

THE HAMILTON COMMISSION REPORT: INDIA'S LEGISLATIVE TICKET TO INCLUSIVITY IN GLOBAL MOTORSPORTS

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Abstract

A society with equal opportunity leads us to the hypothesis of a society wherein no one is discriminated against. The Hamilton Commission Report seeks to recommend a pathway towards ensuring inclusivity of the black community in the sphere of Formula 1 and motorsports in general. The report envisages expanding the scope of career opportunities for black individuals in motorsports and its allied sectors. Even though the situation in the UK, the focal point of the Commission's report, is not equilateral to that of India, we can still draw lessons from the findings and recommendations of the Committee's report and implement the very ethos of the report into the Indian context to ensure that Indians too get equal and non-discriminatory access to career opportunities in motorsports. In pursuance of this, the authors of this paper shall compare legislative provisions in India and the UK, in the domain of equality and anti-discrimination, whilst also isolating the findings and the recommendations of the Hamilton Commission Report in the contextual relevance of India. The authors shall also emphasize the importance of legislative impetus in securing equal opportunity for Indians who aim to have a career in motorsports whilst enumerating a detailed list of suggestions that shall tie in with the overarching theme of this paper, i.e., transforming the learnings of the Hamilton Commission report into legislative action in the Indian context to secure equality of opportunity for Indians who want to pursue a career in motorsports.

Keywords: *Anti-discrimination, Equality, Hamilton Commission Report, Inclusivity, India, Legislation, Opportunity.*

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INTRODUCTION

"The one thing that connects the boy who was told he had no potential in 1996, with me today, is opportunity"

- *Sir Lewis Hamilton, 7-time Formula 1 Driver's World Champion (Morgan & Scarlett 2021)*

The aforesaid concept of Equality of Opportunity propagates the notion of having all members of the society compete on equal terms (Arneson 2015) for a particular position or office. On the other hand, discrimination can be construed as the establishment of a handicap, which originates from



the differential or prejudicial treatment of an individual or a group of individuals. Hence, postulating a society with access to equal opportunity leads us to the hypothesis of a society wherein no one is discriminated against (Grant 2007). Set in the backdrop of the events that necessitated a re-examination into what is discrimination in the world of motor sports with the Russian invasion of Ukraine (Lindholm 2022), it becomes significant to promote academic discourse that can transform into meaningful legislation when it comes to a systematic and institutional cleansing of discrimination from the social fabric of India (Chanda et al. 2021) generally and especially in the world of motor sports.

The authors of this paper will strive to address various global legislations, regulations, rules, and mandates whilst devoting their focus to the Hamilton Commission Report, its findings, and recommendations. The Hamilton Commission Report seeks to bring about a change within the sport of Formula 1¹. However, if the findings and suggestions of the report are to be implemented in the context of a nation such as India, existing laws are required to be evaluated. New legislation must be formulated, thus, providing the authors with a legal responsibility to address the same. The inherent object of the Hamilton Commission Report was to inculcate the ethos of inclusivity and equal opportunity into the sport of Formula 1 (Galloway 2021). India, as a nation is under-represented in all facets and spheres of the sport and the adjacent business, with only two drivers representing India in the Formula 1 (Baldwin 2011). Hence, providing an opportunity for the report to act as a remedial tonic in the context of India, if found to be applicable by the end of this paper. The scope of this paper is restricted to the implementation and applicability of the various facets of the Hamilton Commission Report to improve and promote access to global motorsports in India. This paper aims to address the various barriers to entry that Indians face when it comes to achieving a career in motorsports (this also includes other branches of the industry such as engineering, law, marketing, logistics, etc.), due to the myriad faces of discrimination and how the relative application, i.e., the transformation and incorporation of the findings and recommendations of the Hamilton Commission Report can help alleviate such obstacles through proper legislative impetus and action.

The United Kingdom possesses an elementary legislative foundation for implementing the Hamilton Commission Report in the shape of rudimentary and generalized enactments that address inequality and discrimination as a static rather than a dynamic bane. Nonetheless, these legislative sanctions have provided a basis for more robust laws to be developed in the future.

The United Kingdom's Legislative Framework for Equality & Anti-Discrimination

The pressing need to introduce a legislative framework can be found ensconced within the very nadir of the reflection of discriminatory and prejudicial ideals, latched on to by the judges who were the authors of English common law (Wadham et al. 2010). In the *Robert's case*², equal pay to both male and female workers was deemed to be *unlawful* because such actions were, in the words of Lord Atkinson, "*guided in preference by some eccentric principles of socialistic philanthropy, or by a feminist ambition to secure the equality of the sexes in the matter of wages in the world of labour.*" The aforementioned clearly illustrated a need to legislatively tie the Judges' hands to make them abandon such notions of draconian stature and hope that persistence in this regard would eventually bring about change in the society.

