

HUMAN RIGHTS ISSUES IN SPORTS IN INDIA

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Physical education, games and sports are gaining importance now a day's, however, these received only peripheral attention over successive Plans. India hosted the IX Asian Games in 1982 and thus sports as a subject of policy gained recognition. The preparation for and conduct of the Asian Games created the much needed awareness about the multidimensional character of sports and the need for evolving a holistic Sports Policy and creating institutions for its implementation. Promotion and development of sports calls for a comprehensive, multipronged strategy, supported by adequate budgetary allocation and a strong organizational structure with clearly defined roles for various stakeholders. There is huge demand for physical education teachers and instructors. It is essential that more universities and colleges offering courses in physical education are opened across the country. The present paper attempts to examine the human rights issues in physical education and sports in India.

INTRODUCTION

'Rights', according to the New Webster's Dictionary, constitute a just claim or title, whether legal, prescriptive or moral. 'Rights', according to the Longman Dictionary of Contemporary English, are the political, social and other advantages to which one has a just claim, morally or legally. Oscar Wilde defines 'right' as a reasonable claim to freedom in exercising certain activities. According to H. J. Laski 'rights' are those conditions of social life without which no man can seek, in general, to be himself at his best. Bosanquet says that a 'right' is a reasonable claim recognized by the society and enforced by the state. Thus, the idea of basic rights of human being has been postulated differently by different thinkers, political theorists and philosophers during the last few centuries. The legal base of the modern concept of human rights is the slogan, "Liberty, Equality and

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Fraternity”, of the French Revolution. The Universal declaration of Human Rights adopted on December 10, 1948 declares “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Almost all the rights envisaged in the Universal Declaration are enshrined in the Indian Constitution either as ‘Fundamental Rights’ or as ‘Directive Principles of State policy’. Fundamental Rights offer to all citizens individually and collectively those basic freedom and conditions of life which alone can make life significant. Such rights are considered to be essential for the proper moral and material upliftment of the people. People have been facing many challenges to sustain the ideals of human rights. South Africa did not compete at Olympic Games from 1964 to 1988, as a part of the sporting boycott of the South Africa Apartheid era. The South African National Olympic Committee (NOC) was expelled from the International Olympic Committee (IOC) in 1970. In 1991, as a part of the transition to multiracial equality, a new NOC was formed and admitted to the IOC, and the country competed at the 1992 Summer Olympics. At 1936 Berlin Olympics, Jesse Owens was treated by Adolf Hitler as subhuman. The Munich massacre was an attack during the 1972 Summer Olympics in Munich, West Germany on 11 members of the Israeli Olympic team, who were taken hostage and eventually killed, along with a German police officer, by the Palestinian group Black September. In India too favoritism (based on regionalism and casteism especially) and gender discrimination find a place not only in conferring honorary titles to sports-persons but also in their selection to the national team where talent is being crippled . And numerous such incidents indicate the level of challenges faced in promoting human rights through sport and the Olympic ideal. Strategies should be developed that would translate the symbolic role of sport in the promotion of human rights, peace and understanding to that in which it address more sustainable issues such as its role in easing or preventing political conflicts and improving quality of lives, as well as preventing racism and inequality, protecting human rights, alleviating poverty and enhancing the principles of democracy. The challenges are also to be faced while promoting human rights through sports as there is

always hierarchy given to the western countries or the white men or the developed countries may come up aggressively or war indication may also be projected. It may also happen that a greater subjugation might also be projected.

SPORTS IN INDIA

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resources, encourage sports talent and universalize access to sports facilities. Allocation for sports sector by the states is less than 0.50 percent of their State Plans. An analysis of budgetary allocation for Youth Affairs & Sports by State Governments reveals that there has been decline in budgetary allocation and expenditure for Youth Affairs & Sports in terms of percentages with reference to allocation for Education as well as overall Plan Outlay for States (KPMG, 2014). The 12th Plan proposed a series of reforms in the Sports sector, which will build on a holistic approach to the development of sports and physical education. The focus of the approach will be universal access and mass participation through the school system and the decentralized Panchayati Raj system and promotion of sporting excellence. Promotion and development of sports calls for a comprehensive, multipronged strategy, supported by adequate budgetary allocation and a strong organizational structure with clearly defined roles for various stakeholders (Planning Commission, 2012).

