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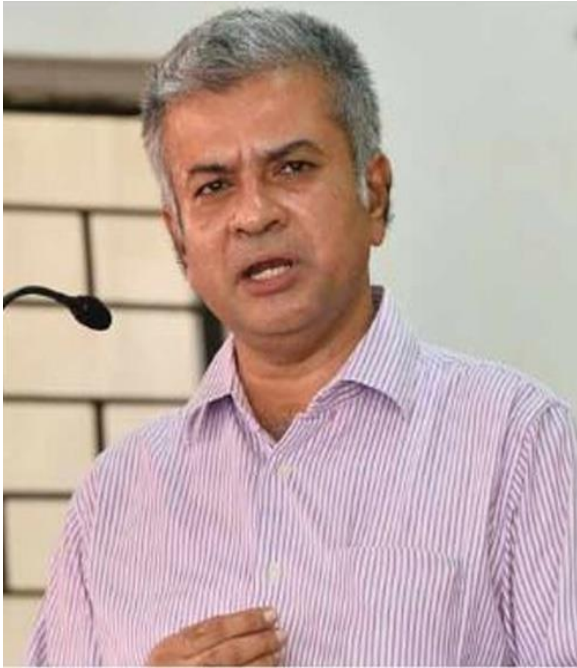
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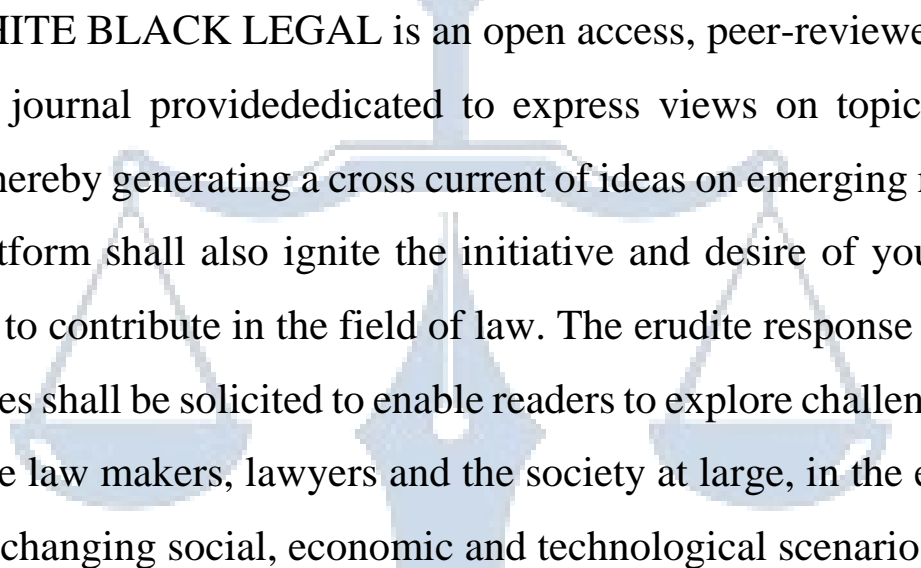


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

VIOLATION OF HUMAN RIGHTS IN SPORTS IN INDIA: A STUDY IN THE LIGHT OF THE CONSTITUTION OF INDIA, 1950

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ABSTRACT

This article examines the issue of human rights violations in sports within India, analyzing the framework provided by the Constitution of India, 1950. It explores various instances of rights infringements and the legal remedies available to athletes and sports personnel. By analyzing this constitutional framework, the article identifies and elucidates various instances where the rights of athletes and sports personnel have been infringed. It further investigates the legal remedies that are available to these individuals under Indian law. The study also evaluates the role of the judiciary and sports governing bodies in upholding constitutional rights in the sporting arena. Through this comprehensive analysis, the article aims to shed light on the systemic issues plaguing Indian sports and propose potential solutions to mitigate such violations.

