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# CHAMPIONING INCLUSION: UNDERSTANDING & UPROOTING THE DEEP-ROOTED GENDER INEQUALITY IN INDIAN SPORTS

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## ABSTRACT

The pervasive gender inequality embedded within Indian sports is a structural issue. Its historical evolution can be traced from ancient times through the Victorian era to the present day. Despite recent gains and occasional success stories, female athletes in India continue to face barriers such as wage disparities, limited opportunities, and sexual harassment. Gender-based discrimination manifests across multiple dimensions: women receive significantly lower pay than their male counterparts, struggle with inadequate representation in competitions, and remain vulnerable to exploitation within sports organizations. There is lack of awareness regarding representation of women in sports and the media is also less interested in covering it. While India's existing legal framework including Constitutional provisions, the POSH Act, and the National Sports Development Code provides some protection, the absence of sports-specific legislation creates significant regulatory gaps. International best practices and successful interventions like Title IX in the United States and gender equality initiatives across European Union have highlighted the best possible practices in the present time. A comprehensive strategy encompassing legislative reform, increased female representation in sports governance, stronger implementation mechanisms, and grassroots development programs, can help in creating a path towards a more equitable sports ecosystem in India. There is a need for collective action across institutional and individual levels to eliminate the deeply entrenched structural biases that have historically disadvantaged women in Indian sports.

## Introduction

“For governments, fathers and husbands – please give your daughters and wives the support and the position to succeed and we will also support you”- Aya Medany.<sup>1</sup> These words of a former olympian highlight the prevalent inequality that lies in sports. Female Athletes are not only paid less amount of wages but their representations in sports is also noticeably lesser than their male counterparts. The discrimination is not confined within the boundaries of wages and opportunities but at a larger scale it can be seen in the whole structure of the Indian Sports. Not only woman athletes are looked down upon but the low participation of LGBTQ communities, Para Athletes in sports is also a matter of concern. Despite gains in recent decades, gender inequity continues to be a pervasive issue across the Indian sports landscape. Traditional gender norms and stereotypes often limit opportunities for women to participate in and lead sports programs<sup>2</sup>. Western nations have tried to take a more balanced approach towards formulating the norms but Indian fields are still dominated by male athletes but there is a chance of inclusion and the increasing trend of female participation and wages has been depicting this. While the rising trend has shown glimpses of hope that the general public as well as the institutions are interested in making sports more inclusive the present scenario is still far from the expected outcome. Equal pay for the female cricketers, participation of female athletes in olympics these are some events which indicate that the arena is becoming more accessible to all classes and masses of the society. However women continue to face significant underrepresentation in both national and international arenas. To overcome this, they have to raise awareness and challenge the barriers that exclude them. Until broader social norms and cultural practices evolve to promote true inclusivity, female athletes will need to fight hard and persistently advocate for equal opportunities in the sporting world.<sup>3</sup>

## Evolution of the Uneven Playing Field

Women have been participating in sports since ancient Greece, yet their path has long been

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<sup>1</sup> Paul Hunt, Five quotes about gender and sport, Sportanddev,(24 November 2016) <https://www.sportanddev.org/latest/news/five-quotes-about-gender-and-sport>.

<sup>2</sup> Elizabeth Miller, Madhumita Das, Ravi Verma, Brian O'Connor, Sancheeta Ghosh, Maria Catrina Jaime & Heather L McCauley, ‘Exploring the Potential for Changing Gender Norms Among Cricket Coaches and Athletes in India’(2015), 21(2),Sage Journals, <https://journals.sagepub.com/doi/10.1177/1077801214564688>

<sup>3</sup> Lluisa Aitana Sauleda Martínez, Diego Gavilán Martín, Jenny Esmeralda Martínez Benítez, The Gender Gap in Sport: The case of a historically and socially accepted marginalization (2021) 38(2),[https://www.cipm-conicet.gov.ar/ojs/index.php?journal=interdisciplinaria&page=article&op=view&path\[\]](https://www.cipm-conicet.gov.ar/ojs/index.php?journal=interdisciplinaria&page=article&op=view&path[])=616.

shaped by formidable challenges and obstacles<sup>4</sup>. Historical evidences such as Homer's epic Odyssey portrays women engaging in ball games together and in ancient Greek festivals, women occasionally took part in foot races, and they could even achieve victories in Olympic equestrian events. The Spartan society, in particular, stood out for offering women athletic opportunities in sports like discus, javelin-throwing, and even wrestling.<sup>5</sup> But slowly the participation of woman in sports started to decline. The primary reason for this were the social perception of woman as they were considered to be the 'Weaker Sex' in an era of male domination. During the Victorian era in Western Europe, society embraced deeply sexist norms and women were expected to embody gentleness and fragility, while strenuous physical activities were strongly discouraged as they were considered unsuitable for their delicate nature.<sup>6</sup> In the words of Tony Collins, author of 'Sport in Capitalist Society', Victorian society saw sports as closely tied to the ideals of Muscular Christianity, which emphasized strength and masculinity while rejecting traits associated with femininity and softness. As a result, the idea of women participating in sports was largely dismissed.<sup>7</sup> In India during the Rig-Vedic period woman had weapon training and engaged in other activities also but this gradually degraded in the Puranic and Smriti Periods<sup>8</sup>. Later during the British rule the impact of Victorian age was visible in sports. The participation of Indian Women in sports was little to none up until the independence of the nation. India's debut as an independent nation at the 1948 Olympics saw no female participants. It wasn't until the 1952 Helsinki Olympics that India included women in its contingent but only four were female athletes were there in the 64-member team<sup>9</sup>. This was not the case in only in Olympic Games but it can be seen in other sports also. For example the most popular sport in India at present is cricket which was started by the Britishers in the late Eighteenth Century and the Board of Control for Cricket (BCCI)