Sports Bodies play a role in promoting these values and help to create an environment underpinned by respect and cooperation, which strengthens the promotion of and respect for human rights (IHRB, 2018). Brendan Schwab (2018) opined that three great movements—global sport, the cause of universal human rights, and athlete activism are each driven by their own powerful values systems. These values, which have been passed down from generation to generation, also have much in common. They stand for human dignity and the social power of sport, demonstrating how sport provides both the occasions to celebrate humanity and, due to its intensity, scale, and reach, the circumstances to impact people negatively. Sport is, by its nature, a shared experience. The various ways in which human rights are achieved in and through sports may be classified into three overlapping categories: (1) the right to participate in sports; (2) the possibility that sport may assist in the achievement of human rights; and (3) the use of sports to achieve rights for specific classes of persons, which combines aspects of the right to participate in sports with the more general use of sports to achieve human rights (Donnelly, Peter, 2008). The right to participate in sports, and the achievement of human rights through sports, come

together in various human rights campaigns by specific classes of persons. Increasingly, marginalized groups and populations have begun to announce their presence and claim their right to human rights with the use of sport. Economists and the public at large have become increasingly interested in the issue of discrimination in professional sports. The public perception has to some degree been that sports are an oasis of equal economic opportunity for minorities (Eitzen and Sage, 1978). The issue of discrimination in sports has increasingly attracted the attention of economists, who have seen professional sports as providing an unusually good opportunity to study the extent of discrimination. Economists have usually defined discrimination as unequal treatment (for example, on the basis of race, gender, or age) of equally productive workers (Becker, 1971). This review has uncovered varying patterns of evidence on discrimination in professional sports. Currently, there is little evidence of salary or hiring discrimination by major league baseball. Consistent with these findings for baseball salaries, there is no evidence that customer discrimination has affected team revenues since the introduction of free agency, although it has affected baseball card prices. Finally, there are unexplained racial differences in career length and persistent, though slowly falling, segregation by position (Kahn, 1991). By virtue of their global platform at sporting events, athletes hold tremendous potential to promote human rights values. International law guarantees their right to do so and whether applied to them directly, or indirectly through the states within which they reside, athletic organizations, too, are bound to uphold this guarantee. Nevertheless, athletic organizations continue to restrict their athletes' freedom of speech in contravention of international law (Shahlaei, 2018).

Research in the sociology of sport suggests that sport can be an invigorating and a personally empowering experience for girls and women (Nelson, 1991). Being an athlete, especially a skilled athlete, can change the way a woman sees herself. It can make her feel physically stronger, more competent, and more in control of her life as an independent individual. This is important because social life often is organized in ways that lead girls and women to see themselves as weak, dependent and powerless. Developing physical

skills can give women the confidence that comes from knowing that their bodies can perform with physical competence and power. Furthermore, the physical strength often gained through sport participation goes beyond helping a women feel fit; it also can make her feel less vulnerable, more independent, and more in control of her physical safety and psychological well-being (Nelson, 1991). Studies show that an alarming number of women athletes use laxatives, diet pills, diuretics, self-induced vomiting, binges, and starvation diets in conjunction with their training. Recent research shows that many sport organizations, including those in high schools and colleges, are not very good at supporting and retaining women coaches and administrators. Males are consistently presented in ways that emphasize their athletic strength and competence, whereas females are presented on ways that highlight their physical attractiveness and femininity Duncan and Has Brook, 1998 : Kane and Lenskyj , 1997 did a study on media treatment of female athletes. They reported that over the last two decades, sports sociologists have convincingly demonstrated media representation of women's identities in sport link their athleticism to deeply held values regarding femininity and sexuality (Duncan, 1990; Kane ,1996; Kane and Greendorfer ,1994: Lenskyj ,1994) .Strong and aggressive men are lionized and made into heroes in sports, while weak or passive men are marginalized and emasculated (Jansen and Sabo, 1993). In this sense she joins numerous scholars (Benette, Whitakes, Smith and Sablove, 1987) who argue that real or imagined presence of lesbians in sport threatens male domination. Sabo asserts that homophobia perpetuates male power in sport by maintaining men's monopoly on existing resources. Kane and Lenskyj (1997) did a study on media treatment of female athletes. They reported that over the last two decades, sports sociologists have convincingly demonstrated media representation of women's identities in sport link their athleticism to deeply held values regarding femininity and sexuality (Duncan, 1990; Kane ,1996; Kane and Greendorfer ,1994: Lenskyj ,1986). Homophobia affects all women athletes, lesbian and straight alike; it creates fear, it pressures men to conform to traditional gender roles, and it silences and makes invisible the lesbians who manage, coach, and play sports (Messner, and Sabo, 1990). Bhalerao (2003) in her examined the

