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SPORTS FOR DIVYANGJAN

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ABSTRACT

Sports has always been associated to fitness and as a career option, it has been restricted to abled person. Though with social inclusion emerging in every sphere of life these days, sports have also welcomed disabled persons for their representation via Paralympics game.

In this growing world when everybody is running behind success and development, we tend to overlook other sections of the society which though being part of us and give their contribution to the society still being not recognised. The latest data shows that approximately 1 billion people are living in the world with disabilities, i.e., 15% of the world population with up to 190 million³(3.8%) people are in the age of 15 years and the older having the significant difficulties in functioning, among which 80% are living in developing countries. The numbers are daunting as approx. 21 million people living in India are disabled.⁴ The purpose behind mentioning these numbers is that a major section of the world can be asset to the society but still lagging behind because of their disability. The sex-based handicapped exhibit a similar pattern, with the caveat that the proportion of females with visual and hearing impairments is higher.⁵

Nevertheless, in the recent years there is a huge difference in international thinking about disability, it has raised the societal acceptance for disabled people and has developed certain level of confidence among disabled people to consider them as capable of adding their share to the society. Now with the growing technology disabled people has also got an opportunity to live their lives independently and making the best out of their potential and skill. Due to lack of resources disabled people and their families struggle to fulfil basic needs when it comes to education, medication, employment, transport, or providing opportunities for sports.

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³ *Disability and health*, WORLD HEALTH ORGANIZATION, <https://www.who.int/news-room/fact-sheets/detail/disability-and-health> (last visited Apr 2, 2022)

⁴ Disabled population, CENSUS OF INDIA: DISABLED POPULATION, https://censusindia.gov.in/Census_And_You/disabled_population.aspx (last visited Apr 2, 2022)

⁵ Ibid

According to WHO, frequent participation in sports and physical activity may benefit everyone's health and functional ability, including those with disabilities. In order to ensure that the rights of people with disabilities were recognised and implemented across the world, the Convention on the Rights of People with Disabilities was established. Since its adoption by the General Assembly in 2006, this Convention has been among the most expeditiously drafted treaties in UN history. Human rights are at the heart of the treaty, but there is also a strong emphasis on social development. One of the rights it guarantees is the equal participation of individuals with disabilities in cultural life, which includes the right to engage in recreational and leisure activities such as play, recreation, leisure, and sports.⁶

INTRODUCTION

As we all know the Einstein, Mozart, Michel Angelo, Darwin, and Newton were great personalities, but there was one thing similar among all these great persons are that they are all special people. There are so many more examples: a great composer-pianist Beethoven was Deaf; John Milton great poet was suffering from blindness. Similarly, Einstein though learning impairment, but he has evolved the theory of relativity which affected the way people view and understand the world today. Thomas Alva Edison was affected with hearing impairment, but his evolution of electricity is the essential element for living a good lifestyle in the modern world. Again, Louis Braille was suffering from visually impaired, but he has developed a Braille system to write and read for the visually impaired people and not this is known by his name only i.e., braille. Recently Ira Singhal, Arunima Singh, Yogesh Kathuniya and Neeraj Yadav mad many more have proven that “if there is will there is a way in life”. Ira Singhal though disabled yet has topped India’s toughest competitive examination IAS. Yogesh Kathuniya mare a world record in discuss throw, Arunima Singh climbed the highest mountain peak in the world, the Mount Everest and Neeraj Yadav have made a world record in the javelin throw.

They have proved that it is not a disability but one’s ability that counts. The impairment affected their bodies but the spirit to do more and to do for the society and to inspire others by their achievements or their success, even they have faced so many issues and faced difficulties, but they have cleared all the hurdles of their life.

But every coin has two faces so there is also another side to picture. The people with disabilities are additionally denied of all chances of social and economic development. The essential

⁶ *Supra* note1

facilities like health, sports facilities, training, and work are denied to them. The condition of the framework is lacking and poor for the person with a disability.

Sports History is also important to increase the performance of the individuals in the sports because games are all about the performance of individuals in different competitions all over the world. It also helps individuals to track their games and to achieve new goals. Olympic is a history of ancient games and sports. Olympic reflects the history of ancient cultural, political, and traditional games. Olympic Games and their development throughout the years make an interesting story. Olympic Games are one of the worlds glorifying events. There are so many readings related to the history of the Olympic Games from different angles. No one knows exactly the historical origins of the Olympic Games therefore the history of the Olympics has been discussed into two aspects Ancient Olympic Games and Modern Olympic Games⁷.

