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## Pak v India: A Comparative Analysis of Players' Contracts and Legal Disputes in Cricket

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*In the framework of Pakistan-India cricket, this article examines the complex arena involving players' contracts and legal battles, examining how the legal systems in both nations handle these matters. With a long cricket history, both countries have created distinctive methods for player relations management that are shaped by their legal systems and cricket governance paradigms. The research explores the function of cricket boards, the historical development of player contracts, and the legal battles that cricket players in both countries confront. Major distinctions and connections between the terms of contracts, dispute resolution procedures, and the effects of these elements on player interactions and career paths are revealed by a comparative study. This paper provides insights into the difficulties and changes required to improve justice and stabilization in the game by comparing and contrasting the contracting and legal environments of Indian and Pakistani cricket. This paper aims to evaluate contract governance in cricket by tracing back history, and the paper ends by evaluating current patterns and outlining prospective improvements.*

**Keywords:** *sports law, dispute resolution, players contract, legal dispute, Pakistan cricket, India cricket, contract governance.*

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### INTRODUCTION

Cricket is more than just a sport to Pakistan and India; it is an emotion, a hope, a feeling, yet none of them have paid much attention to hidden legal issues that have never been apparent. It

is necessary to delve into the past to comprehend historical and legal perspectives. Cricket is far more than simply a sport in Pakistan and India. It has huge cultural and economic significance. It is crucial to national identity as well as foreign diplomacy. In both countries, cricket has developed into a significant part of the identity beyond sports. This deep emotional connection is evident in the fiercely contested matches between Indian and Pakistani teams, which are widely considered among the most passionate rivalries in international sports. The socio-political themes of both countries are entwined with the sporting stakes. This intensity emphasizes that for cricket to be a professional sport, strong contractual and legal structures are crucial to its seamless operation.<sup>1</sup>

Cricket players' professional lives and the sport's overall integrity are greatly influenced by contractual agreements with players and the laws that govern them.<sup>2</sup> This article aims to examine and contrast the legal frameworks that control player contracts and the settlement of disputes in Indian and Pakistani cricket. It will look at recent contractual practices, historical changes, case laws and dispute resolution procedures to provide readers with a thorough grasp of the legal complexities that affect player engagement in these major cricket leagues.

## POST-INDEPENDENCE DEVELOPMENTS AND COLONIAL INFLUENCE IN SUB-CONTINENT

Since cricket originated in England for the first time during the British Empire, and it has been spread to its colonies in the 18th and 19th centuries, the game was introduced to the subcontinent during British control.<sup>3</sup> British sailors played the first-ever sport of cricket in India in 1721 in Cambay, Gujarat (now Khambhat). With time, cricket reached more Indian communities. By the late 1800s, numerous Indian communities—Hindu, Muslim, and others—were establishing their own organizations.<sup>4</sup> This is why early game administration was greatly influenced by English legal systems and sports norms.<sup>5</sup> Following their independence, Pakistan

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<sup>1</sup> Ramachandra Guha, *A Corner of a Foreign Field: The Indian History of a British Sport* (Picador India 2002)

<sup>2</sup> Raju Mukherji, *Eden Gardens: Legend and Romance* (Rupa Publications 2017)

<sup>3</sup> Mike Huggins and J A Mangan, *Disreputable Pleasures: Less Virtuous Victorians at Play* (Routledge 2004)

<sup>4</sup> Boria Majumdar, *Cricket in Colonial India 1780 – 1947* (1st edn, Routledge 2015)

<sup>5</sup> Derek Birley, *A Social History of English Cricket* (Aurum Press 2003)

and India both sought to establish their own cricket identities, which included establishing systems for contracts with players and governance.

The Board of Control for Cricket in India, also called BCCI, was established as the cricket's governing body. During the colonial era, princely states and provincial cricket bodies oversaw Indian cricket, mirroring British administration norms. The main regulatory agency was the Board of Control for Cricket in India (BCCI), which was established in 1928 but had to function within the confines of the British colonial system. After gaining independence, the BCCI kept most of its administrative framework but started to evolve into a more independent, nationally focused organization.<sup>6</sup> Similarly, the Pakistan Cricket Board, also called the PCB, was founded to manage the sport in Pakistan. The establishment of mechanisms that would control the professional facets of the sport and the formalization of player contracts were major accomplishments of both boards.<sup>7</sup> British colonial sports traditions had a significant influence on the post-independence evolution of contracts for players in Pakistan. When the Pakistan Cricket Board, or PCB, was first established in 1948, it drew heavily on the British cricket system for its organizational structure. Contracts were ad hoc and unstructured at first, but as the sport became more professionalized, the PCB implemented more formalized arrangements.<sup>8</sup>

Cricket in India and Pakistan has undergone phases of pre-independence and post-independence throughout history. In order to fulfill the demands of modern sports administration, both Pakistan and India have sought to create independent, professional cricketing systems, putting their colonial pasts behind them. The BCCI's attempts to take advantage of business opportunities such as the IPL propelled India's cricket governance to become more financially independent and inclusive. With this change, the administrative systems that were elitist and colonial gave way to one that was more democratic and powerful economically.<sup>9</sup> In the face of political and economic obstacles, Pakistan's path has been characterized by attempts to professionalize and stabilize cricket governance. The PCB is

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<sup>6</sup> Mihir Bose, *The History of Indian Cricket* (Andre Deutsch 1990)

<sup>7</sup> Majumdar (n 4)