I. INTRODUCTION

Sports play a crucial role in human culture, significantly contributing to the physical and mental well-being of individuals worldwide. In India, sports occupy a pivotal position culturally and socially, serving as a unifying force across diverse communities and regions. Despite its positive influence, the realm of sports is not exempt from the scourge of human rights violations. These violations manifest in various forms, including discrimination, exploitation, and abuse, affecting athletes, coaches, and other stakeholders within the sports ecosystem. This article undertakes a comprehensive examination of human rights violations

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in the context of sports in India, elucidating these issues through the lens of the Constitution of India, 1950. The Constitution, as the supreme legal document of the country, guarantees fundamental rights that are applicable to all citizens, including those engaged in sports. By analyzing these constitutional provisions, this study seeks to highlight the gaps and challenges in ensuring the protection of rights within the sporting arena. It aims to explore the legal frameworks and judicial interpretations that play a pivotal role in addressing and mitigating human rights abuses in sports, thereby fostering a more equitable and just environment for athletes and participants.

II. EVOLUTION OF SPORTS GOVERNANCE IN INDIA

1. British Era (1858-1947)

During the British colonial period, sports governance in India was largely informal and catered primarily to the interests of British expatriates and the colonial elite. The British introduced several sports, such as cricket, football, hockey, and tennis, which quickly gained popularity among the local population, particularly within the urban centers. Cricket clubs were established in major cities like Calcutta (now Kolkata), Bombay (now Mumbai), and Madras (now Chennai). The Calcutta Cricket and Football Club, established in 1792, is one of the oldest cricket clubs in India. These clubs initially served as social clubs for British officers and the Indian elite who had embraced the sport. Football also saw the establishment of clubs, with Mohun Bagan (established in 1889) being one of the most notable. Mohun Bagan's victory in the 1911 IFA Shield was a significant event, symbolizing Indian resistance to British dominance. The All India Football Federation (AIFF) was formed in 1937 to govern and promote football across the country. The AIFF aimed to organize domestic competitions and manage the national team. The sports clubs and associations were often exclusive, catering to the British and Indian elite. Membership in these clubs was typically restricted, which limited the access of sports facilities and opportunities to a broader segment of the Indian population. This exclusivity reinforced social hierarchies and restricted the development of sports at the grassroots level.

2. POST-INDEPENDENCE (1947- PRESENT)

After India's independence in 1947, there was a significant shift in the approach to sports governance. The newly independent Indian government recognized the importance of sports in nation-building and began to take a more active role in organizing and promoting sports

across the country. Indian Olympic Association (IOA) formed in 1927, the IOA took on greater significance post-independence. It became the primary body responsible for India's participation in the Olympic Games and other international sporting events. The IOA also played a crucial role in organizing national-level competitions and developing sports infrastructure. It acts as the umbrella organization for various national sports federations. Board of Control for Cricket in India (BCCI): Established in 1928, the BCCI gradually evolved into one of the most powerful sports organizations in the world. It oversees the development of cricket in India and manages the Indian cricket team. The BCCI's influence has grown significantly, making it a major player in international cricket governance as well. The Ministry of Youth Affairs and Sports established to oversee the development of sports in India, this ministry is responsible for formulating policies, providing funding, and creating infrastructure. It works closely with various sports federations to promote sports at all levels. The ministry's initiatives include schemes for talent identification, training, and international exposure for athletes. Sports Authority of India (SAI) founded in 1984, SAI is tasked with nurturing young talent and providing athletes with training, coaching, and facilities. It operates several training centers across the country and plays a pivotal role in preparing athletes for national and international competitions. SAI also manages schemes for athlete development, such as the National Sports Talent Contest and the National Sports Development Fund.

Despite the progress, sports governance in India has faced challenges such as corruption, mismanagement, and lack of transparency. High-profile scandals in various sports have highlighted the need for reforms. In response, there have been efforts to introduce measures to improve governance, ensure accountability, and promote ethical practices in sports administration. Initiatives such as the establishment of the National Sports Development Code and the proposal for a National Sports Regulatory Authority are aimed at addressing these issues.

