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Gender Disparities against Women Sportspersons in India

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ABSTRACT

Sportspersons, through their remarkable journey and achievements in their sports, inspire society in different ways. However, the other side of this story is about the problems, hardships faced by Sports Persons, particularly women sportspersons. Sometimes, we see the harsh and challenging realities sportspersons through these captivating and inspiring stories. Almost every day, various reports publish emerging cases of discrimination, and ill treatment based on gender against women sportspersons in India. Despite breaking every stereotype against them by gaining achievements on different national and international stages, they are facing discrimination on a regular basis. Such discriminatory acts create hurdles for accessing opportunities, resources and institutional support for them.

In India, in Sports, women face various issues like pay disparity, non-availability of funds, lack of institutional support, sexual harassment, less motivation from heads or coaches, etc. Although there is a well-structured system to run sports governed by the Sports Authority of India, Sports Law and Welfare Association of India, Ministry of Youth Affairs and Sports, various sports federations, and other sports organizations which deals with every possible issue related to sports through various laws, rules, regulations, policies, and programs, women sportspersons still face discrimination.

This research work addresses the issue of nature and extent of the gender discrimination against women sportspersons in India. It examines the existing legal framework including various laws, rules and other regulatory mechanism dealing with the inequality in sports in India. This research work focuses on the legal, structural, and societal challenges gender parity for women sportspersons along with aiming at fostering equality and dignity for them by proposing practical and effective solutions.

Methodology: This research work adopts purely doctrinal methodological approach. It relies primary sources like statutory laws, and other sports regulatory frameworks that helps to interpret and examine the legislative framework for the protection of women sportspersons in India while secondary sources like scholarly articles, textbooks, reports, various online sources, etc. provides different aspects to the issues of gender disparities facing by them.

Keywords: Sports, Sportsperson, Discrimination, Women, India, Gender Parity. etc.

INTRODUCTION

India as an Independent country has been participating in sports since 1948 thus, it is a young independent nation from the sports perspective. However, historically, it has quite a rich sporting culture. Some traditional sports like kabaddi, kho-kho, etc. are still popular in India. Due to colonialism and Western influence, several sports, including hockey, boxing, snooker, and billiards, were also brought in addition to the native ones. These sports include cricket, football, rugby union, golf, tennis, squash, and billiards. As a result, modern sports in India have a wide range of popular sports that combine both domestic and foreign sports.[1]

Sport is important in India's social, cultural, and economic aspects. It is one of the rarest things that ties the socio-cultural diversities among the different types of communities and individuals prevailing in this nation and binds them as one unit with the same emotions. It sets a common platform for people from different religions, regions, races, and castes and unites them to support their team or player. It boosts self-confidence and provides the belief of self-reliance to women participating in sports.

[1] Joanne Clarke & Sarthak Mondal, Sport Policy in India, 14:4 INTERNATIONAL JOURNAL OF SPORT POLICY AND POLITICS, 729, 737-738, (2022) (Sept. 1, 2023, 01: 30 PM), DOI: 10.1080/19406940.2022.2127838.

Sports play an important role in the economic development of this country. Data collected from the Sporting National Report by Group M. demonstrates the revenue growth from sports in India. In 2022, the revenue has crossed Rs.14000 crore which shows a growth of 49 % as compared to the year 2021. The Indian sports industry earned a revenue of Rs. 9530 crores in 2021. There is also a 26% growth in 2022 in spending by media for the sports industry of India. The reports also talk about the growth of 105% in sports sponsorship in India.[2] Sports tourism in India is growing at a rapid pace. Investors have shown their willingness to invest in it. The Possibilities of sports tourism in India are endless because of here's climate conditions.[3]

In addition to empowering women, participation in sports enables women to develop their own skills, work as a team, develop their personalities, and enhance their health. In the Paris Olympics, in 1924, India had its first female contestant as namely Nora Polley who participated as a tennis player[4]. The ratio of Indian male and Indian female participants in the Summer Olympic Games held in Tokyo in 2020 was 53:47.[5]

On one hand the positive growth of increasing participation in sports by women shows the grit and determination of women players to participate in sports however, on the other hand, this growth rate also demonstrates that it took approximately more than 100 years to be on equal footing from the perspective of participation in Olympics. The new BBC conducted research on participation by females in sports, to study the gender disparity and to know the attitudes towards women in sports. The research concluded that 42% of men played sports while 29% of women participated in sports in their life. Only 34% of Indians claimed to have read any news on women's sports, and only 18% said they actually watched women's sports in person while the percentage for men's sports is 24%.[6]

Gender discrimination has always been a debatable issue in the world's sports industry. Baron Pierron de Coubertin, the founder of the modern Olympics, in 1896, quoted "No matter how toughened a sportswoman may be, her organism is not cut out to sustain certain shocks."[7] The paper will try to analyze the barriers that work as discriminatory behavior for females in participating in sports in India. Funding and Budget issues for female players, pay gaps, media coverage, and sponsorship issues are some of the examples of economic discrimination. There are many social barriers too such as masculinization of sport in which women are always seen as less capable than men in sports.[8]

Coming to the legal framework, discriminatory behavior of any kind by anyone has been prohibited by every legal system of the world. The Constitution of India, specifically Part III and Part-IV of it, deals with anti-discriminatory behaviors which is to be discussed in this paper. International Sports organizations like the International Olympic Committee (IOC), the International Association and Athletics Federation (IAAF), the International Federation of Association of Football (FIFA), Court of Arbitration for Sports (CAS), etc., are established to ensure equal opportunity to every gender. In India organizations like BCCI for cricket, India Hockey Federation (IHF), All India Tennis Association (AITA), etc. are the organizations that give the same platform to every gender to take part in sports. However, discriminatory practices still exist in many ways.