<sup>8</sup> Arup K Chatterjee, *The Great Indian Cricket Circus* (Bloomsbury India 2018)

<sup>9</sup> Sharda Ugra, *Power Play: The Rise of Indian Cricket's Billionaire League* (Juggernaut Books 2021)

moving beyond colonial legacies and towards a more contemporary and equitable management, as seen by its restructuring and emphasis on accountability and player welfare.<sup>10</sup>

## LEGAL FRAMEWORK OF PAKISTAN

The Sports (Development & Control) Ordinance, 1962<sup>11</sup> and The Societies Registration Act, 1860<sup>12</sup> give the PCB's governance and operational principles their legal foundation, as well as control how the organization operates. These statutes provide the PCB the authority to create guidelines for contractual agreements with players and discipline.<sup>13</sup> Highlighted case laws like PCB v Nasim Ashraf with the citation [PLD 2006 Lahore 65]<sup>14</sup> and other similar legal precedents have strengthened the PCB's jurisdiction to oversee and uphold player contracts following its rules. One of the key rulings in Pakistani sports law is the case of Pakistan Cricket Board (PCB) v Nasim Ashraf.<sup>15</sup> It covered matters of judicial review, administrative authority, and governance concerning PCB's business. The lawsuit centres on Nasim Ashraf, who has been selected by Pakistan's President, who also acts as the PCB's patron, to be the organization's chairman. Procedural issues and legal concerns about the appointment procedure were the reasons for the challenge to his appointment. Cricket enthusiast and legal activist Zahid Akbar launched the challenge, arguing that Nasim Ashraf's appointment violated the PCB's constitutional and regulatory frameworks.

### **The following Important Legal Matters have been discussed in the case:**

It was stated that by immediately selecting the Chairman of the PCB without following the organization's established protocols and governance structures, the President of Pakistan, who serves as the PCB's patron, had overreached his power.<sup>16</sup> The Lahore High Court considered the question of whether the President can act as an appointing authority for this kind of appointment and whether there is any legal foundation for this appointment. The court

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<sup>10</sup> Hafsa Ali et. al, 'Sport policy in Pakistan' (2023) 15(3) International Journal of Sport Policy and Politics <<https://www.tandfonline.com/doi/full/10.1080/19406940.2023.2219272>> accessed 17 May 2024

<sup>11</sup> The Sports (Development & Control) Ordinance 1962

<sup>12</sup> The Societies Registration Act 1860

<sup>13</sup> Birley (n 5)

<sup>14</sup> *Pakistan Cricket Board v Nasim Ashraf* [2006] PLD 2006 Lahore 65

<sup>15</sup> *Pakistan Cricket Board (PCB) v Nasim Ashraf* [2011] SCMR 1376 (SC Pak)

<sup>16</sup> *Ibid*

examined in detail the constitution of PCB and all the laws regulating the appointments. The petitioner contested that there was a lack of procedural fairness as well as transparency in the appointment. The decision-making procedure was not in accordance with the true letter and spirit of the law as anticipated in sports organizations.<sup>17</sup> The court stressed how essential it is to follow recognized governance practices and guidelines. It emphasized how important it is for the PCB to conduct its directorial duties fairly and transparently, particularly when it comes to appointments.<sup>18</sup> The case also brought up the question of whether the judiciary was able to examine and weigh in on the PCB's actions, especially when they involved administrative appointments. Owing to the PCB's prominent position in society and substantial influence over Pakistani sports, the High Court of Lahore affirmed its authority to examine the organization's conduct. The court argued that it may step in to make sure the PCB was acting per the law and good governance norms.<sup>19</sup> The Lahore High Court ruled that although the President, as the PCB's Patron, had considerable control over the governing body, any appointment made on his orders had to go by the procedural rules and constitutional principles of the PCB. The court discovered procedural errors in Nasim Ashraf's appointment procedure and emphasized how important it is that the PCB closely follows its own governance policies. Although the court did not revoke Nasim Ashraf's appointment, it did establish a precedent that will emphasize future nominations and the need to adhere to the PCB's constitutional procedures.

## CONSEQUENCES OF THE DECISION

- The case restated that transparency and accountability are requirements in the regulatory operations of the PCB. The court also stated that the policies and procedures must be followed in all cases, including high-profile appointments.
- The court set the precedent that examination and involvement in the internal operation of the sports organizations, especially where governance and the public are at risk, the authority remains with the court.

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<sup>17</sup> Ali (n 10)

<sup>18</sup> Chitranjali Negi, 'Lodha Committee Reforms for the Board of Control for Cricket in India's (BCCI): An Analysis' (2022) SSRN <<https://dx.doi.org/10.2139/ssrn.4182837>> accessed 17 July 2024

<sup>19</sup> *Mohammad Asif v Pakistan Cricket Board* [2010] CAS 2010/A/2222

- The ruling highlighted the significance of good governance policies in the management of sports, promoting equitable, transparent, and unambiguous procedures in all facets of administration, including the selection of important officials.
- The decision of the court set a standard for the Pakistani sports organization (including PCB) regarding how they could manage governance and organization personnel matters. In order to ensure that sports administration is carried out in a way that is equitable, open, and accountable to stakeholders, it emphasized the necessity of abiding by constitutional and established principles.