<sup>4</sup> Stan Cometta, 'The Evolution of Women in Sports and the Path Forward' AISTS (November 2023), <https://aists.org/the-evolution-of-women-in-sports-and-the-path-forward/#:~:text=The%20Grassroots%20of%20Gender%20Disparities%20in%20Sports&text=Despite%20numerous%20advancements%20and%20incremental,in%20comparison%20to%20male%20athletes.>

<sup>5</sup> Kevin Nguyen, 'History of Gender Inequality in Sports: Definitive Guide', Goal Five, <https://goalfive.com/blogs/news/history-of-gender-inequality-in-sports?srsltid=AfmBOopEJ4wkGzUbQiloJLJzxKfPkqPtjcIm09i9AqX3U-KLoQUCWXSS>.

<sup>6</sup> 'A Brief History of Women In Sports', CSP Global, <https://kinesiology.csp.edu/sports-coaches-and-trainers/a-brief-history-of-women-in-sports/>

<sup>7</sup> Tim Wigmore, 'Sport's Gender Pay Gap: Why Are Women Still Paid Less Than Men? ', The New Statesman, (5 August 2016), <https://www.newstatesman.com/politics/sport/2016/08/sport-s-gender-pay-gap-why-are-women-still-paid-less-men>.

<sup>8</sup> Gautam Shahuraje Jadhav, 'Indian Sports: Contribution of Women' (2018) 5(4) JETIR, <https://www.jetir.org/papers/JETIR1804412.pdf>

<sup>9</sup> Nishant Puniani, 'Women in Sports: Triumphs and Challenges in India', KSPP, <https://www.kspp.edu.in/blog/women-in-sports-triumphs-and-challenges-in-india>.

was established in the year 1932<sup>10</sup>. The BCCI dealt with the male athletes only back then. The Indian women's cricket team was formed much later, in 1973, following the establishment of the Women's Cricket Association of India (WCAI)<sup>11</sup>. The 41 year gap between the two incidents is symbolic of the fact that woman started off on an uneven field from the very beginning.

### Gender Based Issues in Sports

Gender inequality remains a widespread challenge in the world of sports, impacting female athletes worldwide. Although women's participation has grown steadily over the years, they still encounter major obstacles such as unequal pay, restricted access to resources, and deeply rooted sexism. This gap is evident at every level, from local sports programs to elite competitions, and continues to persist despite ongoing efforts to bridge it<sup>12</sup>. The struggle for gender equality in sports remains deeply entrenched because, for centuries, there have been deliberate efforts to exclude women from the sporting arena. As a result, the bias favouring men has become so ingrained in sports culture that it now feels like an institutional norm which is incredibly difficult to break away from.<sup>13</sup> Women getting less opportunity, representation and remuneration in sports is much like a settled practice rather than an abnormality. The concepts of sex and gender are intimately linked to sports since the basis of sporting activity is about evaluating our human distinctions by establishing settings that divide athletes based on these differences<sup>14</sup>. This concept of male domination is not something which has developed due to some recent events but this has been the structure since time immemorial. There were skepticisms about woman who participated or wanted to participate in sports. An example of this is depicted through the absence of women from cricket in mediaeval Europe, which was influenced by a combination of factors, including societal norms, stringent church regulations, and perceptions regarding biological limitations<sup>15</sup>. The incidents of gender biases can be seen

<sup>10</sup> 'About BCCI' , BCCI , <https://www.bcci.tv/about/history>.

<sup>11</sup> Brian Stoddart, Keith A. P. Sandiford, 'The imperial game: cricket, culture, and society.'[1998] Manchester University Press.

<sup>12</sup> Ananya Raj Kakoti, 'Gender inequality in sports: Challenges and the path to equality', Hindustan Times,(27 September 2024), <https://www.hindustantimes.com/ht-insight/gender-equality/gender-inequality-in-sports-challenges-and-the-path-to-equality-101727418715200.html>.

<sup>13</sup> Arinjoy Chaudhury, 'Intricacies of Gender Bias in Sport and the Path to Parity' (2018) 5 Supremo Amicus 60.

<sup>14</sup> Seema Patel, 'Inclusion and Exclusion in Competitive Sport: Socio-legal and regulatory perspectives' (2015, Routledge).