III. CONSTITUTIONAL FRAMEWORK

The Constitution of India, adopted in 1950, provides a robust framework of fundamental rights that are highly relevant to the domain of sports. These rights, enshrined in specific articles, serve as pivotal safeguards against human rights violations within the sporting context:

1. ARTICLE 14: RIGHT TO EQUALITY

This fundamental right ensures equality before the law and prohibits discrimination on various grounds such as race, religion, caste, sex, or place of birth. In the realm of sports, Article 14 mandates that all individuals involved—athletes, coaches, officials—must be treated equally without any unjust discrimination. It prohibits unfair practices that undermine the dignity and rights of athletes based on arbitrary characteristics.

2. ARTICLE 19: RIGHT TO FREEDOM

Article 19 grants several freedoms essential in the context of sports: Freedom of Speech and Expression: Athletes have the right to voice their opinions and concerns without fear of reprisal, promoting transparency and accountability within sports organizations. Freedom of Assembly: Athletes have the right to assemble peacefully, forming associations and unions to protect their interests and rights collectively. Freedom of movement: Athletes have the right to travel and participate in sporting events both domestically and internationally without undue restrictions. Freedom of profession: Athletes have the right to pursue their sporting careers and professions freely, without coercion or exploitation.

3. Article 21: Right to Life and Personal Liberty: Article 21 is perhaps the most expansive in its scope and relevance to sports. Protection of Life: Athletes are entitled to the protection of their physical well-being, safeguarding them from physical harm and ensuring adequate medical care and safety measures during training and competitions.

Personal Liberty: Athletes have the right to personal autonomy and decision-making in matters affecting their sporting careers, free from coercion or forced labor practices. Right to Live with Dignity: Athletes are entitled to be treated with dignity and respect, encompassing fair treatment, proper working conditions, and the opportunity to participate in sports without facing exploitation or abuse.

These constitutional guarantees collectively form a robust framework aimed at protecting the rights of individuals within the sports sphere in India. They emphasize the principles of equality, freedom, and dignity, which are fundamental to ensuring a fair and just sporting environment. However, the effective implementation and enforcement of these rights remain

critical challenges in addressing human rights violations in Indian sports.

IV. DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy (DPSP) enshrined in the Constitution of India, 1950, provide a framework for governance and policy-making, guiding the state in achieving socio-economic justice and welfare for its citizens. While not enforceable by courts, these principles serve as moral imperatives for the government in formulating laws and policies, including those impacting human rights within the realm of sports. These principles emphasize the state's commitment to safeguarding the health, well-being, and dignity of athletes, thereby promoting a fair, inclusive, and sustainable sporting environment. By adhering to these principles, India can ensure that its sports policies and practices uphold constitutional values and respect the fundamental rights of all individuals involved in sports.

1. Article 39 of the DPSP emphasizes the state's obligation to ensure that the health and strength of its citizens, particularly workers, men, women, and children, are not exploited. In the context of sports, this principle translates into safeguarding the physical and mental well-being of athletes across all levels. It underscores the importance of providing adequate healthcare facilities, nutrition, and safety measures to athletes, thereby preventing any form of exploitation or neglect that could compromise their health or overall development. Article 39 encourages policies that promote equitable access to sports facilities and training, irrespective of gender, socio-economic status, or age. It advocates for the protection of athletes from overtraining, inadequate nutrition, and other practices that could endanger their health or impede their growth in sports. By aligning sports policies with Article 39, the state can ensure that athletes are supported in a manner that respects their dignity and fundamental rights, as guaranteed under the Constitution.

2. Article 47 of the DPSP imposes a duty on the state to improve nutrition levels, raise the standard of living, and enhance public health. This directive is crucial in the context of sports as it highlights the government's responsibility to create an environment conducive to physical fitness and well-being through adequate nutrition and healthcare services. In the realm of sports, this translates into initiatives aimed at enhancing the overall health and fitness levels

of athletes, thereby enabling them to perform optimally and sustainably. Article 47 underscores the importance of public health measures that prevent and address injuries, illnesses, and other health-related issues among athletes. It promotes policies that prioritize the holistic development of athletes, ensuring they receive necessary medical attention, rehabilitation, and support services as required. By integrating Article 47 into sports policies, the state can foster a healthier sporting ecosystem that not only promotes excellence but also upholds the dignity and rights of athletes.

