to review the key assertions insinuating such abuse. In pursuance of that objective, a summary of the alleged aberrations follows –

- i. Hockey India was taking undue advantage of its bureaucratic powers to stimulate mass appeal for its own hockey league nipping the World Series Hockey League at the bud, which boils down to denial of market access to rivals that is, unassailably, an abuse of dominant position under the Act.¹⁴
- ii. Flouting the rule established by the Act,¹⁵ Hockey India was misusing its supremacy to cross the threshold into the market of spear-heading a domestic event in the country.
- iii. Hockey India was imposing unwarranted limitations upon the mobility of players by way of the *CoC Agreement* which is, for all intents and purposes, anti-competitive under the Act¹⁶, on account of being an exclusive supply agreement.

3.2. Pyramid Structure of Governance

Adhering to the trend conventionally observed by respondents in countless petitions heard by quasi-judicial bodies in India, at the outset, Hockey India disputed the jurisdiction of the CCI.¹⁷ Laying emphasis on its role as the custodian of the sport, Hockey India endeavoured to establish that economic pursuits, as portrayed by the informants, is not what it curates, as its liabilities predominantly encompass organisational, governmental and regulatory tasks, which pertain to the territory of

¹³ Id, Section. 2(h).

¹⁴ Id, Section. 4(2) (c).

¹⁵ Id, Section. 4(2) (e).

¹⁶ Id, Section. 3(4).

¹⁷ *Novartis AG v. UOI*, Order No. 100 of 2009 (IPAB, 26/06/2009) available at: <http://www.ipab.tn.nic.in/Orders/100-2009.htm>, last seen on 18/10/2014.

public good. Further, debunking the arguments of the informants, who had striven to draw an analogy between hockey players in this context and consumers in a market, Hockey India contended that the depiction is flawed as they do not cater any product or service that may be taken into consideration to classify the setting as a market in accordance with the Act;¹⁸ ergo, they established that hockey players cannot be equated with consumers. They abbreviated this reasoning saying – *regulatory functions cannot be assessed against the yardstick of market forces.*

Presenting a tenacious rebuttal to the allegation of misuse of authority, and in a bit to defend its monopoly status in the state, Hockey India sought asylum under the pyramid structure for governing international sport which is an arrangement commanded by the International Olympic Committee, which itself stands at the peak of the pyramid as the single worldwide federation for competitive sports, and holds a monopoly at the highest level.¹⁹ Hockey India argued that in perpetuation of the tenets enshrined in the Olympic Charter, the pyramid structure is indispensable for the regulation and administration of competitive sports, particularly if the integrity of the sport and the primacy of international competitions through adequate standardisation of the sporting calendar is sought to be safeguarded. Furthermore, by virtue of being in line with the traditional and time-honoured sport structure, the monopoly of Hockey India as the single national sport association for hockey in India is justified in its entirety.

On the matter of conceding to approve the World Series Hockey League, Hockey India, with the object of absolving itself from the accusation of vested interest, drew a reference to the respective continental federations, in addition to the FIH, whose seal of approval was an unconditional stipulation for the ratification of the event, given that it involved players from continents across the globe.

4. THE SUBTLETIES OF THE VERDICT

The finding of the CCI that has been chronicled under the head – *Analysis of the Commission* – is outstandingly commendable, and the

¹⁸ Supra 13, Section. 2(r).

¹⁹ G.F. Schuppert, *Law Without a State? A “New Interplay” Between State and Nonstate Actors in Governance by Rule Making*, 65, 72 in *Governance Without a State – Policies and Politics in Areas of Limited Statehood* (Thomas Risse., 1st Edn., 2011).

applause may be attributed to the exceptionally careful scrutiny of the factual matrix *in tandem* with the legal warren *vis-à-vis* the customs prevalent in the domain of sports. Assigning immense significance to the balancing of rights in this backdrop, the CCI dove into the intricacies of the dilemma analysing the broad sports sector through the prism of competition regulation. Embarking upon the journey with an understanding of the merits of the much-deliberated pyramid structure, and the competition concerns it gives rise to; the CCI delves into a meticulous breakdown of the particulars of sports that render it distinct from other commercial enterprises, in the form of a comprehensive study, before addressing the core issues of the matter.

4.1. Jurisdiction

Weighing the structures of sports governance against the scope of jurisdiction of the Act over sports federations, the CCI followed international jurisprudence coupled with appurtenant literature on sports to draw broad principles in the interest of determining its jurisdiction over the case that had been at the forefront of media attention since its commencement. With strikingly similar facts, it was not long before *Surinder Singh Barmi v. Board of Control for Cricket in India* (hereinafter referred to as “**BCCI**”)²⁰ found a mention in the list of precedents to highlight that the institutional aspects of an entity are subordinate to its functional facets when evaluated under the purview of the Act. Thereupon, in view of the organisational activities, over and above the policy-making obligations that the National Sports Federations oversee on a regular basis, rob them of the umbrella of immunity from the application of the Act. This interpretation is an upshot of the economic nature of their undertaking comprising ventures like the sale of tickets and grant of broadcasting rights that rake in revenue for the establishment.