In 1975, the Sex Discrimination Act was enacted, which prohibited any discrimination against men and women based on sex or marital status. The Race Relations Act, 1976 under Section 1(a) and 1(b) stated that a person would have been deemed to have committed discrimination against another if *on racial grounds he treats that other less favourably than he treats or would treat other persons or applies to that other a requirement or condition which he applies or would apply*

¹ Formula 1, 2021. Hamilton Commission makes 10 recommendations in first report on representation of black people in motorsport. <https://www.formula1.com/en/latest/article.hamilton-commission-makes-10-recommendations-in-first-report-on-1SKHcdJsRgLqcqqggddWdV.html> Accessed 10 July 2022

² *Roberts v Hopwood* [1925] AC 578



equally to persons not of the same racial group as that other, respectively³. Further, other legislations such as the Disability Discrimination Act, 1995 were also brought into the legislative handbook of the UK Government to establish laws against discrimination⁴. In addition to the above, the Equal Opportunities Commission was established as a statutory body under Section 53 of the Sex Discrimination Act, 1975 (Sacks 1986). The Commission was tasked with the promotion of gender equality. It was later replaced by the Equality and Human Rights Commission, a statutory non-departmental public body established by the Equality Act, 2006⁵. Subsequently, the Equality Act, 2010 came into force, consolidating, superseding, and repealing previous discrimination laws in the UK.

Section 4 of the Equality Act enumerates the following characteristics as *Protected Characteristics* i.e., characteristics on the basis of which individuals cannot be treated unfavourably⁶:

- (a) Age
- (b) Disability
- (c) Gender Reassignment
- (d) Marriage & Civil Partnership
- (e) Pregnancy & Maternity
- (f) Race
- (g) Religion or Belief
- (h) Sex, and
- (i) Sexual Orientation.

In the *Taylor's case*⁷, it was held by the Employee Tribunal that harassment based on gender reassignment and the subsequent resignation due to inaction of the management does come within the ambit of discrimination as under the Equality Act, 2010. This was rationalised because Ms. Taylor fell under the protected characteristic of Gender Reassignment, even if she had no intention of going through medical procedures or had not gone through any medical treatment. It was held that any person, even a person on a journey of transformation, would be considered to possess the gender reassignment Protected Characteristic under the Equality Act, 2010 Mann (et al. 2020).

This Act also distinguishes between Direct Discrimination and Indirect Discrimination under Section 13 and Section 19 of the Act, respectively. According to the Act, Direct Discrimination is the unfavourable treatment of an individual based on the listed Protected Characteristics⁸, whereas Indirect Discrimination is the application of a provision, criterion, or practise which is discriminatory towards a Protected Characteristic of an individual⁹. The genesis of this distinction can be first seen in the Race Relations Act, 1976, as explained above. However, both these definitions talk specifically about a person actively denying fair treatment to an individual, thus restricting the application of this legislation from also applying to other types and reincarnations of discriminations wherein a person is passively being denied a fair chance (Gelbach et al. 2009).

To be able to apprecia

te the importance of judicial discussion and action in matters of discrimination in the domain of sports, it is pertinent to discuss the case of *Singh v The Football League*¹⁰. This was a landmark judgment in sports and discrimination wherein an Asian referee, Gurnam Singh, was repeatedly denied recognition and promotion to the Premiership by the association despite finishing top of a merit list for referees. Further, he was also wrongfully dismissed due to his vendetta (Patel 2015).

³ Race Relations Act (Repealed) (1976)

⁴ Equality Act (2010)

⁵ Equality and Human Rights Commission (2020)

⁶ Protected Characteristics - Equality, Diversity and Inclusion - Nottingham Trent University (2022)

⁷ Ms R Taylor v. Jaguar Land Rover Ltd, Case No: 1304471/2018, decided on 14 September 2020, Employment Tribunal

⁸ Equality Act (2010a)

⁹ Equality Act (2010b)

¹⁰ Singh v. The Football League, The Football Association & Others, Unreported (Birmingham Employment Tribunal 2001).



The Birmingham Employment Tribunal ruled in his favour, which resulted in a public apology by the Football League who reiterated that “Any form of discrimination within football cannot be tolerated and it is up to us at the league to take a lead in this matter” (Chaudhary 2001). Others were quoted as echoing the sentiment that his case and the subsequent judgment would “give encouragement to other Asian referees and others courage” (BBC News 2001).

This goes to show the importance of having justiciable legislation regarding matters of equality and anti-discrimination¹¹ to provide the judicial machinery of a nation with ammunition to combat (Duval 2016) the evils of discrimination, bias, and inequality (Duval 2018).

Indian Provisions Against Discrimination & Inequality

The aforementioned expounded with regards to various legislative initiatives and judicial acknowledgements within the UK justice system that form a basis for applying more robust laws concerning inclusivity, equality, and anti-discrimination. In the context of the Hamilton Commission Report, it becomes easier to apply certain recommendations when the judicial system inherently acknowledges the existence of a framework and the need to strengthen it (Sunday 2013). The entire substance of this paper revolves around the application of the Hamilton Commission Report, its findings, and recommendations in the context of Indian motorsports, and thus, it becomes pertinent first to evaluate, however briefly, the various provisions embedded within the Indian judicial system to tackle and address inequality and discrimination.

Legislative body for Sports in India

Before we delve into the various provisions that deal with equality and discrimination in the Indian legal system, it is pertinent first to recognize who has the authority to legislate in the context of sports in India. This is important because of the inherent nature and scope of this paper.

According to **Entry 33** of the State List of Schedule VII of the Constitution, the matters pertaining to Sports falls under the legislative ambit of the State Governments; however, in pursuance of **Entry 10 & 13** of the Union List contained in the same Schedule and the Union Government’s residuary powers, on a National or International Level, legislative powers for a matter relating to Sports falls under the ambit of the Union Government (Mithal 2022).