V. VIOLATIONS IN SPORTS

In the landscape of Indian sports, violations of human rights manifest in various forms, starkly challenging the constitutional guarantees set forth in the Constitution of India, 1950. This section explores the prevalent issues of discrimination, exploitation, and child rights violations within the realm of sports.

1. **Exploitation and Abuse** : A concerning aspect of human rights violations in Indian sports is the prevalence of exploitation and abuse, primarily perpetrated by coaches and officials. Instances of physical and psychological abuse have been reported, highlighting a critical gap in protective mechanisms for athletes. The absence of stringent laws specifically tailored to safeguard athletes' rights, coupled with a pervasive culture of silence and fear of reprisal, exacerbates these issues. Athletes, particularly those in vulnerable positions due to age or dependency on authority figures, are at heightened risk of exploitation, which undermines their dignity and well-being.

2. **Discrimination and Inequality**: Despite constitutional protections, discrimination persists within Indian sports, often targeting athletes based on gender, caste, and economic status. Female athletes frequently encounter disparities in access to training facilities, financial support, and recognition compared to their male counterparts. This inequity undermines their ability to compete on equal footing and perpetuates systemic gender biases in sports administration and funding allocations. Similarly, athletes from marginalized communities face structural barriers that limit their opportunities for advancement and recognition within the sporting ecosystem.

3. Child Rights Violations: Child athletes represent a uniquely vulnerable group within the sports domain, susceptible to various forms of rights violations. Cases of overtraining, denial of education, and exploitation under the guise of rigorous sports training have been documented. Such practices contravene fundamental rights enshrined in Articles 21 and 24 of the Constitution of India, which guarantee the right to life with dignity and the protection of children from being employed in hazardous conditions. Despite international conventions and domestic legislation aimed at protecting child rights, the enforcement and oversight mechanisms within sports remain inadequate, leaving young athletes exposed to potential harm. Human rights violations in Indian sports underscore the urgent need for comprehensive reforms and proactive measures to uphold constitutional guarantees and protect the dignity and well-being of athletes. Addressing issues of discrimination, exploitation, and child rights violations requires collaborative efforts among policymakers, sports administrators, civil society organizations, and the judiciary. By fostering an inclusive and rights-based approach to sports governance, India can strive towards creating a fair, equitable, and supportive environment where all athletes can thrive and contribute to the nation's sporting excellence in accordance with constitutional ideals.

VI. LEGAL REMEDIES AND JUDICIAL INTERVENTION

1. Supreme Court And High Court Judgments: The Indian judiciary holds a pivotal role in addressing instances of human rights violations within the realm of sports. Through landmark judgments, the judiciary has interpreted constitutional provisions and established precedents that significantly impact the protection of rights for athletes and sports personnel.

National Human Rights Commission v. State of Arunachal Pradesh

One notable case that underscores the judiciary's commitment to safeguarding human rights, including those of vulnerable groups, is the **National Human Rights Commission v. State of Arunachal Pradesh**. This case highlighted the imperative of protecting the rights of marginalized sections of society, a principle that extends to athletes facing discrimination and exploitation in the sports domain. The judiciary emphasized the constitutional guarantee of equality and dignity under Articles 14 and 21 of the Constitution of India, ensuring that these principles are upheld in the context of sports as well.

Ajay Jadeja v. Union of India: Another significant case, **Ajay Jadeja v. Union of India**, addressed critical issues of fair trial and discrimination within sports organizations. This case brought to light concerns regarding procedural fairness and the rights of athletes when facing allegations or disciplinary actions. The Supreme Court's ruling in this case underscored the importance of procedural due process and the right to a fair hearing, principles essential for protecting the rights of individuals involved in sports activities.

2. Legislative Measures : Despite the absence of specific legislation exclusively dedicated to addressing human rights in sports, several existing legal provisions in India play a crucial role in safeguarding athletes' rights and addressing violations within the sporting context. These provisions, derived from various statutes and acts, serve as important tools for ensuring accountability and protection in the realm of sports. **Indian Penal Code (IPC)** , originally enacted in 1860, remains the cornerstone of criminal law in India. While it does not specifically address sports-related offenses, several provisions within the IPC are relevant in cases of physical abuse, harassment, and exploitation of athletes. Offenses such as assault (Section 351), criminal intimidation (Section 503), and causing hurt by act endangering life or personal safety (Section 337) can be invoked to prosecute individuals responsible for abusing or mistreating athletes.