1. **Deconstructions of Myths/Stereotypes and Realities of Women in Sports:**

There are some myths surrounding women and sports. These myths and stereotypes encourage gender-discriminatory behavior and discourage women from participating in sports. Indira Gandhi Institute of Physical Education and Sports

[2] Ayushi Kar, *Indian sports industry revenues crossed ₹14,000 cr in 2022: Group, M., Updated*, THE HINDU, BUSINESS LINE, (April 04, 2023, 07:32 PM), https://www.thehindubusinessline.com/news/variety/indian-sports-industry-revenues-crossed-14000-cr-in-2022-groupm/article66699042.ece.

[3] Dr. Jaswant Saini, *Sports Tourism in India: A Critical Study*, 3 INTERNATIONAL JOURNAL OF LEGAL RESEARCH AND STUDIES, 96, 98 (2018).

[4] A J Vinayak, *Olympics Trivia. The gender leap: India sent its first woman athlete to the Olympics in 1924*, THE HINDU-BUSINESS LINE, (Sept. 1, 2023, 01: 30 PM), https://www.thehindubusinessline.com/blink/play/women-athletes-and-the-olympics/article35758741.ece.

[5] Shivanshu Chauhan, *Rise of Indian women Towards excellence in sports*, PWC-WOMEN IN SPORTS, (Sept. 2, 2023, 04: 00 PM), https://www.pwc.in/assets/pdfs/consulting/rise-of-indian-women-towards-excellence-in-sports.pdf.

[6] New BBC research shows less than 30% of Indian women play any sports, BBC Media Centre, Published: 6 March 2020, (Sept. 2, 2023, 04: 00 PM), https://www.bbc.com/mediacentre/latestnews/2020/indian-women-play-any-sports.

[7] Joanna Harper, *Transgender Athletes and International Sports Policy*, 85 LAW AND CONTEMPORARY PROBLEMS, 151, (2022).

[8] Jumbo Joyce Jolly, *Factors Responsible for Gender Discrimination in Sports in Rivers State, Nigeria*, BRITISH JOURNAL OF EDUCATION, LEARNING AND DEVELOPMENT PSYCHOLOGY 6(2), 62-67. (2023) (Sept. 2, 2023, 04: 00 PM). DOI: 10.52589/BJELDPHCGXPAR2

Sciences studied the perceptions of guardians or parents, teachers, and coaches towards the participation of women in sports and it was found that there are a lot of misconceptions related to the participation of women in sports thus, such misconceptions are needed to be removed.[9]

Shantanu Chakrabarti, who is the Head of Audience Research, at BBC World, says that the research conducted by the new BBC as abovementioned shows that there are complex and contradictory perceptions towards women's sports. The research shows that 41% of respondents think that there is no qualitative difference between male and female sportspersons. 33% of the people do not consider women to be as good as men in sports. 38% of people said that women's sport is less entertaining, and 38% of respondents said that the look of women sportspersons is not feminine enough. According to this research, the top reasons in believing that women are not suitable for sports are that sports are harmful to women participants, they are too weak for sports, and they can't play the sport on all days of a month.[10]

It is said that in terms of strength and speed, men are physically and naturally superior to women, and biologically, the body of men is more suitable for sports than the body of women. However, it is not completely right. There are cases where women overlap men in terms of speed and strength in sports. In sports like marathon swimming, gymnastics, equestrian sports, etc. which need greater flexibility, a greater percentage of body fat, and smaller size, women do as well as men.

In earlier periods of sports, a myth was that playing sports or excessive physical activities by females can harm their reproductive system which may result in sterility. This myth discourages women's participation to a very large extent. In fact, there is no adverse effect on the body of women by indulging in any sport or physical activity. On the contrary, according to the United Nations Division for the Advancements of Women, there are many benefits of such physical activities for women.

It is also said that the issue of women's participation in sports is not a very important issue for women's equality. However, we can see how important the sport is for the empowerment of women. In India, sportspersons like Saina Nehwal, Mithali Raj, Sania Mirza, Mirabai Chanu, Deepika Kumari, M.C. Maricom, and many more are treated like celebrities, and such popularity not only encourages other women to participate in sports but also provide them the opportunity to establish themselves socially and financially and to remove such myths against them.[11]

2. Discriminatory Practices against Women Sportspersons in India:

(i) Pay Gap: Unequal Rewards for Equal Excellence

When the person works with his/her dedication but when the time comes for a return or reward, he/ she is discriminated against on the basis of gender, will smoke the feeling of hard work and dedication into fumes. The India Wage Report tells the inequality that is hindering the growth of the people and country, as low wage and wage inequality is an important topic to work on.[12] The job evaluation methods should be promoted in enterprises which is free from any type of gender bias.[13] The Rule of law ensures equal treatment in front of the law[14] without any discrimination, Including the discrimination on basis of gender. The issue of the pay gap for different genders in the same sport has drawn attention in recent years. This problem exists in India too. Sport like cricket is one of the examples.[15]