The Indian Constitution

Under the Indian Constitution, the bedrock of equality is enshrined under Article 14, entitled Equality before law. This article guarantees the equal protection of the law and equality before the law to any person within the territory of India. The Courts have interpreted this article to provide a more holistic construal of the mandate whereby there is the promotion of equality and the rights of the lesser privileged through the understanding of equality as equality amongst equals and not amongst every individual¹². In pursuance of this, the Indian courts have also incorporated the formulation of special provisions for women within their ambit because it promotes equality¹³. Hence, it can be understood that the brand of equality that the forefathers of India wanted to propagate through the Constitution is one where inclusivity is the essence.

Article 15 of the Constitution embraces provisions regarding anti-discrimination. It prohibits the State from discriminating against any citizen on the grounds of religion, race, caste, sex, place of birth or any of them. Further, there are provisions for equal access to public places under the State’s partial or full control. The brand of equality that caters to inclusivity can be seen here as well under sub-clauses 3 & 4 of Article 15 that talk about special provisions for women, children, backwards castes etc (Ghia 2021).

Article 16 of the Constitution guarantees equality of opportunity, and it prohibits discrimination on the grounds of religion, race, caste, sex, descent, place of birth, residence or any of them, with respect to employment under the State (Agrawal & Singh 2016). Further, this Article also emanates

¹¹ Transnationally, the International Olympic Charter has been instrumental in rooting out discrimination in regimes like the former apartheid regime in South Africa.

¹² *Devadasan v Union of India* [1964] SC 179. See also *Lachmandas v State of Bombay* [1952] SCR 710 (726)

¹³ *Choki v State of Rajasthan* AIR 1957 Raj 10



the sentiments of affirmative action or positive discrimination in terms of providing reservation in State employment (Bhaskar 2021).

Further, Part IV of the Constitution of India also contains certain Directive Principles of State Policy, which in a nutshell are, basic principles and guiding provisions that need to be kept in mind by the State whilst formulating new laws and policies. These, however, are not enforceable by law and thus cannot be claimed as inherent rights (Chaudhry 2011). Article 39 of the Constitution talks about securing equality between men and women regarding adequate means of livelihood, whilst Article 43 talks about securing adequate living wages and working conditions for workers, irrespective of their gender.

The Constitution also has provisions with regards to the reservation in matters of employment, politics and education for backward classes and communities. Though this has been a matter of hot debate since the inception of the Constitution because it is detrimental to the concept of equality of opportunity, its validity has been upheld on many occasions by the Courts (Das 2011).

The aforementioned is an extensive representation of the various provisions enshrined within India's Constitutional text to promote equality and curb the plague of discrimination. However, in practice, it is incredibly restrictive on the following grounds;

(a) The scope of application of the rights mentioned above is very limited because provisions are only available to be exacted against public bodies. No express action against purely private individuals and bodies has been established (Challa 2008).

(b) The Directive Principles of State Policies have been incorporated only to provide a guiding force to the policy and lawmakers and cannot be legally enforced in a Court of law (Singh 2021). Thus, rendering their efficacy in eradicating inequality and discrimination moot.

(c) Even though there is a Constitutional basis for a right to equality in all aspects of life, including sports, there is no comprehensive legislation to back the same (Parthasarathy 2020).

In conclusion to this part of the paper, it can clearly be seen that, as far as legislation in terms of equality and anti-discrimination are concerned, India is quite a way back compared to the United Kingdom. What is lacking is explicit legislative action that provides for enforcing the fundamental rights against both Private and Public bodies. Further, the provisions do not attempt to tackle the problem of a lack of opportunity when it comes to global sports such as motorsports.

Redefining The Meaning and Understanding of Discrimination

The above-mentioned sections of this paper have compared the legislative foundations present in both the UK and India whilst also gauging their efficacy in introducing change that will systematically promote inclusivity. The main object of this paper is to identify and discuss the various findings and recommendations of the Hamilton Commission Report to find a reasonable interpretation of the same and devise a method of inculcation of the basic ethos into the Indian legal system. This will be a step forward in terms of discussions regarding the need for comprehensive legislation in India and provide a framework to improve inclusivity and equality of opportunity when it comes to motorsports on a national and international level.

However, for the authors to achieve the same through the medium of this paper, it is pertinent to widen the scope of the understanding of the evil being talked about. As discussed above, discrimination can be seen as an impediment towards a person or group of people. But, in reality, it is mostly only seen as an impediment that is bequeathed upon the discriminated by the willing and knowing hands of another (APA 2019). Equality of opportunity can only be a matter of discussion when the opportunity actually exists. Oftentimes, and as we will see through the course of this paper, the Indians who want a future in motorsports cannot compete for a position because an opportunity for them to do so does not simply exist. Even if individuals and organisations are not actively partaking in denying Indians an opportunity to be a part of motorsports, a handicap is established on the following grounds;

(a) Lack of opportunity,

(b) Lack of awareness with regards to the existence of a pathway towards a career in motorsports, and,

(c) Lack of accessibility with regards to the opportunity.



Even though the aforementioned circumstance is not a deliberate creation of a person or an organisation, an apparent absence of a systematic apparatus to make available an opportunity, based on the fact that a person or a group of people (in this case, Indians) are not similarly placed in terms of geographical and demographical substance to others, is creating an unfair handicap to the former. This, in the academic eyes of the authors, is also tantamount to discrimination, wherein no person but an entire system or a lack of it is at fault.