## LEGAL FRAMEWORK OF INDIA

The primary body in charge of cricket in India was the Board of Control for Cricket in India (BCCI), which was founded in 1928.<sup>20</sup> Player contracts were initially basic and mostly honor-based, reflecting cricket's amateur status in the early years.<sup>21</sup> The BCCI is registered under the Tamil Nadu Societies Registration Act, 1975,<sup>22</sup> under which the legal foundation of its operation is being formed.<sup>23</sup> Since it is a private organization, the BCCI has always had some authority in handling player contracts.<sup>24</sup> The Supreme Court's supervision over ensuring that the BCCI's operations, especially contract management, comply with the values of justice and openness was highlighted in the case of the Board of Control for Cricket in India v Cricket Association of Bihar.<sup>25</sup> The Supreme Court of India rendered a historic ruling in the India v Cricket Association of Bihar<sup>26</sup> case, which tackled problems with conflict of interest, openness, and governance inside the Board of Control for Cricket in India (BCCI).<sup>27</sup> The incident of spot-fixing in IPL, 2013 in particular, together with other scandals and accusations of corruption, gave rise to the case.<sup>28</sup> The Supreme Court brought to light serious conflicts regarding interests within the BCCI. The fact that N. Srinivasan owned Chennai Super Kings (CSK), the team involved in the IPL

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<sup>20</sup> Rajdeep Sardesai, *Democracy's XI: The Great Indian Cricket Story* (Juggernaut Books 2017)

<sup>21</sup> Vidya Subramanian, *Speeding up Sport Technology and the Indian Premier League* (Oxford University Press 2022)

<sup>22</sup> Tamil Nadu Societies Registration Act 1975

<sup>23</sup> Shabbir S Wakhariya, 'A synopsis of sports law in India' (*International Bar Association*, 25 June 2024) <<https://www.ibanet.org/A-synopsis-of-sports-law-in-India>> accessed 17 May 2024

<sup>24</sup> Suresh Menon, *Pataudi: Nawab of Cricket* (HarperSport 2014)

<sup>25</sup> *Board of Control for Cricket in India v Cricket Association of Bihar* (2015) 3 SCC 251

<sup>26</sup> *Ibid*

<sup>27</sup> Rajendra Mal Lodha, *Report of the Supreme Court Committee on Reforms in Cricket* (2016)

<sup>28</sup> *Board of Control for Cricket in India v Cricket Association of Bihar* (2016) 8 SCC 535

scandal, in addition to serving as president of the BCCI, was one of the main points of contention. According to the court, Srinivasan's dual function made it impossible for him to be impartial, and conflicts of this kind run counter to the ideals of good governance.

#### **LEGAL STATUS AND FUNCTION OF BCCI:**

The BCCI contended that because it operated as a private organization, it was exempt from public law. However, the Supreme Court ruled that even though the BCCI is a commercial organization, it serves the public interest by overseeing cricket in India, a national sport. Consequently, the court maintained that judicial monitoring of the BCCI is necessary to guarantee that it follows honest and open procedures. The court established the Justice Lodha group to investigate and suggest reforms for the BCCI. The group is chaired by Justice R.M. Lodha. This committee was entrusted with making structural recommendations to enhance accountability and transparency in the board's operations. A cooling-off period between terms, age, tenure restrictions for employees, and modifications to the BCCI's governance structure were among the major reforms that the Lodha Committee recommended. The Supreme Court maintained the two-year IPL team suspensions placed on the Chennai Super Kings and Rajasthan Royals for their roles in the bets and match-fixing scandal. This ruling reaffirmed the court's dedication to guaranteeing the credibility and fair play of sports organizations.

**BCCI GOVERNANCE REVAMP:** The court ordered the BCCI to implement the Lodha Committee's recommendations. Among these suggestions was the creation of explicit guidelines to avoid conflicts of interest.<sup>29</sup>

- Instituting an electoral procedure for office holders that is more democratic and transparent.
- Establishing a separate governing body to oversee the IPL.
- Putting policies in place to effectively regulate the BCCI's financial and administrative operations.
- Transparency and accountability are prioritized.

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<sup>29</sup> *Ibid*

- The ruling underscored the necessity of requiring the BCCI to function with increased openness and responsibility, considering its function in overseeing a sport that is of paramount national importance.
- In order to make sure that its choices and actions serve the best interests of both the sport and its stakeholders, the court emphasized the fact that the BCCI needs to be transparent.

In order to safeguard the public interest and guarantee that sports organizations such as the BCCI operate in a fair and just way, the Supreme Court's decision affirmed the judiciary's responsibility in providing oversight.<sup>30</sup> This monitoring includes making sure sports organizations follow their declared goals and moral principles. The ruling served as a spark for important changes in the Indian cricket administration. It cleared the path for a more morally and methodically organized approach to managing the sport.<sup>31</sup> The ruling contributed to the restoration of public confidence in the Indian Cricket Board's management by resolving concerns about conflicts of interest and a lack of openness. The decision emphasized the necessity of transparent accountability procedures and governance frameworks, setting a precedent for the management of other sports organizations. The judgment's mandated modifications gave players and fans more authority because they made sure each of the BCCI's operations reflected the broader goals of the sport.<sup>32</sup> This historic case fundamentally changed how cricket was administered in India and provided a crucial point of reference for legal guidelines pertaining to the management of sports across the nation.