On the same wavelength as the inferences drawn by the Director General, who had been directed to investigate into the matter, the CCI engaged in the contemplation of its jurisdictional powers over the FIH, which is an international federation founded under Swiss law, and winded up by observing that in view of the definition of ‘person’ under

²⁰ Sh. Surinder Singh Barmi v. BCCI, Case No. 61 of 2010 (CCI, 08/02/2013) available at: <http://www.cci.gov.in/May2011/OrderOfCommission/612010.pdf>, last seen on 19/10/2014.

the Act²¹, alongside the scope of its extra-territorial jurisdiction²², it may preside over the FIH in this instance.

4.2. Abuse of Dominance– Exercise of Monopsony Power?

Abuse of dominance or unilateral conduct arises when an enterprise or a group of enterprises stands on a footing comparable to a cartel – wielding sufficient clout in a market that it can afford to operate without hinging upon market forces or the competitive constrictions triggered by the performance of market rivals – and abuses its position engendering ramifications casting a deleterious aftermath not only upon its adversaries, but also, and most importantly so, upon the consumer.²³ Having said that, the Act, by no means, forbids a position of dominance, or simply, a monopoly.

Considering the bearing that the abuse of dominance could have in the instant matter, the CCI dealt with the dispute with the utmost discretion going to great lengths to ensure that every material element had been duly pondered over.

- i. Dissenting vehemently with the definition of relevant market chalked out by the informants apropos of the contention of preclusion of rival leagues, the CCI defined it as – *the market for organization of private professional hockey leagues in India*. Moving on to the precinct of its supervisory powers, the CCI pointed them out to be the root cause of dominance that have, nevertheless, been conferred upon Hockey India by the FIH. The authority to sanction private professional hockey tournaments in the country and as the corollary evokes, to forge impediments thwarting their access, accrues from these vested rights, and is brought into effect in the form of *No Objection Certificates* (hereinafter, the NOCs). Being an unqualified pre-requisite to enter a league, it thereby empowers Hockey India to impact the market straightaway.
- ii. Germane to the indictment of curbing the mobility of players, the CCI defined the relevant market as – *the market for services of hockey players* – and attributed the dominance of Hockey India in the market to its position as a monopsony buyer, as opposed to a monopolistic retailer, by espousing the perspective that

²¹ Supra 13, Section. 2(l).

²² Id, Section. 32.

²³ Supra 5.

perceives it as the sole buyer of the services of hockey players for the national team. Vindicating the stance of Hockey India, the CCI held that it is completely within its rights to cherry-pick these services from a massive pool of players. However, the CCI was quick to acknowledge that this station capacitates the body to restrict the freedom of movement of the players.

Looking at the *FIH Regulations on Sanctioned and Unsanctioned Events* and the *CoC Agreement* as the antecedents of the quandary, the CCI upheld the former based on the grounds of up-keeping the prevalence of international competitions, dissuading free-riding on the investments by national associations, insuring the integrity of the sport and retaining the calendar of events in a unified manner so as to not be cutting across the interests of participating members, which are integral to the methodical growth and progress of the sport that constitutes the underlying purpose of sports associations. The CCI made an interesting observation in noting that no sanction for the IHF-Nimbus Sport joint venture had been sought in accordance with the guidelines of the FIH, whose imposed conditions were not retrospective in nature, and by virtue of being merely prospective, it would not apply to the 150 estimated players, who had already registered themselves for the event. As a result, there had not been an abuse of dominant position to deny market access as per the Act²⁴, and the assertions claiming so were deemed uncorroborated.

Approaching the contention of capitalising upon its market dominance to gain a strong foothold in the domestic market, the CCI found no cogency in the argument. Further, having taken cognizance of the accusation charging Hockey India for the fundamentally anti-competitive nature of the *CoC Agreement*, the CCI factored in on the clause mandating an NOC, stating that it cannot be considered anti-competitive as it seeks to forbid players from participation solely in unsanctioned events, and does not propose a blanket ban on every event that is outside its aegis.

4.3. The Proportionality Test – Why CCI exercised ‘Different Strokes for Different Folks’²⁵?

²⁴ Supra 13, Section 4 (2) (c).

²⁵ Abraham C. Mathews, *CCI: Different Strokes For Different Folks*, Business World (26/06/2013), available at <http://www.businessworld.in/news/web-exclusives/cci-different-strokes-for-different-folks/960061/page-1.html>, last seen on 15/10/2014.

As cited earlier in this exposition, the CCI, despite recognising the dominance of Hockey India in the relevant market, refrained from labelling it as abusive. The reasoning, which drew heavily from the *Mecca-Medina* ruling²⁶ of the European Court of Justice (hereinafter referred to as “ECJ”), was built upon the principle of “inherence proportionality”, or the *Proportionality Test* that is regarded as the most seemly mechanism to weigh anti-competitive practices in the field of sports.