On October 7, 2022, Jai Shah, the then secretary of the Board of Control for Cricket in India, announced that the Indian women cricketers would get the equal match fee as their male counterparts receive i.e., 15 lacs for a test match, 6 lacs for One Day Internationals and 3 lacs for T20 international matches.[16] Though giving equal match fees is a very good and

[9] *Women2000 and Beyond: Women, Gender Equality and Sports, December (2007)*, (Sept. 3, 2023, 02: 00 PM), https://www.un.org/womenwatch/daw/public/Women%20and%20Sport.pdf.
[10] Supra Note 6.
[11] Mukul Mudgal and Vidushpat Singhania, *Law and Sports in India: Development, Issues and Challenges*, 2nd Edition, Lexis Nexis, Gurgaon, Haryana, India (2022).
[12] EXECUTIVE SUMMARY, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_640335.pdf. (Last visited 8 May 2024, 02: 00 PM)
[13] Ibid.
[14] Ibid.
[15] Senne Joshua A., *Examination of Gender Equity and Female Participation in Sport*, 20 THE SPORTS JOURNAL,1543 (2016).
[16]Hariharan S, *A Legal Outlook on gender-based Pay Gap in Sports: A Male Dominated Mafia*,481 492-493, JUS CORPUS LAW JOURNAL (2022). Also See- Anshul Gupta, 'What was the per match salary for an Indian woman cricketer before introduction of pay parity by BCCI' (TIMES NOW, 27 October 2022) (Sept. 3, 2023, 02: 00 PM).

progressive step taken by BCCI to maintain gender parity there is a huge difference between male cricketers and female cricketers in annual contracts in which there are four categories. Male cricketers who come within the A+, A, B, and C category gets rs.7 Crores, 5 crores, 3 crores, and 1 crore respectively on the other hand, female cricketers for whom there are 3 categories i.e., A, B, and C. The women players who come within these 3 categories receive a retainership fee of 50 lacs for the A category, 30 lacs for the B category, and 10 lacs for the C category. This financial discrimination against female cricketers can be seen in World Cup events where the total prize money was 10 million U.S. dollars in the men's World Cup held in 2019 while the total prize money was 3.5 million U.S. Doller in the 2022 edition of the women's world cup.[17] There are no structural changes in these categories and the difference still exists. BCCI is going to organize its first edition of the Women Indian Premier League and for the auction minimum base price is yet to be disclosed however it is expected that a player would earn 5 lacs per season approximately. This amount of money seems good for a player, but it is a minimal amount when we compare it with the earnings of a player in the men's Indian Premier League.[18]

Likewise, in Hockey, there is a 10-fold gap in wages between male hockey players and female hockey players. In tennis and badminton, though the prize money is equal for both genders, the amount paid by sponsors is totally different, and male players get more amount as compared to their female counterparts. In Squash, the case of Dipika Pallikal is a good example of the pay gap between male and female players. She refused to play the games on the basis of unequal prize money for the winners of national squash games. The amount which was fixed for male players was 1,20,000 Rs. and 50,000 Rs. for female players.[19]

(II) **Motherhood as a Liability:**

In India, although there are Constitutional provisions like Article 15(3), Article 42, etc. and many other local laws like the Maternity Benefit Act, 1961[20] dealing with special rights for women for special circumstances the circumstances for female players are such that they can choose only one option either motherhood or sport. Deepika Pallikal, India's top squash player, said in an interview that when she decided to become a mother, her sponsorship was withdrawn thus, her career was finished. Likewise, the career of a star youth player of judo namely, Thangam Tababi Devi, was over at the age of 20 only when she decided to marry and to embrace motherhood.

When a question related to maternity leave was asked from Anju Boby George, Vice-President of the Athletic Federation of India (AFI), her reply was that there is no possibility of maternity leaves for a player because a player requires at least 6-7 months to prepare for a big championship therefore, it would be very difficult for a women to participate in such games if maternity leaves were granted.[21] Thus, we can see here a clear case of violation of basic human rights of the female players by the sports organizations themselves.

(III) **Low Media Coverage :**

The role of the media plays a very important role in the field of sport. It converts a player into a celebrity. It creates players as role models which encourages generations to participate in sports. More media coverage means more publicity for a player or team and more publicity means more sponsorships to them, so it also helps players financially. However, when we divide a sport into two categories i.e., Men's sport and Women's sport then the issue of the extent of media coverage for both categories arises. The media plays a discriminatory role when it comes to the coverage of women's sports.

There have been various studies on the media coverage of sports and every study indicates that female sportspersons are subjects of limited media coverage. In print media, there is less space, and in electronic media, there is a low percentage of airtime for women's sports and for professional female athletes. There was 95% television coverage of men's sports on

[17] Explained: BCCI's Equal Pay Move and the Huge Gap that Still Remains, THE FEDERAL, Oct 29, 2022, 6:30 AM IST, (Sept. 4, 2023, 07: 00 PM), https://thefederal.com/sports/explained-bccis-equal-pay-move-and-the-huge-gap-that-still-remains/?infinitescroll=1.