The construal of the findings and recommendations, their application and the suggestions of the authors will be guided by the ethos of creating an unbiased environment for Indians to access opportunities on the global motorsports stage; however, deeply embedded shall also be the importance of the existence of such opportunities to Indians. Hence, the authors urge the readers to keep this dynamic in mind whilst evaluating the findings and suggestions of the Hamilton Commission Report in the context of India.

The Need to Apply the Hamilton Commission Report in India

Before we explore the Hamilton Commission Report, we must first evaluate the current situation. In the UK, a legislative framework drives the wheels of change towards a society where there is equality of opportunity. However, in its substance, it is pretty tepid. This is because the legislation fails to address the dearth of opportunity in the first place and secondly because it only deals with discrimination in a narrower sense, as elucidated above. Having said that, irrespective of the narrowness of the legislation in the UK, at least in the context of motorsports, it does not lack any instance of opportunity. In India, there is a lack of legislation and opportunity. This must be tackled by way of the following; A comprehensive legislative overhaul that deals with the creation of opportunity and securing equality of opportunity in the field of motorsports. In the light of the above, it becomes important to appreciate the findings and recommendations of the Hamilton Commission Report and interpret and apply them in the context of India. In this dynamic environment, we need to tackle discrimination and inequality in a different way and on multiple fronts. Firstly, as it is in its contemporary sense, but also in the new broader sense, i.e., lack of opportunity based on specific parameters such as geographic location and a lack of infrastructure.

What is the Hamilton Commission Report?

The Hamilton Commission Report is the brainchild of 7-time Formula 1 Driver's World Champion, Sir Lewis Hamilton. The inherent aim of the report was to develop a foundation that would help improve and promote inclusivity of the black community in Formula 1 and the motorsports industry as a whole (Morgan & Scarlett 2021a). The Committee that prepared the report was co-chaired by Sir Lewis Hamilton and Dr HayaatunSillem, the Chief Executive of the Royal Academy of Engineering. The commissioners also included the Lead Equality Officer at the National Education Union, Karen Chouhan, member of the global advisory board for Formula E, Martin Whitmarsh, and the Labour MP for Newcastle upon Tyne, Chi Onwurah, amongst other notable and eminent personalities in the domain of politics, equality, and motorsports.

From the very onset, a distinct yet quite sound approach was taken to develop the aforesaid report. The people who were commissioners for the said report collectively had a vast influence on matters of motorsports, academics, race relations, and legislation (Morgan & Scarlett 2021b). This can be determined as singlehandedly being one of the most important takeaways one can apply to instances wherein a systematic and institutional change is required in one of society's many niches. That is to say, a confluence of industry experts and legislative actors who can set discourse afoot to cure inherent systematic and institutional lacunae. The need to involve major industrial players in the quest to engage the legislation and also aid the process of creating equality and inclusivity as the benchmark for societal progress is one of the many pertinent aspects that shall be covered in the author's suggestions concerning the findings and recommendations of the Hamilton Commission Report.

The report itself discusses the need to evaluate the current position with respect to more involvement of the black community in motorsports through a rigorous developmental approach that begins from planting the seeds of interest right from the very beginning of a person's academic and educational life, all the way through to apprenticeships and job placements. In India, this too



can be achieved. The authors shall substantiate this hypothesis by integrating the report's approach in India's context whilst also comprehending the various findings of the report to expound how the same can be injected into the Indian context.

Findings of The Hamilton Commission Report and its Relevance in The Context of India

Restricted scope of the Report

The report itself admits that the scope of the report has been restricted to the domains of employment and education relating to engineering (Morgan & Scarlett 2021c). The authors of this paper, however, for the simple purposes of developing a more rounded approach in addressing the forthcoming sections of this paper, in the context of India, shall extend the scope of the application of this paper to all ancillary occupations within the motorsports industry, including but not limited to, Engineering, Law, Marketing, Management, Logistics, Sales and Research and Development. Hence, the relevance of the various aspects of the Hamilton Commission Report as suggested under this paper must be evaluated and understood by the reader whilst keeping the aforementioned in mind. Further, any mention of the terms 'motorsports', 'motorsports industry', 'universities' and similarly placed words must be understood as an amalgamation of the various occupational opportunities, educational streams, and institutions listed and understood above.

Motorsport Valley

The United Kingdom is a pilgrimage of sorts for motorsport enthusiasts and aspirants because the precipice of motorsports, Formula 1, was born in and substantially operates out of the UK. A testament to the aforementioned is the existence of a *Motorsport Valley* in an area between Warwickshire, Northamptonshire, and Oxfordshire, as recognized in the Hamilton Commission Report (Morgan & Scarlett 2021d). The 200 square miles of the triangular area is home to 7 out of 10 Formula 1 Teams and boasts hosting more high-performance motorsport engineering companies than anywhere else in the world (Morgan & Scarlett 2021e).

However, the Commission's report highlights a very disconcerting trend, or rather a problem, whereby even after having an overabundance of opportunity, accessibility to such opportunity is not available to Black and Asian people due to a lack of transport and infrastructure connecting the rural area that is the Motorsports Valley and the big cities in the UK wherein the majority of the Black and Asian populace resides (Morgan & Scarlett 2021f). Even though the report suggests measures that increase the engagement of the targeted communities, it develops the hypothesis on the inherent object of making the targeted communities reach out to the motorsports industry rather than the other way around, at least in a tangible sense. This is where the importance of legislation comes into play. Because only through legislation can one make the industry more malleable to the needs of the people.