Disabled athletes' participation in sports has increased, although they still trail behind their able-bodied counterparts in competitive sports in general. The Paralympic Games, a major international multi-sport event for athletes is governed by the International Paralympic Committee and other International Sports Federations. IWAS, IBSA, and CPIRRA are only a few examples of other international organization's that control sports based on particular handicap groups. The International Equestrian Federation (FEI) and the International Wheelchair Basketball Federation (IWBF) are two examples of single-sport federations that control impaired athletes' sports. The FEI is a federation that represents both able-bodied and disabled athletes.⁸

Some people who born sound are fortunate whereas those who take birth with disabilities are considered as a liability of parents and of relatives. Earlier people took disabled people as a burden on the society but later on since 1970s the response towards disability has transformed majorly due to disabled people raising their voice by forming their groups and making people aware about their issues, their struggles, their capabilities and as and when they have been given opportunity, they have proved it to the world that they are capable of doing more.

HISTORICAL BACKGROUND FOR DIVYANGJAN

However, now disability is a human rights issue and it is not viewed as similarly as it used to be during the early times where disability was projected in the form of negative character in the

⁷ *The Olympic Games*, HISTORY.COM, <https://www.history.com/topics/sports/olympic-games> (last visited Apr 2, 2022)

⁸ *Welcome to INSPORT*, The InSport, <https://in-sport.eu/> (last visited Apr 2, 2022)

holy literature of Mahabharata and Ramayana. This has caused harmful impression on the minds of the people and they started taking disabled people as not good persons and as someone who don't deserve to live with them or to be taken care of them. But the other shift was distressing when the sudden change was seen in the society towards disabled people when disabled people were looked at with pity and charity. Nevertheless, this view is no more there as disabled people fought back against all these negatives and did not let their disability as disadvantage and live as all other people. It has been evidenced that disability is not there in the people with disabilities but that exist in the social system. It is their right to be treated equally and be given with equal opportunities rather treating them as inferior to humankind and this was somewhere happened due to 'Disabled movement' that took place worldwide. India adopted United Nations Convention on the Rights of Persons with Disabilities (CRPD) in the year 2006 and later on due to this United Nations Standard Rules on the Equalization of Opportunities of Persons with Disabilities have incorporated the human rights of people with disabilities.

DEVELOPMENT OF SPORTS

Historical Movement: Paralympic games have existed for more than 100 years, the beginning was with the achievements of Sir Ludwig Guttman and Etymology when in 1944, they opened a spinal injuries center at the Stoke Mandeville Hospital in Great Britain, and with the passage of time, rehabilitation sports evolved to recreational sports within the person with a disability and then to competitive sports. There were six periods which helps in the development of the moment: 1944-52 sports as rehabilitation; 1952-59 leaving hospitals for the representing country; 1960-64 expansion to the Olympic games; 1964-87 various events; 1987-till now Evolution of ICC to IPC.

The concept of giving sports facilities to the person was disability was first established in 1888, where the first Sports Club for the Deaf was founded in Berlin, thereafter in the 1940s, we all know that the beginning of the Paralympic moment was in England. The moment was widely introduced at the time of World War -II, as there were injuries to the large number of War veterans and civilians, and to bring back their light & effectiveness in their life, encouragement to live and their societal acceptance.

Sir Ludwig Guttman and Baron Pierre de Coubertin are known as the founding father of the Paralympic moment and the modern Olympic game, respectively. In 1960 Pope John XXIII said that "Dr Guttman, you are the de Coubertin of the paralyzed" (His Holiness pope john XXIII,

1960) They encourage sports as restoring physical fitness, strength, and bringing back life i.e., social reintegration. Paralympic moment grows and widely developed because it accepts some basic values like justice, equity, reasonableness, arbitrariness, good conscience i.e., equality for all by giving same opportunities, the Paralympians were determinant in their game by their unique strength and their ability to perform an outstanding performance. The Paralympians by their courage of playing the sports became the role model for the Paralympic moment and as sports is the most important way for bringing life back and the societal re-acceptance. It also helps in maximizing the abilities and empower them to do more and to break down the social barriers and the discrimination towards persons with disabilities.