[18] Equal Play Step in Right Direction but Women IPL Promises more Inclusivity, The Times of India, October 27, 2022, 06:21 PM IST, (Sept. 4, 2023, 07: 00 PM), https://timesofindia.indiatimes.com/sports/cricket/news/equal-pay-step-in-right-direction-but-womens-ipl-promises-more-inclusivity/articleshow/95125027.cms

[19] Alshar khan, *Male v Female: How Much Pay Equality Do We Have in Indian Sports?* Man's World, October 17, 2017. (Sept. 4, 2023, 07: 00 PM), https://www.mansworldindia.com/sports/norway-equalises-male-female-football-salary-indian.sportsstand/#:~:text=%E2%80%9CAny%20average%20professional%20player%2C%20who,Nilanjan%20Datta%20earlier%20this%20year.

[20] Maternity Benefit Act, 1961, No. 53, Acts of Parliament, 1961 (India).

[21] Mendra Dorjey Sahni, *For How Long Will India Refuse to Provide Maternity Benefits to Its Sportswomen?,* 20 Feb 2023, 9:00 AM IST, THE QUINT, (Sept. 4, 2023, 07: 00 PM), https://www.thequint.com/sports/why-doesnt-indian-sports-have-maternity-benefits-for-female-athletes-sportswomen#read-more.

ESPN channel in 2021. It was also found that the technical and production quality is also compromised while covering women's sports.[22]

India has the world's largest media industry [23] in which there are more than 750 million people who use the internet, more than 28,000 newspaper titles, 226 million Television viewers, and over 460 radio stations which are accessible to over a billion people. In such a nation with a massive network of media, when a female player fights the same game in the same way and makes the country proud, the media treats them as a second-class player by giving them low coverage. The bias of media towards female players can be seen in 3 ways; First is low coverage as compared to their male counterparts. Second is the portrayal of women athletes at second class level. The last one is focusing on the femininity of women sportspersons not on their athletic abilities we see gender-indicating expressions to female sports for example 'best women tennis player' but we don't see such remarks in men's sports.

A study was conducted to find out the difference in media coverage of sports for both genders in the Asian Games held between September 19 and October 7th, 2014. Two English newspapers namely, Telegraph from Kolkata and Med-Day from Mumbai were chosen for conducting this study because these newspapers were the leading English newspapers circulating in two of India's biggest cities. All new items related to the Asian Games, 2014 of these two newspapers were analyzed. This analysis found the media bias against women's sports. In the above-mentioned Asian games where male and female players almost got an equal number of medals, media coverage of male players was higher than of female players coverage. A total of 54 articles were written on male athletes in both newspapers in a combined way while a total of 29 articles were written on female athletes in both newspapers. 109 photographs of male players and 68 photographs of female players were given place in both newspapers combined. 4155 lines were written on male athletes in total while only 2627 lines were dedicated to female athletes which means that approximately 60% more lines were dedicated to male players as compared to female players participating in Asian Games, 2014. There were joint stories also for which 3633 lines were dedicated however, in these stories, the main focus was on the glorification of the achievements of the male players.[24]

In 2019, the Indian women's football team missed the chance to qualify for the AFC Olympic Qualifiers by a narrow margin however, this success was not noticed by any sports broadcasters. Not a single match was broadcast live on any Indian television. Apart from certain exceptions the female players do not get as much popularity as were given to their male counterparts irrespective of the achievements of female players. All this happens due to less media coverage. The games of cricket have not been an exception of it. The games played between Indian women's cricket teams are not very much covered by the media which is why these games do not get much popularity. One of its examples is that before the Men's T20 World Cup of 2017, the women's Bangladesh Tour of India to play with the Indian women's cricket team, and this tour was covered by only one media channel i.e., ESPN.[25]

(IV) **Sexual Harassment as a Manifestation of Power Imbalance:**

The cases of sexual harassment are increasing rapidly in sports in India. Many female players are the victims of such cases. Most of the victims of such cases remain silent for the sake of their career because they know that if they complain, the administrative authorities or the organization would a blind eye and their career would be at risk. In the Asian Games, 2014, a female gymnast complained of sexual harassment by her coach Manoj Rana, and his fellow male gymnast Chandan Pathak through some indecent expressions related to her clothes. Another incident happened in a training Centre of Sports Authority of India in Hisar where in the name of the 'World Kiss Day Celebration", an instructor of sport kissed five young female players. After 3 years, the instructor was penalized only with a 10% reduction in his one-year pension. Another case happened in Lakshmibai Institute of Physical Education, Thiruvananthapuram in 2015, where a teacher misbehaved with a few female students however, no action was taken against his conduct and he still holds the same position in the same institute.[26] In a recent case in Brij Bhushan Sharan Singh, the ex-chief of Wrestling Federation of India, has been accused of many cases including sexual harassment. Many wrestling players like Vinesh Phogat and Sakshi Malik have made