## DEVELOPMENT OF CONTRACTUAL PROCEDURES IN BOTH NATIONS

The two BCCI and PCB have created complex structures for player contracts throughout the decades. These agreements changed over time to cover a range of topics, including player compensation, obligations as professionals, endorsement rights, and sanctions.<sup>33</sup> Since their establishment, the legal frameworks of the two nations have seen tremendous evolution. In the

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<sup>30</sup> K Shrinivas Rao, 'Will Top Lawyer Salve for 'ineligible' Shirke' *Times of India* (18 January 2017) <<https://timesofindia.indiatimes.com/sports/cricket/news/will-top-lawyer-salve-petition-for-ineligible-shirke/articleshow/56638700.cms>> accessed 17 May 2024

<sup>31</sup> *Ibid*

<sup>32</sup> *Ibid*

<sup>33</sup> Gideon Haigh, *The Sphere of Influence* (Aurora Metro Books 2011)



past, independent clubs and associations oversaw cricket, and player contracts lacked a formal framework. The move to professional cricket required the creation of extensive contract structures.<sup>34</sup> In Pakistan, to standardize player compensation and state of affairs, the PCB introduced central contracts at the very beginning of the 2000s. This was the first step towards a gradual formalization of player contracts. Based on performance, these contracts assign players to tiers, guaranteeing a well-organized pay and benefits structure. The PCB's contractual structure had a substantial evolution, particularly after the year 2000, and became more in line with global norms in an effort to improve the welfare of players and expertise.<sup>35</sup> The Employment Ordinance of 1962<sup>36</sup> and PCB rules apply to the basic contracts of the PCB, which were implemented in 2004.<sup>37</sup> These contracts assign participants to tiers based on predetermined duties and compensation.<sup>38</sup> The PCB's Code of Conduct, which is enforceable due to being registered as a society, establishes the parameters for both its disciplinary action and dispute resolution procedures.<sup>39</sup> Contrary to this, in India, for a considerable amount of time, professionalizing cricket has been spearheaded by the Board of Control for Cricket in India (BCCI). The BCCI has put in place a strong contractual structure that covers a range of player obligations and rights in addition to regulating player wages since the implementation of the central contracts in 2001. To formalize player salaries and professional responsibilities, the BCCI in India established central contracts in 2001, which indicated a change to a more organized and professional approach to player management.<sup>40</sup> The Indian Contract Act 1872<sup>41</sup> rules and BCCI's regulations apply to these contracts.<sup>42</sup> They divide players into various classes, each with its own pay scale and comprehensive rules governing behaviour and obligations.<sup>43</sup>

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<sup>34</sup> *Ibid*

<sup>35</sup> Imran Khan, *Pakistan: A Personal History* (Bantam Press 2011)

<sup>36</sup> The Employment Ordinance 1962

<sup>37</sup> *Ibid*

<sup>38</sup> Danyal Rasool, 'Pakistan men's players to get landmark central contracts' *ESPN Cricinfo* (27 September 2023) <<https://www.espnricinfo.com/story/pakistan-mens-players-get-landmark-central-contracts-1400218>> accessed 17 May 2024

<sup>39</sup> Constitution of Pakistan Cricket Board (2014)

<sup>40</sup> Sardesai (n 20)

<sup>41</sup> The Indian Contract Act 1872

<sup>42</sup> Subramanian (n 21)

<sup>43</sup> *Ibid*

In one of the case law, **Ajay Jadeja v Union of India [2002] 2 SCC 101**<sup>44</sup> The facts of the case were that the BCCI suspended Indian cricketer Ajay Jadeja for allegedly participating in match-fixing. In her appeal, Jadeja claimed that the BCCI had not adhered to fair procedure and that the ban had been issued arbitrarily without sufficient justification or a fair hearing. The Supreme Court discovered procedural errors in the BCCI's handling of Jadeja's case, pointing out in particular the disregard for natural justice norms. The court stressed that procedural impartiality and transparency are requirements that even private organizations like the BCCI must follow when performing public tasks.

### EXPANSION OVER TIME AND ITS IMPACT

The legal landscapes in both nations have been shaped by significant historical events. In Pakistan, the contract structures have been impacted by administrative changes, international disputes, and the rise of domestic leagues. Super League of Pakistan (PSL).<sup>45</sup> Player contracts in Pakistan now include more legal issues and complexity as a result of the PSL. PSL contracts are regulated by PCB-approved standard contract forms and PSL standards.<sup>46</sup> Certain provisions pertaining to players, like availability, financial rights, and dispute resolution, are included in these contracts.<sup>47</sup> As specified in the contracts and in accordance with the guidelines of the Arbitration Act of 1940,<sup>48</sup> disputes occurring from PSL contracts are normally settled by arbitration. Launched in 2008,<sup>49</sup> the Indian Premier League (IPL) brought substantial economic potential and intricate contractual requirements that completely changed the legal landscape for Indian cricket players.<sup>50</sup> The Indian Contract Act, 1872<sup>51</sup> provides the general basis for IPL contracts, which are governed by the IPL's regulations.<sup>52</sup> A wide range of provisions are covered by these contracts, such as player charges, media rights, and financial endorsements.<sup>53</sup>

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<sup>44</sup> *Ajay Jadeja v Union of India* (2002) 2 SCC 101

<sup>45</sup> Suresh Menon, *Pataudi: Nawab of Cricket* (HarperSport 2014)

<sup>46</sup> HBL PSL T-20 Playing Conditions 2022

<sup>47</sup> *Ibid*

<sup>48</sup> The Arbitration Act 1940

<sup>49</sup> *Ibid*

<sup>50</sup> Haigh (n 33)