Periodically Development: 1944-52, firstly there was a rehabilitation center was established by Dr Ludwig Guttmann believing that in this special center the patient will get better treatment and care for spinal injuries as compared to the general ward in any hospital. They always encourage the patient to do more physical work, and which later helps in the development of games for the person with disabilities such as a wheelchair polo, archery, netball, javelin, and snooker. The center promotes sports as it was the most natural form of remedial exercise, restoring physical fitness, strength, speed, and pleasure in life. Then there starts a interdepartmental sports events and later between the different hospitals and developed into the Stoke Mandeville Games.

1952-59, during this period the sports for a person with disabilities Paralympic, grows beyond rehabilitation centres, this period was considered as internationalization and the focus was to spread information on and positivity for the Hospital's way to deal with paraplegic consideration and the role of the game in restoration. There were expanding cooperation in the Games by patients who had finished their restoration and been released into the public.⁹ In 1952, competitors were chosen to address their nations, as opposed to their restoration medical clinic, another change that adjusted Paralympic sports with the nondisabled game, and which served to de-emphasize sports as recovery or rehabilitation.

1960-64, the advancement of the Paralympic Movement and are authoritatively perceived by the IPC as the first Paralympic Game. They were the main ISMGs at any point held external the Hospital grounds, and they were conducted in the similar city as the Olympic Games had been. unfortunately, despite the best efforts of individuals inside the development, it was not until 24 years after the fact, at the 1988 Games in Seoul, that the Olympic and Paralympic Games were

⁹JOSEPH P. SHAPIRO, NO PITY, PEOPLE WITH DISABILITIES FORGING A NEW CIVIL RIGHTS MOVEMENT, (First Indian Reprint 1993).

by and by holding in a similar city restoring the nearby arrangement that portrayed the Rome and Tokyo Games.

1964-87, there was Expansion of the inability bunches containing the development as there was just a single association initially in the beginning and from that point, any remaining different associations of various handicap bunches like LA, INAS-GMH, INAS-FID, ID were met up for the advancement of this weak segment and although they were isolated by incapacity or various gatherings yet authoritatively perceived as a piece of Paralympic games. In this period just the winter games of year games were begun in Europe. This time of advancement was identified with extending worldwide acknowledgement of the view that individuals with handicaps reserved an option to take part in the full range of exercises that included local area life, and that game and entertainment were a necessary piece of this range. For instance, in 1975 the United Nations (UN) General Assembly received The Declaration on the privileges of Disabled Persons (Resolution 3447), article 9 of which expresses that "Crippled people reserve the option to take part in all friendly, innovative or sporting exercises." people with scholarly inability are citizenry qualified for similar rights, openings, and obligations as every other person. They are not unique, but rather have explicit requirements, comparably the old, the youthful, the visually impaired, and truly disabled have explicit necessities." Fostering the picture of Paralympic sports as world class. Notwithstanding, two improvements fostered the picture of Paralympic sports as first class. The initiative was the consideration of wheelchair dashing (men's 1500 m and ladies 800 m) as showing occasions interestingly at the 1984 Olympic. The other striking pattern toward elitism from inside the development was the fitting of the Paralympic occasions program so it turned out to be more firmly lined up with the Olympic games program.¹⁰

1988-till present, the Games that proclaimed the arrival of Paralympic sports as an elite worldwide game. At the end of the games, the principal President of the IPC, Dr Bounce Stead ward remarked: "the 1988 Seoul Paralympics significantly showed the impacts of legitimate association and the shift from the sports as recovery to brandish as entertainment to world class sports. The triumphant competitor was the world class competitor, one at the pinnacle of preparing and molding. Subsequently, these Games are considered the first Games of the advanced Paralympic time" (Bailey, 2007). To be sure, with 3951¹¹ competitors contending at

¹⁰ YVES VANLANDEWIJCK AND WALTER R. THOMPSON, THE PARALYMPIC ATHLETE: HANDBOOK OF SPORTS MEDICINE AND SCIENCE, 24 (Wiley-Blackwell 1ed 2011)

¹¹ *Id* at 25

the Beijing Games in 2008, the Paralympics are currently the second biggest global games get-together of any kind after the Summer Olympics.

LEGAL PROVISIONS

Various constitutional provisions which are related to the rights of a person with disabilities are as follows:

Article 16¹² provides for the equality of opportunity without and discrimination in public employment. Clause 4 of this Article gives those unique measures can be taken for socially and Educationally Backward residents of the country. The Supreme Court has held that Persons with Disabilities go under the class of socially and Educationally Backward residents.