<sup>15</sup> Bruce K. Murray, 'Politics And Cricket: The D'oliveira Affair Of 1968' (2001) 27 Journal of Southern African Studies.

in the following circumstances:

**(i) The difference in Income:** Each year, women, who constitute half of the world's population, lose millions of dollars and are more likely to be impoverished because of a long-standing inequality known as the gender pay gap.<sup>16</sup> The Indian sports sector has seen iconic characters such as P.T Usha, Mary Kom, P.V Sindhu and many more but whether it is regarding the endorsement deals or just the overall contract they're in, it is very evident that women make much less than what men make in the same sports field. Women often receive lower wages, prizes and endorsements. A Forbes report made in 2022 suggests that female athletes earn 30-50% less than their male counterparts and they also receive lower endorsements<sup>17</sup>. The 2022 Men's Soccer World Cup winners took home \$42 million in prize money, but the 2023 Women's World Cup winners only took home roughly \$10.5 million. Although progress has been made, the pay gap remains substantial. In 2019, women earned less than 8 cents for every dollar men received but in the most recent World Cup, this improved to 25 cents per dollar, which is a change for the good but the difference is still strikingly large<sup>18</sup>. In 2020, the annual salary of an A-graded men's cricketer was approximately ₹5 crores, whereas an A-graded women's cricketer earned significantly less at just ₹50 lakhs<sup>19</sup>. However, this has recently changed following the BCCI's announcement that Indian women cricketers would receive equal pay for international matches compared to their male counterparts. This ruling marks a significant step towards achieving equitable compensation for female athletes in the country<sup>20</sup>. In other sports also such as hockey, the payment is not equal which implies the inequality is confined within the boundaries of cricketing field. While inaugurating the Women's Hockey India League Dutch star Maria Verschoor said prize money for the Hockey India

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<sup>16</sup> Elizabeth Weingarten, 'From Ideal Worker to Ideal Workplace: Using Behavioral Design to Create More Equitable Companies', (2021) IDEAS42, <https://www.ideas42.org/wp-content/uploads/2021/03/From-Ideal-Worker-to-Ideal-Workplace.pdf>

<sup>17</sup> Sriparna Pathak, 'Gender inequality and sexism in sports', Hindustan Times, (21 September 2024), <https://www.hindustantimes.com/ht-insight/gender-equality/gender-inequality-and-sexism-in-sports-101726898435922.html>

<sup>18</sup> Kimaya Jhala Gulati, 'Gender Pay Gap in the Two Most Popular Sports: A Comprehensive View of the Current Position of Soccer Players and Cricketers' (2024) 10(4) IJARIIT, <https://www.ijariit.com/manuscripts/v10i4/V10I4-1180.pdf>

<sup>19</sup> Karunya Keshav, Sidhanta Patnaik & Snehal Pradhan, Indian cricket: Why a movement towards equal pay for men and women is important , Scroll, (21 May 2021) , <https://scroll.in/field/995395/indian-cricket-why-a-movement-towards-equal-pay-for-men-and-women-is-important>,

<sup>20</sup> Ipsita Sinha, 'Pay Disparity in Indian Sports Arena and the Way Ahead' ,Khurana & Khurana, (29 April 2024) <https://www.khuranaandkhurana.com/2024/04/29/pay-disparity-in-indian-sports-arena-and-the-way-ahead/>

League should be equal<sup>21</sup>. Also there is a huge difference in the media representation and brand deals also. The way athletes are portrayed in the media has a major effect on moulding public perception and, in turn, their marketability. More media attention is frequently given to male athletes, which helps them in attracting more sponsors and garnering greater public interest. Female athletes, on the other hand, are rarely in the news unless they are participating in important competitions or accomplishing extraordinary feats, which restricts their exposure and prospects<sup>22</sup>. The main reason for this is less attention towards sport played by woman and also an erroneous perception of them being inferior in quality than the games played by their male counterpart. A 2020 study conducted by BBC revealed that out of approximately 10,000 people surveyed, 42% believed that women's sports were less entertaining than men's.<sup>23</sup> Because of these reasons Women's sports gets a lot less viewership than it deserves and this in a chain of events results in less money being invested in it.

**(ii) The Difference of opportunity:** The deprivation of woman is not only noticed in monetary terms but more often than not it is seen in terms of participation in events and opportunities also. The key reason behind this discouraging woman from participating in sports. Traditional gender roles have had a significant impact on sports participation and performance. These societal norms have limited opportunities for women in sports, leading to lower participation rates and performance levels compared to men<sup>24</sup>. This difference in participation starts from the grass-root level and it continues till the highest levels of the game. There is a growing gender disparity in levels of sports and physical activity (SAPA) engagement in India. Currently, only 43% of Indian women engage in the recommended levels of physical activity according to the latest findings of the World Health Organization (WHO)<sup>25</sup>. Not only family pressure and societal stigma but the lack of exposure is also a key factor why talented athletes give up on their dreams and sometimes it happens even before starting the pursuit of it. However at the Paris Olympics, 2024; 117 athletes made up the Indian contingent for

<sup>21</sup> 'Hockey India League should have equal prize money', The Hockey Paper, (20 January 2025)<https://www.thehockeypaper.co.uk/articles/2025/01/20/hockey-india-league-should-have-equal-prize-money>

<sup>22</sup> Bujade Aravind Tulashiram, Dr. Vinod Gupta, 'Discrimination in Female Athletes in India'(2022) 17(2) IJOPESS, <https://ignited.in/index.php/ijopess/article/view/15186/30029>

<sup>23</sup> 'Tackling Gender Divide and Male privilege in Indian Sports',YLCC, (10 January 2022) <https://www.yourlegalcareercoach.com/tackling-gender-divide-and-male-privilege-in-indian-sports/>

<sup>24</sup> Shantha Kumari M, 'A Conceptual Study on Gender Roles Affect Sports Participation and Achievement in India'(2024) 9(2)IJISRT, <https://ijisrt.com/assets/upload/files/IJISRT24FEB032.pdf>