Relevance of a Motorsport Valley in India can be deduced from the fact that in the UK, an apparatus already exists, whereas in India, there is a need to install or at least create an apparent hub wherein Indians can dip their hands into the pot of industrial opportunity in the domain of elite motorsports. The efficacy of such apparatus must then be tweaked through progressive legislation not to replicate the UK's inherent case.

Recruitment into the Motorsports Industry

Another impediment to the goal of inclusivity in motorsports as an industry addressed by the report is the difficulty of getting recruited into the sector. The report highlights problems such as geographical location and the sector's small size (Morgan & Scarlett 2021g). In the context of India, the relevance of the same can be attributed to the former as an institutional and systematic lacuna, whereas the latter can be addressed via the medium of progressive legislative and administrative efforts that make India a viable talent pool for such global organizations. The authors of this paper address both of these in the immediately succeeding section.

The report also stresses the importance of providing budding motorsports enthusiasts with an avenue of identifying and recognizing career opportunities and a tangible pathway into the motorsports industry. In the UK, where motorsport is an integral part of the cultural fabric, very few young children are even aware of an alternate route into motorsports (Morgan & Scarlett 2021h). Transposing this phenomenon into the Indian context, it should be an easy deduction that



only the most initiated individuals become aware of the myriad career opportunities that motorsports can bequeath them with. Even so, almost all Indians who want to pursue a career in the aforesaid field are not aware of any pathway that can lead them to it or are not in a position to make use of it because of their geographical situation.

Importance of Non-Formal education

The report found that non-formal education through a system of supplementary schools can lead to young black people being inspired to take up a career in motorsport whilst also educating them and providing them with a pathway to achieving their goals. The report, however, only talks about schools offering opportunities for further non-formal education (Morgan & Scarlett 2021i). Still, in the Indian context, this must be an amalgamated effort by the schools, the government, and the major motorsports players that have businesses in India.

Recommendations of the Hamilton Commission Report and its Relevance in the Context of India Support and Empowerment

The report suggests harbouring agency amongst young black people so that they can better access motorsport and other engineering careers (Morgan & Scarlett 2021j). The authors feel that in the context of India, there must be a cumulative effort by key players in motorsport, legislation, policy-making, and business to achieve the aforementioned.

Accountability and Measurement

The report also suggests a model of policymaking wherein accountability of those in positions of authority and influence for delivering environments in which young Black people have equal access, support, and opportunity prospers. This shall be evidenced through consistent collection and sharing of learning from that data. The authors believe that this is an integral facet of the report in the context of India since it shall provide a fundamental basis, backed by legislative impetus, that helps achieve the goal of Indian inclusivity at the global motorsports stage.

Inspiration and Engagement

Finally, the report also suggests the creation of a *status quo* wherein young black people identify career opportunities in motorsports and visualize themselves in that role. The authors of this paper believe that in India, as elucidated above, there is a lack of awareness regarding the inherent opportunities in motorsport and the pathway to achieving them. Hence, this shall become a core aspect of the authors' suggestions.

Recommendations and Reform Agenda

Through the course of this paper, the authors have discussed and evaluated the importance of having legislative impetus, the current scenario with regards to career accessibility in motorsports in India and the UK, and the various findings and recommendations of the Hamilton Commission Report and its relevance in the Indian context. The authors shall now accumulate the very ethos of this paper into the following suggestions, that the authors feel is imperative to attack the demon of inequality and absence of opportunity. The aforementioned demon is based in the inherent and intrinsic contemporary state of Indian geography, politics, and legislation, which is the single-most contributor of discrimination, as elucidated above.

Targeted Legislative Overhaul of CSR Obligations of Certain Companies

The concept of Corporate Social Responsibility (CSR) as a legislative obligation was pioneered by India in 2014 by enacting Section 135 of the Companies Act, 2013 (Nangia 2021). In the context of this paper and the Hamilton Commission Report, a legislative overhaul that imposes certain targeted responsibilities upon certain companies shall lead to the creation of infrastructure that bridges the gap between the UK's Motorsport Valley and India. That is to say, even though the direct presence of motorsport organizations cannot be feasibly brought about in India, parent, subsidiary, and sister concerns related to these motorsport organizations who have a presence in India can, through a targeted CSR campaign, create an influx of opportunity for Indians to realize potential careers in motorsports. Further, this shall also satisfy the accountability criterion established in the Hamilton Commission Report, as discussed above, whereby big companies and conglomerates who have a presence in both India and motorsports can create equal access, support, and opportunity prospects for Indians in the domain of motorsports.



The authors have emphasized a targeted CSR overhaul; this is because the following shall be mandated specifically for the companies that fall under the ambit of parent, subsidiary, or sister concerns of motorsport companies;

(a) Providing apprenticeship and work experience opportunities to Indian students in the various allied fields of motorsports such as law, marketing, sales, management, logistics, engineering, etc with their subsidiary, parent, or sister concerns who have a presence in motorsports.

(b) Providing scholarship opportunities to Indian students to work with their subsidiary, parent, or sister concerns who have a presence in motorsports and also continue with their relevant academic pursuits.