[22]Essay: Elizabeth Burns, The Gender Pay Gap in Sports, 2, (2022).
[23] Mehta, Nalin, India and its television: ownership, democracy, and the media business, *EMERGING ECONOMY STUDIES*, 1.1 (2015): 50-63.
[24] Dhiman Chattopadhyay, *Gender Bias in India's Newspaper Coverage of Male And Female Athletes At The 2014 Incheon Asian Games*, 7, GLOBAL MEDIA JOURNAL, ISSN 2249 -5835, 11, (December 2016 – June 2017).
[25] Murali & Bagchi, *Study on the Broadcast of Women's Sports in India*, 23 Annals of Tropical Medicine & Public Health (Nov. 2020).
[26] Aastha Thakur, *Gender Discrimination in Sports*, 5, INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES, [ISSN 2581-5369] 213-14, 210-219, (2022).

accusations. The charges of Sec.506, Sec.354, Sec.354A, and Sec.354D of the Indian Penal Code has been invoked by the Police.[27]

(V) **Discriminatory Social Elements:**

There are societal, cultural, and ethnic factors that hinder the participation of women in sports in India. These factors determine the perceptions and attitudes of society toward physical activities and sports.[28] The social development of society took such a shape that from the beginning of the 20th century, children grew up in an environment in which most of the resources and values related to sports were connected with males.[29] The perceptions and attitudes of each person have been shaped in such a way that the sport had been thought of as a male thing. The distribution of work based on gender and glorying the task gender-based is not the right way. The gender disparities are prevailing in the Indian Society and it is not a hidden thing. Societal belief needs to be addressed which have tied women to particular tasks and work. The link of masculinity with sports is a deep-rooted belief of many. This belief in consequence resulted in sports is not for women but only for men. The notion is prevalent that women who are into sports like to develop male attributes. Even women are called gay because of this notion. This notion has hampered the lives of many women sportspersons.

Research tells us that between the ages of 6 and 9, both males and females are equally interested in sports. However, the participation of females decreases after that due to less encouragement and more discouragement from parents, family, society, etc. If girls do not get early participation in sports, then the problem of skill development arises which is essential for being a good professional sports player. Since girls are not encouraged at the same level as boys to play sports its an early age, they engage in sports years later which results in a lack of success due to a lack of skill development which finally results in higher dropout rates by girls than boys from the field of sport.[30]

Women face problems in participating in sports due to stereotypes in society. Their role and responsibilities are decided from childhood by their guardians and society. They are brought up with the thinking that their role is limited to domestic purposes. When this stereotype synthesizes with the pressure of marriage the dream of a girl vanishes. Additionally, this problem worsens when the physical and psychological burden of reproduction is put on her. Such thinking binds a girl to behave in a submissive way, to focus on her looks, and to encourage dependency on others. These are the opposite qualities required to be a professional sportsperson. These thoughts as societal and family pressure are implanted in the girls from the level of schooling.[31] For the removal of such societal hurdles government of India initiated many schemes and policies like National Sports Policy, Khelo India Scheme, Target Olympic Podium Scheme, 2014, etc.[32]

(VI)**Presentation of Women Players by Media:**

Female Athletes are underrepresented and even if they are represented, they are treated as a commodity of appearance. This representation of female athletes where they are showcasing their appearance and not their abilities and skills.[33] Media has always portrayed female players as the 'things of desire' rather than players. On the other hand, male players have always been portrayed by the media in the context of their sporting skills or achievements.[34] When Sania Mirza, an Indian tennis player, won a gold medal in the mixed double category and won a medal in the Asian Games, in 2014 some newspapers did not show her photograph in action on the court. Mid-Day newspaper printed her two photographs. In one photo, she was posing with the trophy, and the second photo was not related to her game. It was the photo when she was attending a fashion show. Another newspaper, the Telegraph, carried 2 photographs of Sania Mirza. In one picture she was hugging his game partner after winning the final and in the second one, she was smiling at the camera.

[27] Brij Bhushan stalked, molested… liable to be punished': Delhi Police charge sheet, Jul 11, 2023 01:02 PM IST, (Sept. 4, 2023, 07: 00 PM), https://www.hindustantimes.com/india-news/brij-bhushan-sharan-singh-latest-news-wrestlers-protest-sexual-harassment-case-latest-delhi-police-chargesheet-101689056607620.html.

[28] Mudassir Hasan and Deepak Pandey, *A Critical Comment on Attitude of Muslim Women Towards Sports and Physical Education*, 27, JOURNAL OF CLINICAL OTORHINOLARYNGOLOGY, HEAD, AND NECK SURGERY, ISSN: 1001-1781.

[29] Ara Wilson, Women's Sports and the Forgotten Gender, 80 LAW & CONTEMP. Probs. 7 (2017).

[30] Jad Moawad, *Gender Inequality in Sports, 13 Fair Play. Revista de Filosofía, Ética y Derecho del Deporte*, 28, 52-53 (2019).

[31] Supra Note 15.

[32]Hamzah Hussaini, *Equal Pay for Equal Work: Labour, Sports and Constitutional Perspective*, January 2020 SSRN ELECTRONIC JOURNAL, (Sept. 5, 2023, 05: 00 PM), DOI:10.2139/ssrn.3629148.

[33] Supra Note 30.

[34]Dhiman Chattopadhyay, *Gender Bias in India's Newspaper Coverage of Male and Female Athletes at The 2014 Incheon Asian Games*, 7, GLOBAL MEDIA JOURNAL, ISSN 2249 -5835, 11, (December 2016 – June 2017).