<sup>25</sup> Kanishka Bhattacharya and Sugandha Vats, 'Understanding gender gaps in sports and physical activity in India', Sportanddev, (28 November 2024) ,[https://www.sportanddev.org/latest/news/understanding-gender-gaps-sports-and-physical-activity-india#:~:text=There%20is%20a%20growing%20gender,World%20Health%20Organization%20\(WHO\).](https://www.sportanddev.org/latest/news/understanding-gender-gaps-sports-and-physical-activity-india#:~:text=There%20is%20a%20growing%20gender,World%20Health%20Organization%20(WHO).)

competing across 16 sporting events and out of that 47 were women<sup>26</sup>. This shows that the participation of woman in sports is steadily increasing and if this upward spiral can be maintained it is a positive thing for the future. Women often leave the sports field due to several key challenges, including limited access to facilities, safety concerns, transportation issues, a poorer overall experience, and a lack of inspiring role models<sup>27</sup>. Despite the representation slowly increasing, there is still a lot of ground which needs to be covered.

**(iii) Sexual Harassment and Mental Abuse of Female Athletes:** The impact of events such as physical or mental abuse, sexual harassment on an athlete's mental health and well-being through is often overlooked. In sport, sexual abuse often involves manipulation and entrapment of the athlete. Gender harassment consists of 'derogatory treatment of one gender or another that is systematic and repeated but not necessarily sexual in nature'.<sup>28</sup> Abuse in sports can be multidimensional, and it can take many harmful forms, ranging from sexual, physical, and psychological abuse to economic exploitation, online harassment, and even more subtle behaviours like bullying and micro-aggressions. In India, between 2010 and 2020, there were 45 reported cases of sexual harassment across 24 governmental sports institutes<sup>29</sup>. In recent times also there have been many allegations and proven instances of sexual harassment by coaches or other persons in authority, who have exploited athletes. In January 2023, thirty Indian wrestlers, including Olympic medalists, staged a protest accusing the President of the Wrestling Federation of India and some coaches of sexual harassment<sup>30</sup> and there was a public uproar because of it. Many sports organisations often fall short in properly addressing the harm caused by harassment and abuse. This is primarily due to concerns about protecting their reputation, a lack of awareness, and a culture of silence and complicity.<sup>31</sup> Instances of sexual harassment and abuse in sports can deter women from participating or speaking out about their experiences<sup>32</sup>. Woman athletes seem to be easier target and therefore despite strict laws being

<sup>26</sup> 'Paris 2024: All Indian athletes to qualify for the Olympics', Olympics, (10 August 2024), <https://www.olympics.com/en/news/indian-athletes-qualified-paris-2024-olympics-summer-games>.

<sup>27</sup> 'Do You Know the Factors Influencing Girls 'Participation in Sports?', Women's Sports Foundation, <https://www.womenssportsfoundation.org/do-you-know-the-factors-influencing-girls-participation-in-sports/>

<sup>28</sup> Saul Marks, Margo Mountjoy, Madalyn Marcus, 'Sexual harassment and abuse in sport: the role of the team doctor' (2012) British Journal of Sports Medicine, <https://bjsm.bmjjournals.com/content/46/13/905>

<sup>29</sup> Shaun Star, Trishna Modi 'From Allegations to Action-Reforming Policies to Combat Sexual Harassment in Indian Sports', EPW, (2 December 2023), <https://www.epw.in/journal/2023/48/commentary/allegations-action.html>

<sup>30</sup> Anuradha Gandhi, 'Sexual Harassment Cases in Sports Federations', SSRANA, (1 June 2023), <https://ssrana.in/articles/sexual-harassment-cases-sports-federations/>.

<sup>31</sup> Ifra Jan, Omer Ghazi 'Gender Bias in Access to Sports Facilities : Plugging the Legislative and Executive Loopholes in India' (2021) GSPR.

<sup>32</sup> Dr. Sridevi Magapu, 'Women In Sports: Progress, Challenges, And Opportunities In The 21st Century' (2022) 12(3) IJCSPUB, <https://rjpn.org/ijcspub/papers/IJCSP22C1304.pdf>

there for stopping these kind of unwanted incidents, they seem to float up here and there very often nowadays.

### **Legal and Policy Framework:**

The Indian legal framework has a significant lacuna due to the lack of a sports-specific legislation, which creates a challenge in addressing sectoral issues. This regulatory void complicates enforcement of their rights by not giving a proper mechanism and perpetuates pre-existing systemic inequities by failing to provide clear standards and accountability directives for dealing with the unique challenges women face in the sporting arena. The existing regulatory framework is often described as a 'pyramid' structure, which originated in Europe. This model organizes sports and their governing bodies into a three or four-tier system, ensuring a structured approach to regulation and management.<sup>33</sup> So National Sporting Federations are entitled to create rules to address specific issues in their respective fields but very few have made rules to address the rules relating to gender inequality and even if there are rules the enforcement mechanism is inadequate. Though there are some legislations and government policies which protect the interests of sportswomen but there is no comprehensive code for that. Some of them are:

1. The Indian Constitution safeguards certain Fundamental Rights pertinent to sports under various Articles. These constitutional provisions serve as foundational pillars, ensuring equality, non-discrimination, and the protection of individual liberties within the realm of sports and beyond.<sup>34</sup> Article 14 of the Constitution of India mandates equality before law. Article 15(1) prohibits discrimination on the grounds of religion, race, caste, sex and place of birth. Article 16 ensures equal opportunities in matters of public employment, while Article 39(a) which is a provision of Directive Principles of State Policy, emphasises on the right of every individual to have adequate means of livelihood.<sup>35</sup>
2. After the judgment of the Supreme Court in *Vishaka v. State of Rajasthan*<sup>36</sup>, Parliament

<sup>33</sup> Mani Yadav & Abhinav Singh Chandel, 'Sports Law in India - An Evolving Discourse Or a Need for Paradigm Shift' (2018) 12 NUALS LJ 21

<sup>34</sup> Dattatray Damodhar Karangale, 'Empowering women athletes: The legal landscape of sports in India' (2024), 6(1) International Journal of Physiology, Health and Physical Education, <https://www.physiologyjournals.com/archives/2024/vol6issue1/PartA/6-1-12-937.pdf>

<sup>35</sup> Urvashi Agrawal, Gauri A. Sharan, 'ISSUES PLAGUING THE SPORTS ARENA' (2018), Jamia Law Journal, [https://docs.manupatra.in/newsline/articles/Upload/CA0E0C25-62C7-43F5-A7DA-D2DC921F50EA.%20Issues%20Plaguing\\_Sports%20law.pdf](https://docs.manupatra.in/newsline/articles/Upload/CA0E0C25-62C7-43F5-A7DA-D2DC921F50EA.%20Issues%20Plaguing_Sports%20law.pdf).

<sup>36</sup> 1997 (6) SCC 241.

enacted the The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which is popularly known as the POSH Act,2013. The definition of workplace under the said Act includes 'any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto'<sup>37</sup>. The POSH Act plays a vital role in the sports sector by ensuring the safety and protection of women athletes from sexual harassment and abuse. It provides a clear legal framework that allows them to report such incidents and seek justice, contributing to a safer and more equitable environment in the sporting community.<sup>38</sup> Many institutions such as BCCI has taken a significant step by implementing a comprehensive POSH Policy and establishing an Internal Committee in adherence to the POSH Act.<sup>39</sup>

3. The National Sports Development Code, 2011 also says several provisions that try to address the issues pertaining to gender inequality in sports. The Ministry of Youth Affairs and Sports made the said code with the objective of filling the gaps that were existing in sports legislation. Rule 9.3(xi) of it directs the National Sporting Organisations to hold conduct frequent national championships across all divisions for both for men and women. The Statement of Purpose in the Code clearly highlights that one of its key objectives is to prevent child abuse and sexual harassment in sports while also safeguarding gender equality within the sporting environment.<sup>40</sup> Rule 10.8 of the Code specifies that if the government provides funding to national sports federations, an equal share of that funding must be allocated for tournaments involving both male and female athletes<sup>41</sup>.
4. The National Policy for the Empowerment of Women, 2001 is another policy which encompasses within it's ambit the issue of gender inequality in sports though it is not specifically meant for it. Equal access to participation and decision making of women, Equal Remuneration, Shifting community norms and societal views through active

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<sup>37</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, s. 2(o)(iv).

<sup>38</sup> Mohit Kumar Manderna & Kritika Vatsa, 'The Human cost of women's sports: an examination of gender based human rights violations in sports'(2024), 2(3) Journal of Legal Research and Juridical Sciences, <https://jlrjs.com/wp-content/uploads/2023/06/184.-Mohit.pdf>.

<sup>39</sup> 'The BCCI Prevention of Sexual Harassment Policy: A Hit or A Miss?', Rainmaker, (27 February, 2024 , <https://rainmaker.co.in/the-bcci-prevention-of-sexual-harassment-policy-a-hit-or-a-miss/>.

<sup>40</sup> National Sports Development Code of India, 2011.

<sup>41</sup> Arya Bhatt, 'The Legal And Ethical Implications Of Gender discrimination And Sexual Harassment In Sports, With Focus On India's Sports Industry', IPLF, (22 December, 2023) ,<https://www.ipandlegalfilings.com/the-legal-and-ethical-implications-of-gender-discrimination-and-sexual-harassment-in-sports-with-focus-on-indias-sports-industry/>

participation of both genders are some of the goals and objectives that are mentioned under it.<sup>42</sup> All of these changes are very much needed in sports.

5. The Khelo India Scheme aims to encourage sports all over the country. The initiative aims to rejuvenate the sports culture in India from the ground up by establishing a robust foundation. The object of the Scheme includes 'Promotion of Inclusiveness through Sports'. The operational guidelines which were issued by the Ministry of Youth Affairs and Sports includes directions such as promotion of gender equity, increasing participation of women in sporting activities and development of sports, competitions, leagues and tournaments for women etc<sup>43</sup>.
6. The recently drafted National Sports Bill by the government proposes a significant step towards gender equality by mandating 30% women's representation in the Indian Olympic Association (IOA), the Paralympic Committee of India (PCI), and all national sports federations, which is a move designed towards bringing gender parity<sup>44</sup>. Although the bill is yet to be passed, but if it does it can be a pioneer in changing the landscape of an unequal sports field.

### **International Standards and Practices**

The International practices regarding the gender equality in sports is perhaps more developed than that of India. There are conventions, rules regarding gender equity which deal with broader horizons of the issue and there are some specific ones which deal with the issues of pertaining to Sports only. Many European Countries, United States of America, Japan etc. have taken steps for ensuring gender equality in Sports.