It is also pertinent to address why and how with regard to the aforementioned. In the case of the former, the aforementioned suggestions directly set standards of a company's societal obligations and consequently aid in enhancing the societal interactions a company has with the community, thus falling squarely within the ambit of CSR (Awuah et al. 2021). In the case of the latter, an overarching enactment that provides for the inclusion of such policies shall be brought about so as to act as a vehicle for legislative overhaul; this comprehensive legislation of sorts shall be discussed in-depth and detail by the authors in the coming suggestions. For instance, Section 135 of the Companies Act can be amended to include a clause that provides for certain companies such as Mercedes, BMW, Ferrari, Pirelli, Aston Martin etc. who have a presence in India as well as motorsports to fulfil CSR obligations (as the ones mentioned above) in accordance with the said new legislation in addition to their obligations under the Companies Act. There is an inherent need for such specific legislation in relation to CSR obligations because Section 135(3)(a) of the Companies Act gives very wide discretionary powers to the CSR Committees of the companies to decide how the CSR policy of the company shall be shaped (Chauhan & Dawra 2017). Hence, there is a need to introduce such targeted CSR overhauls that directly address the issue.

Making India a Research & Development hub for global motorsports

The authors of this paper have suggested CSR reforms to bridge the gap between the motorsport industry prevalent in the UK and India. However, in the long term, the authors suggest implementing policy and legislative changes that can replicate the model of the Motorsport Valley of the UK in India. That is to say, India too shall envisage becoming a Research & Development hub for global motorsports.

Suppose motorsport companies have Research & Development operations in India. In that case, it will open up various recruitment opportunities for Indians, which can be directly availed of due to eradicating the geographical constraints. The aforementioned shall not be limited in scope to only engineering vacancies but also to other employment opportunities that arise due to backend operations such as Public Relations, Accounting, Administration, and Data Handling, to name a few (Market Business News 2022). This shall tie in directly with the inherent ethos of this paper: the creation of opportunity to directly attack discrimination and inequality whilst supplementing the Indian target of inclusivity.

The benefits of having such a setup, especially in terms of Formula 1, are massive for India as well, as an economy and as a nation.

(a) Over the period of at least the past two decades, the total revenue of the Formula 1 Industry has reached 11.1 billion pounds (Nichols & Savage 2017). Thus, showing the economic veracity of the operations whereby its prosperity rivals even that of the banking sector. Further, in a recent study, it was assessed that 72% of the GDP of the OECD nations, which includes the United Kingdom, can be attributed to such business operations with high grossing revenues (Manyika et al. 2021). Hence, having Formula 1 core operations in India would be bountiful in terms of economic growth and prosperity for India. Further, this would also see an exponential rise in the tax revenue for the Indian Government, which can then be ploughed back into the development of the various sections of the society.

(b) It is no secret that Formula 1 is the pinnacle of engineering and technology. Millions and millions are poured in each year to perfect the technology used for competing. Naturally, an



innovative sport has the benefit of translating such innovations and breakthroughs into other aspects of a nation's purview. Formula 1 has had the knack for being a test-bed for many innovations and has had a documented impact on boosting the manufacturing sector of the UK (Ruddick 2015). India currently has the potential to become a global manufacturing hub (India Brand Equity Foundation 2021a); however, with the help of Formula 1's technological genius and innovative manufacturing breakthroughs, this potential can be realized fully and expediently, which can have a massive impact, holistically on the nation as a whole. Partnering with such teams and the organization of Formula 1 shall lead to the systematic integration of such innovation and technology into India's economic, commercial, and social milieu. This will lead to integration with the global economy whilst aiding the aim of self-development.

(c) A testament to the above was the Pitlane Project, wherein all the Formula 1 teams in conjunction with the UK Government pioneered turning simple CPAP devices into something similar to the complex ventilators used in intensive care. Engineers from Red Bull, Renault, McLaren, Mercedes, Racing Point, Williams, and Haas worked 15 hours a day, for seven days a week, to deliver the outcome in just four weeks (Lowrey 2020). This was possible due to Formula 1 teams perfecting the rapid design, prototype manufacture, test, and skilled assembly. India definitely would have benefited massively from such innovative initiatives given the grave contemporary pandemic situation in the Country, whereby it is estimated that India is the second-worst affected by COVID-19 (Perrigo 2021). Another related advancement in the times of COVID is how the related esports Formula 1 competitions received an impetus, which organised the F1 Esports Virtual Grand Prix featuring current drivers (Lindholm 2020).

(d) Further, Formula 1, in conjunction with the Fédération Internationale de l'Automobile (FIA), also envisages having a net-zero carbon footprint by 2030 (Formula 1 2019). This entails developing sustainable fuels, hybrid engines etc., which, if developed in conjunction with India, can have far-reaching and promisingly positive implications for the pollution problem faced in the Country predominantly due to motor vehicles (Khandar&Kosankar 2010).

The inherent benefits of replicating a UK-like *Motorsports Valley* in India are abundantly apparent from the aforementioned. However, in the long term, this will only be possible through governmental and legislative impetus. In pursuance of this, the authors suggest the following;

(a) It is time we stopped looking at motorsports as just a mere entertainment or sporting event. It is an industry, as elucidated above, that has far-reaching implications as to its impact on society. Hence, the Indian Government should welcome such an influx of innovativeness and commitment by utilizing the exchequer and relaxing certain obligations that, in turn, shall make India a lucrative *second home* to global motorsports such as Formula 1. This can be achieved through the following; Subsidization and Tax Benefits.