When M C Maricom, 5 times world boxing champion in the 50 kg women's category, won gold in the Asian Games an English newspaper, the Telegraph, showed her picture with her husband and her children rather than her picture with her action in the ring. It was also written that a movie had been made based on the life of M.C. Maricom in which Priyanka Chopra, a Bollywood actress and former Miss World, portrayed the role of M.C. Maricom. It carried a photograph of Priyanka Chopra not of M.C. Maricom.[35] Such a sexist or feminine portrayal of women is attributed to perceptions that women are not fit for the sport and men are superior and more capable in sports.[36]

(VII) **Missing Mentors: Gender Imbalance in Coaching and Sports Leadership**

In the sports world, the coach plays a very big role in the success of any sports player. If the relationship between the coach and his player is not good, it may affect the game skill of the player. For women's sports, a female coach is much more suitable in India, keeping in the mind socio-cultural background of this nation. Male coaches in female sports discourage the participation of females in sports. As we have discussed earlier, there are increasing cases of sexual harassment in which coaches or instructors are involved and such cases add fuel to the fire in terms of the lack of participation of female players in sports.

The lack of female coaches in sports is another indicator of gender discrimination in sports. Male holds the lion's share in coaching positions in every category of each sport. When a female is appointed to any administrative position in a sports organization, she is expected to deal with cases related to sexual harassment or sexual assault. Some women think it disrespectful because they have more abilities to deal with many other issues than being a security guard. Only 2.8 % of the members of the Indian Sports Association governing bodies are women. There have been replacements of female coaches for no reason. Purnima Rao, the coach of the Indian women's cricket team was replaced by a male coach without any reason, despite the fact that in her coaching her team was doing well and in winning form. In every aspect of sport, whether coaching or playing, equal treatment must be there.[37]

3. **Indian Legal Framework and Issues therein:**

Through its articles, the Constitution of India tried to solve the discrimination against women. The constitution of India has talked about equality in Article 14[38], Article 15[39], Article 16[40], Article 39(a)[41], and Article 42 [42]of the Constitution. These all provisions have enshrined the essence of equality, and also extend to the sports industry to provide a safe and healthy environment to everyone regardless of gender. In the case of Kesavananda Bharati v. State of Kerala[43], it was observed by the Supreme Court that the Constitution of India has codified equality in the basic structure of the Constitution. The basic structure safeguards all the important provisions of the Constitution. In that, the essence of equality is protected. In the case of *Air India v Nargesh Mirza,*[44]**,** Supreme Court decided that no one should be discriminated against on the grounds of sex in respect to employment.

There is no specific legislation for sports in India. In general, sport is governed by various laws such as the Indian Contract Act, Labour laws, torts, the National Sports Development Code of 2011, the Law of Torts, etc. [45]. Some of the examples are-

1. *Indian Contract Act 1872*[46]- Contract law applies to major events. The sports organization signs contracts for different events with different stakeholders. In that context, lawful agreements are made, and it binds both parties under this law. Sponsorship rights (advertisement-related contracts, e.g. IPL events brand promotions in bats and t-shirts.), Endorsement contracts (a lifetime endorsement of a brand by the player), Appearance contracts (paid receptions, public gathering visiting), and Broadcasting rights (media rights).

[35]Ibid.
[36] Meltem Ince Yenilmez, *Gender Inequality and Female Sports Participation In Turkey*, 33, CENTRAL EUROPEAN JOURNAL OF SPORT SCIENCES AND MEDICINE, 27, 36 (2021) DOI: 10.18276/cej.
[37]SUPRA Note 26 Also See,1, Husan Habeeb, *A Study on Female and Sports Condition in India*, 2015, IJOSTHE, (2015).
[38] Art. 14, Equality before law, Constitution of India, 1950.
[39] Art. 15, Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth., Constitution of India, 1950.
[40] Art. 16, Equality of opportunity in matters of public employment, Constitution of India, 1950.
[41] Art. 39, Certain principles of policy to be followed by the State, (a) that the citizens, men and women equally, have the right to an adequate means of livelihood, Constitution of India, 1950.
[42] Art. 42, Constitution of India, 1950.
[43]AIR 1973 SC 1461.
[44]AIR 1981 SC 1829
[45] The Indian Contract Act, 1872, No. 9, Acts of Parliament, 1872 (India).
[46] Ibid.

2. *Labour Law*- The Labour Laws come into the picture in practices of collective bargaining, lockouts, etc. The professional players work for the organizations, and they need to raise their voices against salary issues, lack of basic facilities, lack of infrastructure, health issues, pensions, etc. The labour law helps to fill the gap of having separate laws for players or lack of direct government intervention in employment terms breach with the organization. The employee relation exists with the organization, and the basic labour laws come into the picture.

3. *Law of Torts*- The law of torts comes into the picture because of issues like negligence, civil assault, the duty of care, etc. in the sports industry.