1. Different International documents, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Universal Declaration of Human Rights (UDHR),

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<sup>42</sup> National Policy for the Empowerment of Women, 2001.

<sup>43</sup> Operational Guidelines of the components under the Khelo India Scheme(2022) , <https://yas.nic.in/sites/default/files/Operational%20Guidelines%20of%20Revised%20Khelo%20India%20Scheme%202021-22%20to%202025-26.pdf>.

<sup>44</sup> 'Draft Bill provides more women representation in sports bodies, voting right for SOMs: Mandaviya', Deccan Herald, (14 October 2024), <https://www.deccanherald.com/sports/draft-bill-provides-more-women-representation-in-sports-bodies-voting-right-for-soms-mandaviya-3231873>.

include provisions that can be applied to promote equality in sports. Additionally, there are specific international laws that directly address the issue of gender inequality in the sporting world.<sup>45</sup> Without a question the most important piece when it comes to women's right is the CEDAW. According to Article 10(g) of this treaty the States are required to provide "the same opportunities to participate actively in sports and physical education" to 'men and women', which deals with the topic at hand.<sup>46</sup> It also directs the States to ensure "The right to participate in recreational activities, sports and all aspects of cultural life."<sup>47</sup> In the European Union, several important legal frameworks prohibit discrimination based on sex and gender. These frameworks also place a responsibility on authorities to actively promote equality between men and women when developing and implementing laws, regulations, policies, and activities.<sup>48</sup>

2. Recognising that sports venues are often heavily male-dominated, the Spanish Federation of Municipalities and Provinces took a proactive step in 2009 by creating a guide to assist local sports authorities in addressing gender concerns. The guide aims to highlight instances of discrimination in community level sports, equip organisations with tools to identify such issues, and offer guidance on developing inclusive public sports policies that promote gender equality<sup>49</sup>. Countries such as Switzerland, France, Germany, United Kingdom, Slovakia also have programs which were specifically designed to promote gender equality and women's access to sports<sup>50</sup>. These programs have helped in increasing women participation in the said countries immensely.
3. In the United States, Title IX ensures that educational establishments must provide equal treatment and opportunities to both male and female athletes. This law not only ensures fairness in rewards and recognition but also protects against discrimination in accessing sports facilities, training centers, equipment, and other resources for sports programs. To uphold Title IX standards, universities and colleges are required to submit an Equity in Athletics Data Analysis Report each year, detailing key aspects such as participation rates,

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<sup>45</sup> Supra 31.

<sup>46</sup> Supra 41.

<sup>47</sup> Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 13(c)

<sup>48</sup> Seema Patel, 'Gaps in the protection of athletes gender rights in sport—a regulatory Riddle'(2021)The International Sports Law Journal , <https://link.springer.com/article/10.1007/s40318-021-00182-2>.

<sup>49</sup> Clotilde Talleu, 'Access for Girls and Women to Sport Practices', Council of Europe, September 2011, <https://www.icsspe.org/system/files/CoE%20-%20Gender%20Equality%20in%20Sports%20-%20Handbook%20on%20Good%20Practices.pdf>.

<sup>50</sup> Ibid.

coaching staff details, salaries, revenues, and expenses.<sup>51</sup> Over the past five decades, Title IX has played a pivotal role in boosting women's involvement in sports across the country.

4. Article 165 of the Treaty on the Functioning of the European Union (TFEU) was introduced through the Treaty of Lisbon in 2009 as a significant step toward recognising sports as an important part of the EU's social and cultural framework. This article emphasises values such as equal opportunities and non-discrimination in sports. Its primary aim is to ensure that no individual faces discrimination in sporting activities and to promote the social inclusion of all groups, regardless of their gender, age, disability, or economic status.<sup>52</sup>
5. The International Olympic Committee (IOC) has introduced Portrayal Guidelines aimed at promoting gender-equal, fair, and inclusive representation in sports media and communication. These guidelines advocate for ensuring that athletes are represented equally and fairly across all media platforms, not just during the Olympic Games but also throughout the broader Olympic Movement. The goal is to create sports content that is more inclusive, balanced, and reflective of the diverse world we live in today.<sup>53</sup> These guidelines aim to address issues such as under-representation of women in sports, lack of recognition by focusing on five key areas i.e 'Content and Editorial', 'Imagery', 'Language and terminology', 'Coverage and Airtime' and 'Interviews and Commentary'.<sup>54</sup>

### Suggestions for Improvement

India has established laws and policies aimed at safeguarding women's rights in sports. However, to tackle the ongoing issues of exploitation and abuse faced by women in the sports sector more effectively, it is crucial for India to work in collaboration with international legal

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<sup>51</sup> 'How Title IX changed the landscape of sports', SportandDev, (29 July 2022) , <https://www.sportanddev.org/latest/news/how-title-ix-changed-landscape-sports#:~:text=Title%20IX%20requires%20all%20educational,support%20provided%20to%20sport%20programmes>.