Protection of Children from Sexual Offences (POCSO) Act, 2012, The POCSO Act was enacted to protect children from sexual abuse and exploitation. It defines various forms of sexual offenses against children and provides for stringent punishment for perpetrators. In the context of sports, where young athletes may be vulnerable to exploitation by coaches, officials, or peers, the POCSO Act serves as a crucial legal framework for addressing such heinous crimes. It mandates special courts for speedy trials and incorporates child-friendly procedures to ensure justice for victims.

These legislative measures provide a foundation for addressing human rights violations in sports, their effectiveness often hinges on implementation and enforcement. Challenges such as inadequate awareness among stakeholders, delayed legal proceedings, and lack of specialized training for law enforcement personnel can hamper the efficacy of these laws in protecting athletes' rights. Moreover, the dynamic nature of sports, coupled with evolving

forms of exploitation and abuse, necessitates periodic review and adaptation of legal frameworks to effectively address emerging challenges.

In both cases, the judiciary relied on the foundational principles enshrined in the Constitution of India, particularly emphasizing: Article 14 (Right to Equality): Ensures equality before the law and prohibits discrimination based on various grounds, including race, caste, sex, or place of birth. This provision is pivotal in combating discrimination against athletes and ensuring equitable treatment within sports organizations. Article 21 (Right to Life and Personal Liberty): Guarantees the right to live with dignity, protecting individuals from arbitrary actions that may infringe upon their personal liberty. The judiciary has consistently interpreted this right expansively to encompass the rights of athletes to fair treatment, protection from abuse, and the opportunity to pursue their sporting careers without undue interference.

3. Impact And Implications : These judicial pronouncements have had a profound impact on the sports landscape in India. They have reinforced the accountability of sports federations and governing bodies in upholding constitutional values and ensuring compliance with human rights standards. By setting precedents that emphasize fairness, non-discrimination, and the protection of individual rights, the judiciary has provided athletes with essential legal safeguards against abuses of power and unfair treatment.

4. Future Directions: Continued judicial vigilance and advocacy are crucial to addressing emerging challenges in the realm of sports and human rights. Efforts to strengthen legal frameworks, enhance transparency within sports organizations, and empower athletes to assert their rights are essential steps towards fostering a more inclusive and rights-respecting sporting environment in India. By anchoring its decisions in the principles of equality, dignity, and procedural fairness, the judiciary has upheld the rights of athletes and reinforced the constitutional framework that governs sports activities in the country.

VII. ROLE OF SPORTS GOVERNING BODIES

1. National Sports Federations (NSFs) and the Indian Olympic Association (IOA) : Play pivotal roles in overseeing and regulating sports activities in India. Their responsibilities extend

beyond mere administrative functions; they are tasked with upholding national and international standards, including human rights principles as enshrined in the Constitution of India, 1950. They set guidelines and regulations governing sports participation, athlete selection, and training programs. These regulations are expected to be in line with constitutional provisions safeguarding the rights of athletes. Ensuring that athletes are treated fairly and equitably, without discrimination based on gender, caste, religion, or economic status. This includes providing equal opportunities for training, competition, and representation. Developing and implementing policies that protect athletes from abuse, exploitation, and unfair treatment. Such policies are crucial for maintaining a safe and supportive sporting environment. NSFs and the IOA face significant challenges that hinder their effectiveness. The bureaucratic nature of these organizations often leads to delays in decision-making and implementation of reforms. This can result in prolonged grievances and unresolved issues for athletes. There is a lack of transparency and accountability in the functioning of NSFs and the IOA. This opacity can undermine efforts to address human rights violations promptly and effectively.