The promotion of equal pay for equal work is expressly written in directive principles under Art.39(d)[47] which is not enforceable by the court. On one side the constitution talks about justice -social, economic, and political but on the other hand, this pay issue is not expressly mentioned in fundamental rights in the Indian Constitution. India made this act Equal Remuneration Act, 1976[48] to ensure equal pay to both men and women. It imposes the duty on the employer to ensure equal pay when the nature of work is the same.[49] In the case of *Randhir Singh v. Union of India*,[50] Supreme court held that though the principle of "equal pay for equal work" does not come under the purview of fundamental rights and is enshrined as a directive principle under part-IV of the Constitution of India, however it can be enforced as a constitutional objective given under Article 14, Article 16 and Article 39(c) if pay scale is not fair and based on unreasonable classification is similar task is being done by both gender in the same organization or establishment.

Maternity Benefit Act, 1961,[51] and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013[52] are there to safeguard and protect female employee's rights and benefits in the workplace. Maternity Benefit Act provides that the sensitive time of pregnancy cannot be used by employers against female employees for salary and allowance deductions. Even paid leave should be given to promote a healthy work-life balance and if it is not followed, a proper complaint mechanism has been established. The duty to safeguard the rights imposed upon the employer and state.
In *Vishakha Case*[53], the Supreme Court set a precedent by issuing guidelines to prevent sexual harassment in the workplace and observed such acts as the infringement of the fundamental rights, fundamental duties, and norms set by international conventions for the elimination of discrimination against women.

This precedent paved the way for future legislation to prevent sexual harassment in the workplace. Following this judgment, the legislatures have enacted the *POSH ACT*[54] *and the POSH Rules*[55] The Act adopted all the guidelines given in Vishakha's judgment. Apart from that, the Act provided for conciliation, redressal mechanism, Employee's duties and obligations, Consequences of making false or malicious complaints, and consequences of non-compliance with the Act. Later, the government notified the rules titled POSH Rules to supplement the "POSH Act". Both the "POSH Act and the "POSH Rules" are collectively called *"POSH Laws".*

The Ministry of Youth Affairs and Sports (Department of Sports) of India notified *"The National Sports Development Code of India, 2011"* on 31st January 2011 to bring together all circulars, notifications, instructions, orders, and guidelines issued concerning sports by the government, Supreme Court or High Court(s) in one document with necessary modifications. Despite of binding nature of this code, it is just a compilation of previous orders, notification, etc, including instructions related to "Vishakha Guidelines" on sexual harassment at the workplace and does not focus any specific issue in sports.

[47] Constitution of India, 1950.
[48] Equal Remuneration Act, 1976, No. 25, Acts of Parliament, 1976 (India). [amended by Act 49 of 1987] (Sept. 12, 2023, 06:00 PM), https://samadhan.labour.gov.in/uploads/equal_remuneration_act_1976.pdf.
[49] Section 4.- Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature. Equal Remuneration Act, 1976, No. 25, Acts of Parliament, 1976 (India). [amended by Act 49 of 1987] (Sept. 13, 2023, 02:00 PM), https://samadhan.labour.gov.in/uploads/equal_remuneration_act_1976.pdf.
[50] AIR 1982 SC 879
[51] Maternity Benefit Act, 1961, No. 53, Acts of Parliament, 1961 (India). (Sept. 13, 2023, 03:00 PM), https://labour.gov.in/sites/default/files/thematernitybenefitact1961.pdf.
[52] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India), (Sept. 14, 2023, 06:00 PM), https://www.indiacode.nic.in/bitstream/123456789/2104/1/A2013-14.pdf.
[53] Vishakha v. State of Rajasthan (1997) AIR 1997 SC 3011
[54] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
[55] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013

National Sports Development Bill, 2013[56] also deals with the issues related to female athletes/players. The Preamble of this Bill seeks to address the concerns of sexual harassment, speedy resolution of sports disputes and transparency and good governance. Sec.21 of this Bill discussed the prevention of sexual harassment under the guidelines given under 8th Schedule of the Bill. NOC, NSFs, SAI and other concerned sports bodies made responsible to incorporate it. This Bill deals with the establishment of Ethics Commission and enforcing code of ethics had been added. The Sports Authority of India (SAI) was established under the Department of Sports. This Authority came intending to promote and achieve sports excellence. [57] This authority is responsible for providing a platform without any gender biases. The academic programs which are initiated by this institution must be of the nature that provides gender upliftment and equal opportunity. However, the gap in equality or discriminatory behaviors against women sportspersons in India are prevailing. Governing bodies of sports are failing to provide an environment of equal treatment to women sportspersons.

The Ministry of Youth Affairs and Sports supports the policies of various sports federations for increasing participation in competitive sports. Further, in accordance with the rules and regulations of the International Olympic Committee (IOC), the National Olympic Committee has been given a role to curb any kind of discrimination or violence in sports. Mass participation was the primary objective of the National Sports Policy, 2001[58]. The policy stresses that efforts will be made the support and encourage female participation in sports. For its objective of mass participation, this policy focuses on the point that all academic institutions and industrial establishments shall be fully associated with this program. The National Sports Policy, 2007 [59]mentions some important strategies and objectives that are to be achieved. The concept of sports for all, the promotion of sports among young girls and women, and universalizing sports facilities in educational institutions, education, and sports are some of the objectives of the National Sports Policy, 2007 dealing with the participation of female athletes in sports.