<sup>52</sup> Subhrajit Chanda, Dr. Deevanshu Shrivastava, 'Championing Equality and Inclusivity: Leveraging the Principles of TEFU Article 165 To Forge a Bias-Free Society in Indian Sports'(2024) 5(5) ShodhKosh: Journal of Visual and Performing Arts, [https://www.researchgate.net/publication/384392139\\_CHAMPIONING\\_EQUALITY\\_AND\\_INCLUSIVITY\\_LEVERAGING\\_THE\\_PRINCIPLES\\_OF\\_TEFU\\_ARTICLE\\_165\\_TO\\_FORGE\\_A\\_BIAS-FREE\\_SOCIETY\\_IN\\_INDIAN\\_SPORTS](https://www.researchgate.net/publication/384392139_CHAMPIONING_EQUALITY_AND_INCLUSIVITY_LEVERAGING_THE_PRINCIPLES_OF_TEFU_ARTICLE_165_TO_FORGE_A_BIAS-FREE_SOCIETY_IN_INDIAN_SPORTS).

<sup>53</sup> 'Gender-equal, fair, and inclusive representation in sport', IOC, (2024), <https://www.olympics.com/ioc/gender-equality/portrayal-guidelines>

<sup>54</sup> 'Portrayal Guidelines', IOC, (2024), <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Gender-Equality-in-Sport/IOC-Portrayal-Guidelines.pdf>.

frameworks. By doing so, India can develop a more comprehensive legal structure that directly addresses the unique challenges women encounter in the sports industry, ensuring stronger protection and support<sup>55</sup>. Bridging the persistent gender gap in Indian sports requires more than just policy changes — it calls for a collective effort that touches every grass of the uneven field. From stronger laws and accountable institutions to shifting cultural mindsets and empowering communities at the grassroots, meaningful change must be driven by both systems and individuals. Inspiration shall also be drawn from successful global practices and their implementation in the Indian context must be in accordance with India's constitutional values. The following recommendations aim to create a sports ecosystem where every athlete, regardless of gender, has an equal shot at success.

1. Legislation which specifically targets sportswomen like the Title IX has done in the USA, are necessary for providing gender equality in sports. These legislations are the need of the hour in India for providing equal opportunities to sportswomen<sup>56</sup>. The legislations shall also include grievance redressal mechanism and a supervisory authority needs to ensure that these laws are properly implemented.
2. In 2022, women made notable strides in leadership roles within Australian sports. Around 49% of sport and recreation administrators and 64% of team managers were women. By 2023, women accounted for 25% of Board Chairs across 65 National Sporting Organisations funded by the Australian Sports Commission, reflecting progress toward greater gender representation in sports governance.<sup>57</sup> Actively recruiting women to hold positions of authority in sports governing bodies sends a powerful message. These women leaders serve as role models, demonstrating that success is not only attainable but also actively encourage women in the world of sports.<sup>58</sup> Countries that are planning to improve or the ones that have improved the gender inequality in sports, most of them have made large number of woman participation in managerial roles, administrative roles etc. To change the whole structure of the institutionalised inequality it is essential that woman actively have seats at the high-tables rather than just playing the game.

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<sup>55</sup> Supra 38.

<sup>56</sup> Hariharan S, 'A Legal Outlook on gender-based Pay Gap in Sports: A Male Dominated Mafia'(2022) Jus Corpus Law Journal , <https://www.juscorpus.com/wp-content/uploads/2023/01/105.-Hariharan-S.pdf>.

<sup>57</sup> 'Women in Sport - Equity', Clearinghouse for Sport,(2024), <https://www.clearinghouseforsport.gov.au/kb/women-in-sport/equity>.

<sup>58</sup> Supra 34.

3. The effectiveness of existing laws can be significantly enhanced through stricter enforcement by the authorities, ensuring that legal provisions are effectively applied.<sup>59</sup> India should consider introducing legislation similar to the Equal Athletic Broadcasting Act, Equal Sponsorship Act which make sure that equal television coverage is given for women's professional sports, and provide various tax incentives to companies that sponsor female athletes<sup>60</sup>. These kind of benefits alongside scholarships, awards, and other incentives would encourage women to get more involved in sports.<sup>61</sup>
4. Arbitration and dedicated judicial tribunals can offer a quicker and more efficient means of resolving disputes in sports, particularly if the state continues to adopt a non-interventionist stance<sup>62</sup>. Setting up a sports ombudsman would be a significant step forward, offering athletes a dedicated platform to raise their concerns while ensuring that sports governing bodies are held accountable for their actions. This would additionally benefit female athletes to a large extent<sup>63</sup>. The government should also focus more on increasing and promoting Sports Arbitration through which disputes relating to uneven payment, opportunity issues can be settled in a smoother manner. Countries like Spain have tribunals and arbitration centres that are specifically established for Sports and they have been very effective in resolving disputes.
5. Women athletes should be encouraged to train not only in their respective sports but also in ways that promote and expand women's participation in sports. Former players, with their experience and knowledge, can play a vital role in shaping the future by actively taking up roles as coaches, mentors, or officials in sports organisations<sup>64</sup>. Their involvement can inspire young girls, improve representation, and foster a more inclusive sporting environment.
6. Awareness campaigns should be conducted more frequently and with greater impact to highlight issues like wage inequality and the limited representation of women in sports.

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<sup>59</sup> Himanshi Tikawat, 'SPORTS LAW AND CULTURE IN INDIA & GENDER DISCRIMINATION IN SPORTS IN INDIA: THE WRESTLING FEDERATION OF INDIA'S PRESIDENT'(2024) 3(2) Journal of Legal Research and Juridical Sciences , <https://jlrjs.com/wp-content/uploads/2024/01/15.-HIMANSHI-TIKAWAT.pdf>.