<sup>51</sup> The Indian Contract Act 1872

<sup>52</sup> *Ibid*

<sup>53</sup> *Rajasthan Royals v Board of Control for Cricket in India* (2013) 1 SCC 558

The case law in which the Supreme Court of India rendered a significant ruling in the *Rajasthan Royals v Board of Control for Cricket in India*<sup>54</sup> case emphasized the value of precise contract legal language and strong dispute resolution procedures inside the Indian Premier League (IPL) structure. The following are the main points raised by the ruling. In 2010, the BCCI considered suspending the Indian Premier League team, the Rajasthan Royals. Among other things, the BCCI said that the Royals had violated the terms of the contract by not providing all ownership data and by selling shares without permission. The court emphasized the significance of clear, unambiguous language in contracts. The terms by which a team might be terminated were determined to be unclear in the contract agreement. The case demonstrated how ambiguous language can result in serious disagreements and court cases. Invoking a termination clause, the BCCI was able to terminate the franchise agreement in the event that the franchise did not adhere to certain requirements. After carefully examining this clause, the court determined that the BCCI's interpretation and implementation of the clause had to be in line with the more general contractual duties and fairness standards. The following elements of sports contracts are crucially referenced by the *Rajasthan Royals v BCCI* case:<sup>55</sup>

- It emphasizes how important it is for sports contracts to contain clear and exact language in order to prevent miscommunications and conflicts.
- This case emphasizes how crucial it is to follow due process laws and maintain procedural fairness while enforcing contract conditions, particularly in high-stakes situations like the Indian Premier League.
- It highlights the necessity of robust and transparent dispute resolution procedures and promotes arbitration as a useful instrument in sports governance. The ruling emphasized how crucial it is for sports contracts to include strong and transparent dispute resolution procedures. The efficiency and equity of the IPL's arbitration procedure, as well as its dispute resolution framework, were closely examined. The court promoted the efficient and amicable resolution of such disputes through arbitration.

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<sup>54</sup> *Rajasthan Royals v Board of Control for Cricket in India* (2014) SCC Online Bom 1607 (Bom HC)

<sup>55</sup> *Ibid*

- The case demonstrates how the judiciary safeguards the interests of all parties involved by monitoring and guaranteeing fair procedures inside sports organizations.

## COMPARATIVE EVALUATION OF THE TERMS IN THE CONTRACT

Pakistani player contracts cover a wide range of topics, from financial conditions to professional responsibilities. While Indian player contracts are similar to those of Pakistan, they are frequently more expansive and intricate, a reflection of the commercial vibrancy of Indian cricket.

**Pay and Incentives:** Base pay, match charges, and performance incentives are specified in contracts and are divided into various grade levels. Both employment laws and PCB regulations serve as the foundation for the legal framework governing these contracts.<sup>56</sup> BCCI contracts, which are enforceable under the Indian Contract Act of 1872,<sup>57</sup> assign players grades and associated pay and bonuses.<sup>58</sup>

**Professional Obligations:** In accordance with the PCB's Code of Conduct, players are required to follow training plans, physical requirements, and behaviour standards. Both the PCB's regulatory power and the rules of contract law make these duties enforceable.<sup>59</sup> However, contracts contain specific provisions pertaining to player responsibilities, behaviour, and compliance with BCCI rules. These provisions are upheld by disciplinary procedures as specified in the BCCI constitution.<sup>60</sup>

**Sponsorship and Media Rights:** By striking a balance between player rights and the PCB's interests, contracts include conditions for endorsement and media appearances. To safeguard business interests, these are managed under the Pakistan Intellectual Property Organization Act, 2012.<sup>61</sup> In India, however, carefully drafted contracts, safeguarded by the Trademarks Act of

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<sup>56</sup> Constitution of Pakistan Cricket Board (2014)

<sup>57</sup> Indian Contract Act 1872

<sup>58</sup> *Ibid*

<sup>59</sup> Code of Conduct for Players and Player Support Personnel 2010

<sup>60</sup> Constitution of Pakistan Cricket Board (2014)

<sup>61</sup> Pakistan Intellectual Property Organization Act 2012

1999 and other intellectual property regulations, outline individual and team endorsing rights, which hold considerable commercial potential.<sup>62</sup>

**Contract clauses pertaining to injuries and Medical Support:** These clauses make sure players receive the care they need. These clauses are reinforced by the Employment Ordinance's regulations on employee welfare.<sup>63</sup> In India, the terms pertaining to injuries and illnesses are extensive, offering player's insurance and medical assistance in accordance with the 1948 Employees' State Insurance Act.<sup>64</sup>

**Endorsement or Commercial Rights:** Participants in both nations must abide by rules pertaining to sponsorships and endorsements. Whereas the PCB contracts govern player involvement in overseas tournaments, the BCCI contracts frequently contain provisions pertaining to IPL franchises.<sup>65</sup>

**Ethical and Behavioral Standards:** Via their contracts, both nations impose stringent rules of behaviour. They contain clauses about doping, match-fixing, and following team rules.<sup>66</sup>

A detailed analysis of contract agreements for players between Pakistan and India highlights a number of significant variations in their efficacy and organizational design, which correspond to the respective legal and governance frameworks for cricket in each nation. Indian cricket contracts offer players a more complete and adaptable environment because they are supported by substantial financial resources and are supervised by strong legal structures. They provide better welfare benefits, financial security, and business prospects, which mirrors the dynamic and thriving commercial environment of Indian cricket. Even though they are changing, Pakistani contracts still show a more circumspect and limited approach, prioritizing player accessibility and national duty before freedom of commerce. These variations demonstrate the different goals and abilities of the BCCI and PCB when it comes to player contract management, athlete welfare, and financial success.