The international platform understands the importance of human rights and dignity. The United Nations Charter talks about equal opportunity for both men and women.[60] The documents like Universal Declaration of Human Rights (UDHR),[61] the International Covenant on Civil and Political Rights (ICCPR)[62], and International Covenant on Economic, Social and Cultural Rights (ICESCR)[63], and The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[64], all these conventions and treaties are having the essence of social security and telling about the importance role of state to eliminate any form of discrimination (on basis of gender also). India is a signatory nation of these conventions thus; it has a duty to follow the principles provided in these conventions and it is fulfilling its duty by enacting various laws which promote equality and prohibit discriminatory behavior in any field.

CONCLUSION

The melody of women's empowerment is soothing in everyone's ear. But the reality is hidden in the dark fumes of life. Women's sports have captured hazy light as compared to men's sports. the aggressive and physical part of sport majorly associated with the male fraternity in the late 19th and 20th centuries. [65] Now the shift can be seen, there is acceptance of female sports and sportspersons have started attracting the focus of the world theatre. The essence of women's empowerment is seen in most of the vital laws of India. Sport's related laws, rules, regulations, policies, and programs help

[56] DRAFT NATIONAL SPORTS DEVELOPMENT BILL, 2013, (Sept. 14, 2023, 06:00 PM) https://yas.nic.in/sites/default/files/File921.pdf
[57] Our Vision, Promoting Excellence in Sports, (Sept. 8, 2023, 04:00 PM), https://sportsauthorityofindia.nic.in/sai/about-us.
[58] NATIONAL SPORTS POLICY 2001, (Sept. 14, 2023, 06:00 PM) https://yas.nic.in/sites/default/files/National%20Sports%20Policy%202001.pdf
[59] COMPREHENSIVE SPORTS POLICY 2007, (Sept. 14, 2023, 06:00 PM) https://yas.nic.in/sites/default/files/File371.pdf
[60] United Nations Charter, (Sept. 8, 2023, 06: 00 PM), https://www.un.org/en/about-us/un-charter/preamble.
[61] Universal Declaration of Human Rights (UDHR), (Sept. 9, 2023, 09: 00 PM), https://www.un.org/en/about-us/universal-declaration-of-human-rights.
[62] The International Covenant on Civil and Political Rights (ICCPR), (Sept. 11, 2023, 04:00 PM), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.
[63] International Covenant on Economic, Social and Cultural Rights (ICESCR), (Sept. 12, 2023, 04:00 PM), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.
[64] The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), (Sept. 12, 2023, 06:00 PM), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.
[65] Sandeep Menon, Women in Sports: Sexism or fair play, Last Updated May 08, 2022, 08:37 IST, DECCAN HERALD, (Sept. 5, 2023, 05: 00 PM), https://www.deccanherald.com/features/women-in-sports-sexism-or-fair-play-1106931.html.

to achieve the objective of equal participation of both men and women in sports. [66] As discussed earlier, sports play a big role in women's empowerment and the issue of gender discrimination in sports needs to be addressed. This participation opportunity must be given in all spheres including sports.

The laws talking about equality are in abundance. But still specific sports laws are very few. It is not about the laws in number or quantity but is whether the present laws can address all the issues related to women sportsperson and their challenges. The lacuna is there and the legislative bodies need to fill the gap. This paper tried to specify those lacunas and made this paper useful for the necessary stakeholders. The equal pay for equal work is a global principle that needs to be implemented by every global member. The idea of justice can be achieved when the previous idea is implemented through domestic legislation. The international players are working to achieve this goal. Strict laws need to be made in this regard. The idea of reasonable classification can be adopted even to promote women's participation in work and in opportunities.
It's the duty of the state and various sports organizations to provide a safe and healthy environment for every sportsperson. To take appropriate actions against the issues of gender discrimination and sexual harassment must be ensured by these appropriate authorities. A safe and healthy environment is essential for the holistic development of the sportsperson. the fairness must be ensured in each sphere of the work. Every sportsperson deserves respect and dignity in the organization. The social issues can be removed by proper awareness and sensitization programmes.

SUGGESTIONS

Merely garrulous talks cannot solve the issue of gender discrimination against women sportspersons. It needs to be addressed seriously. As discussed above there are various issues for which we seek various provisions of various laws which do not deal with the issues of sports basically. It's the need of the hour to bring specific legislation in Sports Law so that all the issues related to sports can be dealt with a single legislation. Policies should be made by which the coverage of female sports by print or electronic media could be increased. The media should not give second-class treatment to female players. Additionally, government and sports authorities, through their rules, regulations, policies, should regulate the sexualization of female athletes by media. The media should appreciate women sportspersons because of their competence in the field rather than their appearance.

Participation of females in sports should be encouraged by the government through scholarship programs and additional incentives to female sportspersons who are doing well in sport competitions. The government should organize sports competitions, and awareness programs and make sports policies which could help females to participate in sports. To curb the issue of sexual harassment against women sportspersons, laws should be made to give strict punishment to offenders. Also, the Number of females in sports governing bodies and the number of female coaches, especially in women's sports, should be increased. The equal pay policies needed to be strictly imposed. Gender-based society roles needed to be removed by the awareness and sensitization programme. Allow each individual to choose their own path of journey. The inhuman grounds, like marital status or pregnancy, should not become the basis of discrimination. If any agency was found making laws promoting such concepts needed to be strictly penalized. These suggestions may help to combat the issue of gender discrimination against women sportspersons in India.

[66] Ibid.