<sup>60</sup> Supra 56.

<sup>61</sup> Supra 52.

<sup>62</sup> Supra 33.

<sup>63</sup>Supra 48.

<sup>64</sup> Supra 13.

These campaigns should actively involve educational institutions, sports organizations, and media outlets to ensure widespread awareness and foster meaningful change.<sup>65</sup>. These campaigns should spread at local levels also and they should also address specific local issues which would help in further eliminating the inequality by creating awareness at grass-root level.

7. Both the government and private sector can collaborate with diverse partners such as companies, local authorities, and NGOs to invest in building sports infrastructure and launching youth sports programs. Organisations shall encourage firms to adopt Corporate Social Responsibility(CSR) policies through sponsoring sporting events which will enhance the rights of women in sports. Highlighting the benefits for businesses, such as improved brand image and boosted employee morale, can further motivate companies to support these efforts<sup>66</sup>.
8. Starting sports programs at the grassroots level, with a special focus on participation of women, can be a powerful step toward building a more inclusive sports landscape in India. These programs should ensure that girls in rural and underprivileged urban areas get access to sports facilities, training, support from a very young age that will build a great foundation for the future. There needs to be collaboration with local schools and academies also which would make these activities more impactful. Promoting grassroots sports can significantly empower women by offering them platforms to develop skills, build confidence, and make independent choices. This aligns with the broader goals of gender equality and empowerment.<sup>67</sup>
9. Monitoring and evaluation are essential to ensure that sports policies are effectively implemented. To achieve this, the government could set up a dedicated agency responsible for assessing how well these policies and programs promote inclusiveness. This body would monitor how much work is carried out in pursuance of the policies. Keeping digital records and using data analytics can improve oversight and make the process more

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<sup>65</sup>Francesco Ernesto Alessi Longa, 'Gender Equality within the Sports Legal Framework: A Comprehensive Analysis and Future Perspectives'(2025) 6(1) International Journal of Research Publication and Reviews , <https://ijrpr.com/uploads/V6ISSUE1/IJRPR38166.pdf>.

<sup>66</sup>Supra 52.

<sup>67</sup>Shukkoor Illath, Habeebu Rehman KP & Rafeek E, 'Grassroots sports and gender equality in India: A Community Perspective'(2021) 6(2) International Journal of Yogic, Human Movement and Sports Sciences, <https://www.theyogicjournal.com/pdf/2021/vol6issue2/PartC/9-2-87-143.pdf>.

transparent<sup>68</sup>.

## Conclusion

History was created on the 2nd of November, 2025 when the Indian Women's Cricket Team won their first world cup and only weeks after that the Indian Women's team won the Inaugural Blind T-20 World Cup.<sup>69</sup> Though these moments are monumental and gives hope for the future but a lot still needs to be done. Gender inequality in sports is a widespread concern, driven by pay gaps, limited opportunities, and deeply rooted gender biases. While nations like the United States have made notable progress through legal reforms and advocacy, countries such as India are gradually witnessing positive changes.<sup>70</sup> In order to grow female sport, equality should not be confined to the pitch but the approach has to be holistic. This should encompass the access to opportunities, high quality training facilities, proper trainers, broadcasting and remuneration which help in promoting and growing the game<sup>71</sup>. The path to achieving gender equality in sports is still lengthy and filled with obstacles. The International framework and standard practices have shown promise and they are helping in bridging the gap. However creating an environment where women can thrive in sports requires a united and determined effort from all corners of society. It calls for coaches, policymakers, families, and communities to come together and breaking barriers, challenging stereotypes, and championing equal opportunities so that every aspiring female athlete feels supported and empowered to succeed. Also alongside the support from others women also need to be proactive in addressing and challenging the stereotypes and inequities. "When I started boxing, people laughed at me and said, 'What can women do in boxing? ' I took it as a challenge. If men can do it, why can't women? And I became a world champion before my marriage"<sup>72</sup>. These are the words of Indian Boxer and former world champion M.C Mary Kom. To eliminate patriarchy from sports and to make it inclusive for the future women need to show this type of mentality and willpower. Then they

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<sup>68</sup> Supra 52.

<sup>69</sup> Shivam, India Wins Inaugural Blind Women's T20 World Cup 2025, Adda247( Nov. 2025 09:47 am), <https://currentaffairs.adda247.com/india-wins-inaugural-blind-womens-t20-world-cup-2025/>.

<sup>70</sup> Supra 12.

<sup>71</sup> Sarah Carrick, 'A two-pronged approach: utilising sports governing bodies internal statutes and equal treatment legislation to achieve equality of treatment in women's football'(2024), The International Sports Law Journal, <https://e-space.mmu.ac.uk/636701/11/s40318-024-00283-8.pdf>.

<sup>72</sup> '16 Most Inspiring Women Who Left A Mark On The World', focusu, (8 March 2019) , <https://focusu.com/blog/16-most-inspiring-women-who-left-a-mark-on-the-world/#:~:text=what%20I%20can%E2%80%9D.,Mary%20Kom%2C%20Indian%20boxer,took%20it%20as%20a%20challenge>.

can uproot the prevalent gender inequality not only from sports but from all spheres of the society.