2. Sports Authority of India (SAI): The Sports Authority of India (SAI) is another key player in the landscape of Indian sports governance. It operates under the Ministry of Youth Affairs and Sports and plays a crucial role in implementing policies and programs that impact athletes' rights and well-being. SAI is entrusted with the implementation of various welfare programs aimed at safeguarding the rights and interests of athletes. These programs encompass aspects such as healthcare, nutrition, and career guidance. SAI has established mechanisms for athletes to lodge complaints and seek redressal for grievances related to discrimination, harassment, or other forms of mistreatment. These mechanisms are essential for ensuring that athletes have recourse to justice and protection. Recognizing the mental health challenges faced by athletes, SAI has initiated programs to provide psychological support and counseling services. These efforts are crucial for addressing the psychological well-being of athletes, which is integral to their overall performance and development.

Sports Authority of India faces significant challenges in implementation however, the effectiveness of SAI's initiatives is often hampered by limited financial resources and infrastructure can impede the comprehensive implementation of welfare programs and

support services. There is a need for enhanced training and capacity building among SAI personnel to effectively manage athlete welfare programs and address complex issues related to human rights violations.

While NSFs, IOA, and SAI play indispensable roles in governing Indian sports and ensuring compliance with human rights standards, significant challenges persist. Addressing bureaucratic inefficiencies, enhancing transparency, and strengthening accountability mechanisms are essential steps towards creating a more equitable and rights-respecting sporting environment in India. By aligning their practices with the constitutional principles of equality, dignity, and justice, these governing bodies can contribute significantly to mitigating human rights violations in Indian sports.

VIII. SUGGESTION

To improve the protection of human rights in sports in India, several specific policy changes can be implemented. These changes should aim to address various dimensions of human rights violations, including discrimination, abuse, exploitation, corruption, and health and safety issues. Enact comprehensive sports legislation with explicit provisions safeguarding human rights, including strict anti-discrimination policies covering caste, gender, religion, and region, and establish mandatory reporting mechanisms for abuse, harassment, or exploitation incidents in sports. Implementing independent oversight bodies to monitor and investigate human rights violations in sports, with authority to take punitive action against offenders. Ensuring transparency in athlete, coach, and administrator selection through standardized, merit-based criteria. Introducing robust whistleblower protection laws to encourage reporting of corruption and abuse, without fear of retaliation. Mandate human rights education for athletes, coaches, and administrators, and launch public awareness campaigns to educate the community about human rights issues in sports and support affected athletes. Develop and enforce child protection policies to safeguard young athletes from exploitation and abuse, implement stringent age verification processes to prevent age fraud and premature professionalization, and encourage greater parental involvement in the training and development processes to ensure their well-being and safety. Ensure women in sports have equal opportunities, including access to training facilities, coaching, funding, and competitions,

through gender sensitization programs and targeted support like mentorship and financial assistance. Implementing these comprehensive policy changes would significantly contribute to fostering a safer, more equitable, and supportive environment for athletes in India, thereby ensuring that their human rights are respected and upheld.

IX. CONCLUSION

The issue of human rights violations in sports within India is deeply entrenched and multifaceted, necessitating a collaborative effort from all stakeholders to address effectively. The Constitution of India, 1950, serves as the cornerstone in safeguarding the rights of athletes, providing a robust framework against discrimination, exploitation, and abuse in the sporting arena. Upholding the constitutional rights of athletes is not merely a legal obligation but a moral imperative to ensure a fair and inclusive sporting environment. Fundamental rights such as equality before the law (Article 14), freedom of expression (Article 19), and the right to life and personal liberty (Article 21) are pivotal in protecting athletes from arbitrary actions and ensuring their dignity and well-being. Awareness among athletes themselves is paramount. Educating athletes about their rights, empowering them to report violations without fear of reprisal, and providing them with access to legal aid and support services are essential components of any comprehensive strategy to safeguard human rights sports. Beyond legal and institutional reforms, societal attitudes towards sports must evolve. Addressing human rights violations in Indian sports requires a holistic approach that combines legal reform, institutional accountability, athlete empowerment, and societal change. By aligning actions with constitutional principles and international standards, India can aspire to create a sporting environment where human rights are upheld, and athletes can thrive with dignity and fairness.

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