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<sup>62</sup> The Trademarks Act 1999

<sup>63</sup> Pakistan Employment Ordinance 1961

<sup>64</sup> The Employees' State Insurance Act 1948

<sup>65</sup> 'Guidelines' (IPL, 13 May 2018) <<https://www.iplt20.com/news/137115/guidelines>> accessed 18 May 2024

<sup>66</sup> The Pakistan Cricket Board's Anti-Corruption Code for Participants 2013

## COMPARATIVE EVALUATION OF LEGAL PROCEDURES

**Monetary Terms:** Due to the BCCI's financial clout and the money made by the IPL, Indian players typically receive better compensation. Even if Pakistani contracts are becoming better, they still show how little money the PCB has. The financial strategies and revenue-sharing arrangements of the relevant boards legally justify the pay gap. While the PCB's contracts reflect its sponsorship restrictions and budgetary limitations, the BCCI's financial policies are supported by significant commercial contracts and sponsorship partnerships.<sup>67</sup>

**Media and Commercial Rights:** In comparison to Pakistan, Indian cricket players now have more lucrative and intricate endorsement deals thanks to the country's economic structure, particularly the IPL. With the backing of statutes like the Indian Copyright Act of 1957 and the Protection of Rights of Sports Persons Act of 2019,<sup>68</sup> Indian contracts frequently contain comprehensive provisions on commercial and media rights. On the other hand, although becoming more intricate, contracts in Pakistan are regulated under the Pakistan Intellectual Property Organization Act, 2012,<sup>69</sup> providing a rather simple method of overseeing commercial rights.<sup>70</sup>

**Regulation and Compliance:** Although professional standards and conduct are enforced by both boards, differing administrative and cultural environments can result in various dispute resolution as well as disciplinary action procedures. The Lodha Committee Recommendations and their implementation serve as evidence that the BCCI's governance and compliance in India are governed by the country's constitution and judicial monitoring. Rules and regulations set forth by the PCB in Pakistan control its compliance methods, and internal arbitration or High Court recourse are frequently used to settle issues.<sup>71</sup>

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<sup>67</sup> Deloitte Haskins & Sells LLP, *Independent Auditor's Report To The Members Of The Board Of Control For Cricket In India* (2022)

<sup>68</sup> Protection of Rights of Sports Persons Act 2019

<sup>69</sup> Pakistan Intellectual Property Organization Act 2012

<sup>70</sup> Indian Copyright Act 1957

<sup>71</sup> *Board of Control for Cricket in India v Cricket Association of Bihar* (2015) 3 SCC 251

## COMPARATIVE ANALYSIS OF CONTRACTUAL METHODOLOGIES

**Contract Flexibility:** Subject to board permission, the BCCI typically offers more flexible contracts that provide players more freedom to compete in a variety of competitions around the world. Due to concerns about player's availability and national duty, the PCB's contracts are more onerous, especially when it comes to playing in international leagues.<sup>72</sup>

**Financial Disparities:** The financial packages that the PCB and BCCI give differ significantly from one another. The financial potential of the Indian cricket team, the BCCI, and the substantial IPL contracts mean that Indian cricketers frequently command far greater incomes.<sup>73</sup> For example, as of 2023, an Indian cricket player rated as Grade A+ would receive an annual retainer price under BCCI's central contract of about ₹7 crore (about USD 900,000), exclusive of match payments and performance bonuses.<sup>74</sup> The highest-ranking Pakistani cricket player on the PCB central contract, however, makes about PKR 13.2 million (about USD 47,000) a year, which illustrates the stark difference in base earnings.<sup>75</sup> Furthermore, the IPL has a significant impact because the best players can make millions of dollars from their contracts. For instance, prominent IPL earners like Cameron Green and Sam Curran were signed for more than ₹18.5 crore (about USD 2.25 million) each for the 2023 season.<sup>76</sup> In comparison, those with the highest salaries in the Pakistan Super League (PSL) earn up to USD 170,000 a year in the Platinum category.<sup>77</sup> These numbers demonstrate the BCCI's financial strength and its capacity to provide its players with significantly more lucrative possibilities than the PCB.

**Dispute Resolution Procedures:** The BCCI prefers out-of-court settlements. Thus, its contracts usually contain comprehensive arbitration procedures for settling disputes. Despite the fact that

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<sup>72</sup> Code of Conduct for Players and Player Support Personnel 2010

<sup>73</sup> 'IPL Salaries vs BCCI Contracts: A look at how much Indian cricketers' earn' *The Economic Times* (29 February 2024) <<https://economictimes.indiatimes.com/news/sports/ipl-salaries-vs-bcci-contracts-a-look-at-how-much-indian-cricketers-earn/articleshow/108107892.cms?from=mdr>> accessed 17 May 2024

<sup>74</sup> *Ibid*

<sup>75</sup> 'PCB, 'Central Contracts 2023-24'' (PCB, 27 September 2023) <<https://www.pcb.com.pk/press-release-detail/pcb-announces-three-year-men-s-central-contracts-list.html>> accessed 17 May 2024

<sup>76</sup> 'TATA IPL 2023 Player Auction' (*iplt20.com*) <<https://www.iplt20.com/auction/2023>> accessed 17 July 2024