problems faced by women players who participate in interuniversity sport competitions. Another body of knowledge, which takes as its fundamental premise, men's domination of sport, is the emerging literature on homophobia in women's athletics. Agrawal and Sharma (2018) have raised the issues plaguing the sports arena is numerous. The sports law majorly revolves around the corruption that takes place in an event of sport. Betting, gambling and match fixing are among the other integral factors contributing particularly to this corruption. Every event of sports, big or small, has been and is continued to be subject to betting and match fixing. Doping is one of the major challenges faced in sports law. Gender discrimination in the athletics industry has long been a controversial topic. Sport is one area where gender inequality is strongly evident. The problem is more socio-psychological than anything else. Men are still considered the better sex Sport participation also appears to cultivate development of masculine characteristics (e.g., competitiveness, achievement in athletes, and is one manner for American males to pursue and achieve a masculine gender role identity. In contrast, American society typically views being female and an athlete as incompatible. Sport participation by females routinely carries a negative stigma (Kothekar, 2005). The availability of well qualified coaches is a critical area for the promotion of sports excellence, and requires focused attention in the Indian context. There is need for producing quality coaches of international standards within the country and develop a holistic system for imparting coaching. The Ministry of Youth Affairs & Sports has already decided to de-merge National Institute of Sports (NIS), Patiala from Sports Authority of, India (SAI) for forming a new society for creating an institute for coaching of national importance. Prior to its amalgamation with the Sports Authority of, India in April, 1987, NIS National Institute of Sports, Patiala was functioning as the National Institute of Physical Education and Sports under the erstwhile Society for the National Institute for Physical Education and Sports (SNIPES). The Scheme for Preparation of Indian Team for CWG 2010, has worked well as it has clearly defined roles and responsibilities, supported with adequate budget, for each agency/authority responsible for preparation of teams for participation in mega events viz., the

Ministry, SAI, IOA, NSFs, athletes, coaches and support personnel. Under the Scheme the core probable were identified and thereafter a focused training/ competition programme was put in place and implemented. A regular scheme for preparation of teams/athletes for mega sporting events should be introduced during 12th Plan. The Scheme should be on the lines of the Scheme for Preparation of Indian Team for Common Wealth Games, after addressing the weaknesses/shortcomings noticed/felt in its implementation during Common Wealth Games, 2010. It is also suggested that national level Institutes should be set up by SAI in the 5 major sports complexes of SAI in Delhi such as National Institute of Hockey at Major Dhyan Chand National Stadium, which will become centres of excellence, training and research for that particular sport. Sports Science and Sports Medicine are in the present era of competitive sports, at the core of preparation of teams and athletes for improved performance in international sports. The Ministry of Youth Affairs & Sports has been upgrading the role of sports science and sports Medicine.