The former can make a big difference when it comes to setting up factories and premises for these companies. Further, Formula 1 teams have the expertise to develop rural infrastructure, and guided subsidization that encourages these factories and premises to open up in rural parts of India can address the problem of rural-urban disparity (Imai & Malaeb 2016). The dividends will roll in for themselves. For the financial year 2021-22, the funds allocated by the Government for sports are ₹2,596.14 crores (349 million US Dollars approx.) (Rao, 2021). Major donations to the National Sports Development Fund are to the tune of ₹1,551,800,000 (20 million US Dollars, approx.) (Government of India 2022), which can be re-routed towards this allied venture.

Further, the 2022 Union Budget is to be focused on *Atmanirbhar Bharat*, i.e., self-reliant India, with a major focus being bequeathed upon innovation, R&D, and technological developments to increase productivity (India Brand Equity Foundation, 2021b). All of the above fall squarely within the motorsport research and development ambit. Further, as stated above, rural development can be a key factor in providing subsidies to these companies. The Indian Government for the FY 2021-22 has allocated ₹133,690 Crores (18.72 billion US Dollars, approx.) to the Ministry of Rural Development (Ministry of Finance, Government of India 2021). This shows that there is a framework to start doling out subsidies to implement a scheme of developing India as an R&D hub for global



motorsports in line with the self-reliant vision of India, but the authors suggest that this must be put into motion through affirmative action on the part of the Government.

In the latter context, India needs to start realizing the commercial veracity of motorsports and accordingly relax its view on stringent and adamant taxation of these concerns. Motorsports and Formula 1, in particular, can do a lot for India, but the Government must welcome this with open arms and an open mind. The Indian Grand Prix, which ran from 2011 to 2013, was potentially providing more than 10,000 jobs to Indians and was grossing more than \$170 million in revenue (Jainani 2009). However, this revenue stream and employment were cut short due to tax quarrels between the FIA, Formula 1, and the Uttar Pradesh Government (Kannan 2013). Liberty Media, the current owners of Formula 1, have had to put aside \$14.8 million after the Hon'ble Supreme Court of India adjudged that such amount must be deducted from the \$51.4 million hosting fees it received tax (Sylt 2017). This attitude must change. Fortunately, India is starting to relax its taxation policies concerning multinational companies, impacting the technological and social milieu. After lobbying by Tesla, it is understood that the Indian Government is looking to cut tax rates for EVs (Electric Vehicles) valued at more than \$40,000 to 60% and for EVs valued at less than \$40,000 to 40% (Ahmed & Shah 2021). Further, the NITI AAYOG insists that Tesla get tax cuts and benefits if it starts manufacturing in India, leading to more employment (Press Trust of India 2021). The authors hope that this is the genesis of a trend that marks India's acceptance of tax relaxations to attract more impactful industries into the Indian domestic-commercial scenario.

(b) The above-mentioned schemes of subsidization and tax reliefs can be the pillars of institutional change that bring about opportunities for motorsport-related careers to Indians. However, in the authors' view, there must also be active lobbying on the part of India to make a case for having substantial operations for motorsport teams based in India. In the context of Formula 1, which is a global sporting event, having a second base in India would mean better logistical support when it comes to Asian and Middle-Eastern races such as Jeddah, Singapore, Shanghai, Bahrain, and Qatar.

It is hence the suggestion of the authors that the aforementioned benefits to Indians, India as a whole, and the various ways in which India can lobby and bring about legislative and policy changes must be kept in mind whilst debating upon whether or not there is a need to make India a global Research & Development hub for motorsports.

Non-Formal education & recruitment drives

The Hamilton Commission Report mentions that Formula 1 teams often visit universities and schools to educate students about the career opportunities that motorsports can offer and often recruit them (Morgan & Scarlett 2021). Further, under the report, it was also suggested that schools should play a major role in educating and inspiring students towards a career path in motorsports.

In India, this initiative must be taken by the schools, the government, and the major industry players in perfect harmony. That is to say, private and government schools shall envisage to tie-up with companies that have a presence in motorsports and other allied sectors to deliver lectures and seminars regarding career opportunities post-graduation. This must work in confluence with the other suggestions mentioned in this report. Without an achievable target to work towards, young Indians would not show the initiative to fulfil their career ambitions. The job of inspiring Indians into envisaging a career in motorsports has to be a collective effort backed by the existence of a functioning framework that can only be achieved through dedicated legislation. The importance of having such seminars and programs is pervasive throughout an individual's academic life. It opens a window to the myriad career prospects a person can have in a field they are passionate about, helps them build valuable connections, and helps expand their network for their career (Daniels College of Business 2021).

Through proper policy formulation and implementation, India should also cajole global motorsport companies and their '*relations*' with a presence in India into conducting recruitment drives in India. Currently, Formula 1 teams only recruit from a collection of a few '*elite*' universities in their territorial domain (Morgan & Scarlett 2021); this must change through positive action on the part of India. Further, India is no stranger to Multinational Companies recruiting from its universities,



though this has been sporadic, to say the least (The Times of India 2020). The question then beckons, why cannot global motorsport giants also recruit talented and passionate Indians into their industry and its allied sectors? They can, but it must be India that opens its doors and makes them realize the value of our talent pool.