<sup>77</sup> 'Pakistan Super League Draft, 2023: All you need to know' (*The Cricketer*) <[https://www.thecricketer.com/Topics/karachi\\_kings/pakistan\\_super\\_league\\_draft\\_2023\\_players\\_overseas\\_order.html](https://www.thecricketer.com/Topics/karachi_kings/pakistan_super_league_draft_2023_players_overseas_order.html)> accessed 17 May 2024

the PCB's contracts provide dispute resolution procedures, in the past, more disagreements have been taken to court or sports arbitration panels.<sup>78</sup>

## COMPARATIVE ANALYSIS OF LEGAL DISPUTES AND DISPUTE RESOLUTION

In both countries, player contracts have given rise to a number of well-publicized court conflicts. These incidents serve as a reminder of the difficulties and complexities that come with handling professional cricket. In Pakistan, the matters of contract enforcement and disciplinary measures have been highlighted by cases involving athletes such as Danish Kaneria and Muhammad Amir. The struggles to strike a balance between players' rights and obligations under contracts are exemplified by the legal disputes that followed their bans for spot-fixing and misconduct.<sup>79</sup> However, in India, Sreesanth and the other players suspended in connection with the IPL spot-fixing controversy highlighted the significance of strict anti-corruption clauses in player contracts. The case of *Sreesanth v Board of Control for Cricket*<sup>80</sup> in India brought to light the BCCI's strategy for upholding the sport's integrity through strong contractual obligations.<sup>81</sup> To settle disagreements, the PCB uses both external arbitration and internal disciplinary tribunals. On the other hand, players frequently turn to the legal system for recourse, which occasionally results in drawn-out litigation. On the contrary, the BCCI takes a structured approach to dispute resolution; it favours mediation and arbitration for the settlement of contractual problems. This system is intended to resolve conflicts effectively and uphold the sport's reputation.

## COMPARATIVE LEGAL STRUCTURES

**Governance Structures:** The PCB is heavily regulated by the government and is run by the Ministry of Inter-Provincial Coordination. This affects the terms of contracts and the procedures for resolving disputes, frequently resulting in a more bureaucratic approach.<sup>82</sup> With significant financial and operational freedom, the BCCI operates as an independent entity. This permits

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<sup>78</sup> Constitution of Pakistan Cricket Board (2014)

<sup>79</sup> *Mohammad Amir v Pakistan Cricket Board* [2010] Lahore HC

<sup>80</sup> *Sreesanth v Board of Control for Cricket in India* (2013) 1 SCC 558

<sup>81</sup> *Ibid*

<sup>82</sup> Constitution of Pakistan Cricket Board (2014)



more adaptable dispute resolution procedures and dynamic contract structures as long as they stay within the confines of national legislation and sporting regulations.<sup>83</sup>

**The Influence of Domestic Laws:** The legislative framework governing sports governance and Pakistani labour laws has an impact on player contracts and conflicts. The increasing engagement of the judiciary in cricket dispute resolution is indicative of a legalistic attitude to contract enforcement.<sup>84</sup> Although Indian cricket is governed by national regulations, it has a great deal of autonomy because the Board of Cricket in India (BCCI) is a private organization. Arbitration is frequently preferred over other conflict resolution procedures in dispute settlement.<sup>85</sup>

## MODERN ISSUES AND FUTURE PATHWAYS IN BOTH COUNTRIES

In Pakistan, the predictability and stability of cricket tours and contracts have been impacted by the country's political and security issues. After the 2009 attack on the Sri Lankan cricket team, Pakistan was banned from hosting international cricket, which resulted in modifications to player contracts regarding security and remuneration.<sup>86</sup> On the other side of the border, with the introduction of the Indian Premier League (IPL) in 2008, player contracts there underwent a radical change. With the introduction of intricate multi-million dollar contracts, the IPL changed cricket's financial environment and established new standards for player compensation and commercial rights.<sup>87</sup>

## EMERGING CHALLENGES IN CONTRACT GOVERNANCE

**Player Rights and Welfare:** It's difficult for both nations to strike a balance between business interests and player rights. In contract discussions, concerns, including post-career support, workload management, and mental health, are becoming more and more important.

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<sup>83</sup> Rajendra Mal Lodha, *Lodha Committee Report on BCCI Reforms* (2016)

<sup>84</sup> Ali (n 10)

<sup>85</sup> Memorandum of Association and Rules and Regulations 1928ity

<sup>86</sup> Code of Conduct for Players and Player Support Personnel 2010

<sup>87</sup> IPL Salaries vs BCCI Contracts: A look at how much Indian cricketers' earn (n 76)

**Globalization and League Participation:** There are issues with national and contractual duties arising from players' growing involvement in foreign leagues. It is difficult to strike a balance between these goals while maintaining player autonomy and board interests.<sup>88</sup>

**Technological Advancements:** In terms of players' image rights and economic endorsements, the emergence of online mediums and virtual participation presents new difficulties. For the benefit of both boards, contracts must be updated to reflect these modifications.<sup>89</sup>

## RECOMMENDATIONS FOR IMPROVEMENT

- Reducing conflicts and improving player relations can be achieved by implementing standard forms of contracts that guarantee justice and clarity.<sup>90</sup>
- The integrity of the sport can be preserved, and disputes can be kept from reaching the courts by putting stronger and more user-friendly dispute resolution procedures in place.<sup>91</sup>
- A more sustainable work environment can be created by placing a higher priority on player welfare during contract negotiations. This includes inserting clauses pertaining to mental health assistance and career transition programs.<sup>92</sup>