HUMAN RIGHTS

The Constitution of India provides for fundamental rights, which include freedom of religion, speech, movement and freedom to participate in Games and Sports, within the country and abroad. Sports has been an art which displays the skills and endless hard work behind any talent not only rewarding his blood sweat earned excellence but also giving him a recognition in the name of patriotism to stand high in the society. India is multi cultured country having number of traditional and international sports. The Ministry of Youth Affairs and Sports, Government of India has introduced many schemes on the basis of Human Rights in India. The sports infrastructure scheme and programmes seek to tap hidden talents for participation in sports events at the national and international levels. The government also encourages sports and games through many national awards. The Government is also trying its best to associated sport with human rights through National Service Scheme. Under national service scheme there are always some cultural and sports related activities, which is also can be linked to human rights or to promote human rights. The Olympic also promotes human and social

values like respect for human beings, unity in diversity, tolerance, understanding, acceptance and etc... This particular event reveals how vast can be the effect of such an event in protection of human rights. Archery, Athletics (including Track and Field events) , Atya-Patya, Badminton, Ball-Badminton, Basketball ,Billiards and Snooker, Boxing ,Bridge ,Carrom ,Chess ,Cricket, Cycling, Equestrian Sports ,Football ,Golf ,Gymnastics (including Body Building) , Handball Hockey ,Ice-Skiing ,Ice-Hockey, Ice-Skating ,ludo ,Kabaddi ,Karate-DO, Kayaking and Canoeing , Kho-Kho , Polo , Power lifting, Rifle Shooting ,Roller Skating, Rowing ,Soft Ball, Squash , Swimming ,Taekwondo ,Table Tennis , Tenni-Koit , Tennis ,Volleyball , Weightlifting Wrestling , Yatching are the sports practiced and supported by Government of India. In India too favouritism (based on regionalism and casteism especially) and gender discrimination find a place not only in conferring honorary titles to sports person but also in their selection to the national team where the talent is being crippled. Media is the best way to promote human rights through sport and the Olympic ideal. Media also play an active role by bringing out the truth and encoring the Government of India to impose more transparency in sports system.

Sports Authority of India was set up by the Government of India on 16 March, 1984 as a registered society primarily to look after the sports infrastructure created for the IX Asian Games. With the declaration of the National Sports Policy in August, 1984 an amalgamation of the Society for the National Institute of Physical Education and Sports (SNIPES) and the Sports Authority of India took place on May, 1987. There are six regional centres of Sports Authority of India and the headquarters of all the centres are situated in different states. There are Southern Centre, Eastern Centre, Northern Centre, Central Centre, Western Centre and North Eastern Centre. Netaji Subhash National Institute of Sports, Patiala, established in 1961, is India's most prestigious and Asia's highly prized institution. The Ministry formulated a scheme for promotion of sports and games among disabled during 2009. Doping is the deliberate or inadvertent use by sportspersons of a substance or method banned by Medical Commission of International Olympic Committee/World Anti Doping Agency (WADA). India is no

exception to this malaise. Recognising the urgent need for embarking upon a concerted effort to check doping in collaboration with the global anti-doping community, The Government of India became one of the members of the Foundation Board of WADA, set up with the initiative of the International Olympic Committee. NADA is the national organisation responsible for promoting, coordinating and monitoring the doping control programme in sports in the country. The Anti Doping rules of NADA are compliant with the Anti Doping Code of WADA. Central Government took a premium step in the year 1995 by giving the status, of Deemed University to the Institute of Physical Education. The main function of this institution is to prepare or trained the coaches in such a way that they can provide proper training to the students of physical Education at various levels. In order to broad-base sports and to promote excellence, the Government has formulated a National Sports Policy, 2001. As we see sports have travelled a long journey on the way of their upliftment in the Indian society. Government and Non-Government agencies have worked a lot for the broad basing of sports in the country, but a lot is to be done yet in this regard. People are also getting attracted toward games due to many incentives offered on various stages in the form of cash prizes, and reservation in jobs under sports quota etc. Sports bodies are custodians of sporting movements that have inherent potential to create positive change. To realise this potential it is essential that respect for human rights be embedded within governance and operations, and that policies, systems, and practices regularly evolve to reflect the continually developing human rights landscape. This should also be the starting point for engaging with critical issues such as integrity, equality, and fair play. Sports Bodies have a responsibility to respect human rights: that is, to provide equal opportunity to play and to avoid people's human rights being harmed through their activities or business relationships, and to address harms that do occur. At all times Sports Bodies should strive to act responsibly, through their governance, through proper safeguarding, and through respecting the rights of all stakeholders including athletes, fans, communities, workers, children, volunteers, journalists, human rights defenders, and potentially marginalised groups. Participation in sport and

physical activity plays an important role in bringing people together around common values of fair play, integrity, teamwork, excellence, respect, tolerance and friendship.