Article 45¹³ of the Constitution of India guides the state to give free and mandatory schooling up to 14 years old. The 93rd Constitutional Amendment has included free and obligatory schooling in the chapter of Fundamental Rights. The Parliament has passed the Right to Education Act, 2009 to implement this right. The Supreme Court in its different decisions, for example, Unnikrishnan case chose in 1993 have decided the Right to Education as a feature of Right to Life under Article 21 of the Indian Constitution.

Article 15(1)(ii)¹⁴ of the Constitution of India provides access to public spots without discrimination. For in some cases, the view is making progress that this Article is also Applicable to the cases of accessibility issues related to people with inabilities. The NHRC also supported this view.

Article 41¹⁵ of the Constitution of India also deals with various conditions including disability.

The supreme court in Indira Ashley v. Association of India held that reservation for Persons with Disabilities is covered under Article 16(1), and Clause (1) of Article 16 ensures equality of chance for all residents in an issue of business or arrangement to any office under the State. Regarding the extent of Articles 16(1) and 16(2), the Courts have set out the following principles:

- Equality of opportunity implies that a resident has an equivalent possibility with others in issue identifying with work under the State.

¹² J.N. PANDEY, CONSTITUTIONAL OF INDIA, 2018, 83-90 (55th ed., Central Law Agency)

¹³ *Id* at 90-95

¹⁴ M.P. JAIN, THE CONSTITUTIONAL LAW OF INDIA, 78-79, (8th ed., LexisNexis 2018)

¹⁵ *Id* at 105-111.

- Equality of opportunity in the issue of work implies similarity between individuals a similar class of representatives and not balance between individuals from discrete, autonomous classes. Clause (1) of Article 16 is a lot more extensive in scope than Clause (2) and the grounds of discrimination referenced in Clause (2) are not exhaustive. Segregation asserted on grounds other than those expressed in Article 16(2) must be gauged and decided in the light of the overall rule set down in Article 16(1).

CONCLUSION

The PWD Act is a positive step toward a more progressive and inclusive society in which few persons are hindered from attaining their full potential or limited by their disability. This guarantees that the workplace culture and employment norms are in line with international standards. It's also commendable of the government to have started encouraging, conducting, and promoting campaigns and sensitization programmes to raise awareness about the issue. However, the reality of the Act's implementation is diametrically opposed to the principle. According to a response to an RTI filed in March 2020, only 26 states have a State Advisory Board on Disability, and of them, only 9 have a State Advisory Board on disability.

According to a response to an RTI filed in March 2020, only 26 states have a State Advisory Board on Disability, and of those, only 9 have a State Advisory Committee consisting of disability experts to assist the Disability Commissioner, only 9 districts have a disability committee, and only 6 states have established a state fund for disabilities.¹⁶

Another RTI reveals that no audit has been performed since 2016, and that up to 260 crores of funds are sitting idle in the National Fund.¹⁷ On July 2, 2020, the Ministry of Social Justice and Empowerment proposed a draught decriminalizing minor offences if the accused is a PWD, effectively objectifying PWDs as charity-based objects once more.

India ratified the UNCRPD in 2007 and pledged to mainstream PWDs; nevertheless, given the legislation's severe shortcomings, it still has a long way to go in terms of implementation, which is mostly dependent on the state's political will.

¹⁶ Newshook, available at <https://newshook.com/story/rpwd-act-rti-disability-rights-advocay-groupdrag-akeel-ahmed-ushmani-ncpe-dp-drif-accessibility-disabled-disability/> last visit on 18th March 2022

¹⁷ Rs 260.62 crore national disability fund lying unused, reveals RTI, INDIAN EXPRESS <https://indianexpress.com/article/india/rs-260-62-crore-national-disability-fund-lying-unused-reveals-rti-5860598/> last visited on 18th March 2022

India needs to provide the appropriate auxiliary aids, such as the equipment's of games the proper diet of athletes and special coaches and should build special stadiums who will deal with only para-sports persons. Appreciation and motivational and awareness programmed on regular basis.

More of the so-called twin track method needs to be ingrained in India. It's frequently used to promote for marginalized people's rights, as well as to promote disability-inclusive humanitarian action. This strategy entails mainstreaming and targeting disabled individuals to achieve equality of rights and opportunities. The first of these has previously been covered. In terms of the latter, it entails addressing the disabled's unique requirements in order to empower them and better their position.

*“Hold my hand and work with me,
We must break the back of social equity,
We must empower every individual with a disability,
To live with dignity in an inclusive society.”*
- [W.E. Lightbourne]