## CONCLUSION

Due to their distinct historical, legal, and cultural settings, Pakistani and Indian cricket have complicated player contract governance and dispute resolution processes. Even though each nation handles these issues quite differently, they both have similar problems that call for careful reform and adaptation. Through mutual experience-sharing and the use of optimal methodologies, Pakistan and India may both improve the contractual structures and dispute resolution procedures that serve as the foundation for their respective cricket teams'

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<sup>88</sup> Code of Conduct for Players and Player Support Personnel 2010

<sup>89</sup> IPL Salaries vs BCCI Contracts: A look at how much Indian cricketers' earn (n 76)

<sup>90</sup> 'BCCI announces new contract system for Indian Cricket' (*BCCI*)  
<<https://www.bcci.tv/bccilink/articles/HgNYllie>> accessed 17 May 2024

<sup>91</sup> Constitution of Pakistan Cricket Board (2014)

<sup>92</sup> '20 CCA cricketers amongst 191 players to receive enhanced domestic contracts' (*PCB*, 1 September 2021)  
<<https://www.pcb.com.pk/press-release-detail/20-cca-cricketers-amongst-191-players-to-receive-enhanced-domestic-contracts.html>> accessed 17 May 2024

achievements. A comprehensive understanding of the different legal systems, contractual frameworks, and governance systems of India and Pakistan can be gained by a comparative analysis of contracts for players and legal issues in cricket.

This analysis highlights the notable distinctions and shared experiences between the BCCI and PCB on player welfare and management, which are influenced by their distinct historical, financial, and legal backgrounds. Both Indian and Pakistani cricket saw substantial changes after independence. Due in large part to its colonial heritage, Indian cricket made use of its pre-independence infrastructure to establish a strong and profitable cricket board. The BCCI's formation and subsequent autonomy made it possible for it to seamlessly leave colonial control behind and seize contemporary commercial possibilities like the IPL, which has completely changed cricket contracts around the world.<sup>93</sup> On the other side, the PCB had to start from scratch when building its systems, frequently battling with geopolitical and financial instability, but they were still able to produce a strong framework that continues to support cricket in spite of these difficulties.<sup>94</sup>

The BCCI is able to provide highly competitive contracts and bonuses because of its financial plans, which are supported by important sponsorship arrangements and commercial agreements. Monetary incentives for Pakistani players are less competitive as a result of the PCB's financial practices, which are limited by its budgetary constraints.<sup>95</sup> Understanding the differences in player agreements between the two nations depends on this financial disparity. The organized strategy aiming at efficiency and maintaining the sport's reputation is shown in the BCCI's preferences for arbitration and mediation in the resolution of contractual issues.<sup>96</sup> As a result of its less flexible and more bureaucratic administrative procedures, the PCB, on the other hand, frequently uses internal arbitration or legal action via the High Courts. These disparate strategies underscore the BCCI's proactive approach to governance in contrast to the PCB's more reactive ones.

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<sup>93</sup> James Astill, *The Great Tamasha: Cricket, Corruption and the Turbulent Rise of Modern India* (Bloomsbury Publishing 2013)

<sup>94</sup> Peter Osborne, *Wounded Tiger: A History of Cricket in Pakistan* (Simon & Schuster 2014)

<sup>95</sup> Justice (retd) Fakhruddin G. Ebrahim, *Reforms in PCB Governance* (2021)

<sup>96</sup> *Board of Control for Cricket in India v Cricket Association of Bihar* (2016) 8 SCC 535 Regulations

The Lodha Committee's Recommendations to improve transparency and lessen conflicts of interest are an example of how the BCCI's significant autonomy allows for dynamic and adaptable governance structures.<sup>97</sup> Due to heavy government control, the PCB frequently adopts a more bureaucratic strategy, which is informed by its adherence to national statutes and the ideals of sports governance.<sup>98</sup> This disparity highlights how the regulation of cricket in each country is shaped by differing degrees of independence and regulatory oversight.

The BCCI offers more extensive and appealing contracts, demonstrating its financial strength and commercial success, according to this comparative research of player contracts and legal conflicts in Indian and Pakistani cricket.<sup>99</sup> Indian players enjoy more business opportunities and flexibility, bolstered by a strong legal system that safeguards their rights and interests.<sup>100</sup> Even while the PCB gives Pakistani cricket a great deal of structure and assistance, it operates in more financially and legally restricted conditions, which leads to relatively small contracts and tighter oversight of player interactions.<sup>101</sup>

The paper emphasizes how crucial it is to improve the contracting frameworks and dispute resolution procedures that support cricket governance by incorporating best practices from both systems. Pakistan and India can progress their cricketing achievement in a fair, open, and player-friendly way by sharing experiences and tackling new issues, including player welfare, globalization of the game, and technology improvements.

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<sup>97</sup> Rajendra Mal Lodha, *Lodha Committee Report on BCCI Reforms* (2016)

<sup>98</sup> *Pakistan Cricket Board v Shoaib Akhtar* [2008] 60 SCMR 387

<sup>99</sup> IPL Salaries v BCCI Contracts: A look at how much Indian cricketers' earn (n 76)

<sup>100</sup> *Ibid*

<sup>101</sup> Central Contracts 2023-24 (n 78)