Reverting back to the *CoC Agreement* that was reproached on the ground of conscripting a bunch of restraints on the free movement of players, the CCI’s observations that termed the conditions in the covenant as “inherent and proportionate to the achievement of the objectives” of Hockey India, were founded upon the *Proportionality Test* – that seeks to strike a balance between competition laws and the integrity of sports by striving to understand whether a practice has not only exceeded its limits, but also gone beyond the legitimate goals it was meant to pursue thereby leading to a scenario where, to put it in strict economic terms, the claimed benefits have exceeded the costs.²⁷ Basically, the abuse of dominance could be justified only under situations that qualify as inherent and proportionate to the objectives of the sport that the enterprise promotes. This rationale was echoed by a member of the CCI – R. Prasad, who vehemently argued in favour of the abuse of dominance on this footing.

Settling this issue, the CCI held the conditions to be perfectly legitimate, and accorded them a bubble of cogency that could not be burst on a *per se* basis, but solely upon instances of their application in a disproportionate manner, which was not considered to be the case in the present matter.²⁸

However, the CCI’s ruling in the much-written about *Surinder Singh Barmi* case²⁹ – that had called the conduct of the BCCI into question – proceeds on an entirely different trajectory as far as the *Proportionality Test* is concerned. But, before the course of the BCCI case is dealt with, it is imperative to cast a cursory glance at its facts and circumstances.

²⁶ David Meca-Medina and Igor Majcen v. Commission of the European Communities, [2006] I ECR 6991 (ECJ).

²⁷ Wolf Sauter, *Proportionality Analysis and Models of Judicial Review*, European Law Blog, available at: <http://europeanlawblog.eu/?p=1833>, last seen on 10/12/2014.

²⁸ Supra 10.

²⁹ Supra 21.

While competitive values have always been deeply intertwined with the sports sector, the first professional sporting league that occasioned mediation by the CCI was the BCCI case. The matter was reviewed by the CCI, which looked into the demeanour of the *de facto* regulator for cricket in India in the co-ordination and organisation of the Indian Premier League (hereinafter, the IPL), particularly with respect to the endowment of media rights to cover the private professional cricket league. The CCI held that barring the institution of any other professional domestic Indian Twenty-20 tournament by means of a clause in the media rights contract for the IPL that prevented third parties from organising, sanctioning or supporting any event on similar lines amounted to an abuse of dominant position that the BCCI ought to be penalised for.³⁰

In pursuance of to the *Proportionality Test* that the matter was ultimately subjected to, the CCI failed to see how the conduct of the BCCI could be classified as an inherent and proportionate instrument to the cause of preserving the integrity of the sport, and aspiring for its orderly development. It further went on to state that the measures implemented by the consortium under its pyramid structure were not unconditionally inherent and proportionate to the achievements of purely sporting objectives. In fact, the CCI read a strong commercial dimension into the conduct of the board. While some may argue that this case lacks the balancing of rights perspective that was employed in the Hockey India judgment, it would also, perhaps, not be altogether misguided to prefer the Hockey India judgment to have progressed on the lines of the BCCI case.

5. CONCLUSION

With a firm recommendation to revamp the core structure of its organisation such that clashes between its regulatory and organisational powers cease to be a regular feature, the CCI liberated Hockey India of the charges levelled against it. Directing the institution of a rationalised and transparent system to supervise the promulgation of NOCs, the CCI relied on an effects-based approach to appreciate the state of affairs and discern fact from conjecture.

³⁰ Supra 5.

The ruling, which is in stark contrast with the recently concluded *BCCI Case*³¹, saw the CCI legitimising the assertion of dominance by Hockey India as 'intrinsic and proportionate'. Where a fine as colossal as Rs. 52 crores (rupees fifty two crores only) was slapped on the national governing body for cricket in India, Hockey India was relieved of the charges for want of consequential evidence certifying the abuse of dominant position. While some may argue that the former matter was contended primarily on the subject of the grant of media rights, a substantial similarity between the facts of the two cases can hardly be overlooked.

One might, however, wonder whether the failure of the World Series Hockey League to apply for sanction before Hockey India is indeed a sufficient reason for the CCI to exempt the latter from the charges of abuse of dominance. The stance of the CCI does appear to be rather implausible, especially as it dismisses the arguments to the alternative citing the lack of evidence that effectively corroborates that Hockey India deliberately acted against the players who wished to participate in the league. Moreover, it is pertinent to note that within a year of the alleged anti-competitive policies being drawn up by Hockey India, its proposal for a rival league was released. Hence, to absolve the body for inclusion of commercial aspects in its practices might hardly be the way to proceed. In addition, while the *CoC Agreement* did not explicitly enjoin the freedom of players to participate in the World Series Hockey League, it certainly served as a sheer deterrent.

The basic concern, however, pertaining to the divergent functions of the governing bodies continues to persist despite the guidelines issued to one in the meadow of countless other organisations. The advent of the All India Chess Federation (AICF) under the scanner of the CCI validates the comment.³² Being the supreme arbiters of innumerable sports, the organisations assume both bureaucratic as well as administrative functions by tradition. As long as the recommendation of the CCI is not followed in letter and in spirit, the interplay between competition and sports is likely to get murkier..

³¹ Supra 21.

³² Supra 10.