Developing outreach programs with the FIA and Formula 1

Since the publication of the Hamilton Commission Report, it has been estimated that only 1% of the total workforce in Formula 1 comes from Black backgrounds (Formula 1 2021). We can only imagine that such a statistic for Indians in Formula 1 would be even more sparse/minuscule. However, Formula 1 as an organization has come out in support of the report and has claimed that it shall work with the Committee to implement the recommendations and, as such, has set out certain goals it would like to achieve in terms of inclusivity for the black community in motorsports (Noble 2021).

The authors strongly suggest that in the context of India, outreach programs with the relevant parties such as Formula 1 and the FIA as a whole can only be achieved through rigorous engagement. The authors hope that this paper can become the fuel that sparks discussions and affirmative action in this respect. Goals of introducing work experience opportunities, scholarship opportunities, recruitment drives, etc., for Indian students can only come about through constructive dialogue between organizations such as the FIA, Formula 1, the companies and brands associated with the sport, and the Indian Government.

The Equal Opportunities (Motorsports and Allied Sectors) Act

The authors have, throughout this paper, emphasized the importance of having comprehensive legislation with regards to creating equality of opportunity in the domain of motorsports in India. In pursuance of this, the authors suggest the formation of a committee that shall investigate the possible enactment of the Equal Opportunities (Motorsports and Allied Sectors) Act. The authors suggest that such aforementioned committee shall submit its findings, recommendations, and a draft bill, to the concerned Government authorities that strives to include the following into the proposed Act amongst other pertinent rules and regulations that foster a healthy environment wherein Indians have equal access to career opportunities in motorsports both in India and on a global scale;

- (a) The Act may ensure that in spirit it must emanate first and foremost the ethos of creating equal access and equality of opportunity.
- (b) The Act may define the scope and application of the same on Companies that shall have the responsibility of fostering a conducive environment for equal opportunity in the context of employment in motorsports for Indians. For the sake of brevity, the authors deem such companies to be congruent to industry players such as Mercedes, BMW, Ferrari, Pirelli, Aston Martin, etc. who have a presence in India as well as motorsports.
- (c) The Act may incorporate the authors' suggestions with respect to CSR overhauls and other adjacent obligations of the companies that fall within the ambit of this Act.
- (d) The Act may envisage giving birth to an overarching committee that shall mirror in spirit, intent, and purpose, in the context of motorsports, the Equal Opportunities Commission and the Equality and Human Rights Commission in the UK inasmuch as these committees strive to provide equal chances for employment and training and such a committee shall work within the framework of this Act and in a regulatory capacity over the companies so as to achieve the desired results. Further, this committee shall also overlook and conduct an investigation into the feasibility and projected legislative pathway into establishing India as a global Research & Development hub for motorsports.
- (e) It is also suggested by the authors that sub-committees be formed so as to better delegate responsibilities between the committee's constitution. These sub-committees shall include, without any limitation, a Reporting Committee that prepares reports and conducts audits with respect to the workings of the committee and its objectives, a Liaison Committee for the purposes of initiating and maintaining a constructive dialogue with global players such as the FIA and Formula 1, etc. Further, a committee must also be tasked with the development of outreach programs that



target universities, colleges, and schools so as to educate and show a pathway to students who have a latent desire to carve out a career for themselves in motorsports and its allied sectors. An Expert Group on Equal Opportunity Commission chaired by Prof. (Dr.) N.R. Madhava Menon did submit a draft bill in this regard, and subsequently, the Government has released a press release in July 2021 (PIB Delhi 2021) stating the various schemes it has undertaken and the very ethos of its mode of affirmative action; however, there has been no concrete update on the formation of such a committee; further, a more targeted committee as the one envisaged by the authors here can be a test-bed to gauge the efficacy of such institutions; hence, it is the earnest suggestion of the authors to implement the same.

CONCLUSION

Throughout this paper, the authors have emphasized equality and eradication of discrimination in the context of India and its standing concerning global motorsports. It is time we understood discrimination as a private wrong and a systematic impediment. In India, compared to the UK, there is an inherent need to introduce a system through legislative actions whereby availability and abundance of opportunity are available. Then, and only then, can we go about securing equality of such opportunity. However, we can also understand this struggle of creating opportunity as bequeathing upon Indians a fair chance, an equal standing in terms of opportunity in the context of the global world.

The Hamilton Commission Report, as the authors have shown, is the perfect proclamation that can be followed to achieve the inherent goal of this paper. However, such a goal can only be achieved through legislative actions. Through this paper, we have seen the importance of identifying and addressing targeted lacunas rather than generalizing the bane of inequality and discrimination. Further, we have also seen the intrinsic role established legislation plays in countries such as the UK by providing a substantial platform to re-evaluate and perfect the instances of equality of opportunity in society's many niches. In India, the groundwork has been laid through Constitutional mandates; however, there is a need to accept them and convert them into functioning legislative dictums that allow affluence of opportunity. The authors believe that the suggestions mentioned herein can at the very least guide the minds of the people in charge in the direction of the overarching theme of this paper. The authors hope that more academic and parliamentary discourse is sparked through this paper. It is also the hope of the authors that global players of the motorsport industry take cognizance of this and reach out in a meaningful way to initiate a dialogue that helps in achieving the inherent goals of this paper.

To conclude, we leave the readers with this quote by Swami Vivekananda that sums up the ethos of this paper's pursuit "*Arise, awake, and stop not till the goal is reached*".


No Conflict Statement


Hereby we declare that there is no conflict of interest in our manuscript.

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