There is huge demand for physical education teachers and instructors. In order to catering the rising demand of quality physical education teachers especially for senior secondary schools, it is essential that more universities and colleges offering courses in physical education are opened across the country. The Ministry of Youth Affairs and Sports, Government of India is responsible for administering the Department of Sports. The Sports Authority of India (SAI) is the field arm of Ministry in the promotion of sports in India through the implementation of various schemes such as the National Sports Talent Contest Scheme (NSTC), SAI Training Centres Scheme and Centres of Excellence scheme. SAI also operates several regional Centres and sports institutes such as the Netaji Subhash National Institute of Sports Patiala and the Laxmibai National Institute of Physical Education, Thiruvananthapuram. Government bodies under the Ministry are responsible for providing financial assistance, training and infrastructure support to autonomous bodies such as the Indian Olympic Association, various national sports federation, sports federations that operate under the aegis of recognized National Sports Federations and various State Olympic Associations). In return of the investment made by Government bodies, National Sports Federations, Sports Authorities and Associations are responsible for organizing sports competitions, holding international sporting events and providing Indian sportspersons with an adequate platform to showcase their talents. Various sports associations at the state level are in turn affiliated to their respective Sports Associations and National Sports Federations. . Non-profit organizations such as the Olympic Gold Quest and the Mittal Champions Trust have shown the way to other corporate players in supporting training requirements of athletes and extending financial support to upcoming athletes by raising funds from companies and individuals. Sports and games have been highly beneficial for good health and building competitive sprit ever since humanity existed. It brings people together, catalyses cultural and societal change, encourages free spirit, instills discipline and

significantly teaches people to win and lose. The importance of sports has been in promoting an active healthy lifestyle, creating a culture of sportsmanship and building team spirit and helping in the overall development of an individual. Promotion of sports brings in the spirit of the game, the national pride, a sense of social inclusiveness and of course employment opportunities. With increased government spending on local and global sports events and Indian athletes winning international acclaim, sports seems to be on a steady footing but there is still lots that needs to be done. Sports are a rapidly growing industry worldwide. Indian Sports Goods Industry still face several problems, challenges, constraints that are as a result of the interaction of different market forces as well as social and political limitations. Indian sports goods industry still in major way depends on child labour as means of labour. While it is shameful for a nation determined to abolish child labour upto 14 years of age. This indeed is emerging out as a challenge for the Indian Government and sports goods industry as a whole. Besides, human rights issues including gender discrimination, exploitation, sexual harassment, malpractices such as match fixing and use of steroids by sportspersons are cause of concern. Besides, poor infrastructural facilities during the practice and events of sports, poor living and working conditions, discouraging and humiliating attitude of coaches, administrators and event organizers are plaguing the sports spirit of sports persons.

CONCLUSION

Government of India is planning to setup National Institute of Sports Science and Medicine as Centre of Excellence by providing highly integrated, quality-assured services, the development of leading experts who will subsequently drive innovation and share knowledge to positively impact sporting performance. There is a growing recognition that participation in sport for the promotion of development, health, physical fitness and nutrition is an important element of the life of every Indian citizen. Sports, education and health are closely inter-linked with each other. Sports and physical education should form an integral part of a school curriculum to promote all round development of children. Government bodies under the Ministry are responsible for providing

financial assistance, training and infrastructure support to autonomous bodies such as the Indian Olympic Association, various national sports federation, sports federations that operate under the aegis of recognized National Sports Federations and various State Olympic Associations) In return of the investment made by Government bodies, National Sports Federations, Sports Authorities and Associations are responsible for organizing sports competitions, holding international sporting events and providing Indian sports persons with an adequate The importance of sports has been in promoting an active healthy lifestyle, creating a culture of sportsmanship and building team spirit and helping in the overall development of an individual. Promotion of sports brings in the spirit of the game, the national pride, a sense of social inclusiveness and of course employment opportunities. However, human rights issues in physical education and sports industry have to be addressed in view of creating healthy and conducive competitive ecosystem of sports in India.

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