

Gender pay-gap in sports

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Introduction

The world has witnessed male dominance over the sporting world due to the idea of "Porcelain Doll Femininity". When broken in simpler terms, this means that women are too dainty a creature to indulge in violent physical challenges, which is one of the vital prerequisites for sports. But critical improvements have been seen during the early 18th century where females were allowed to play some sports which were not violent, which flaunted the characteristics of more of a lady-like sport. The idea of Porcelain Doll Femininity became archaic when society progressed; women started enjoying the same games as men. Women went beyond the limits and started to represent themselves as a team on international levels in the initial phases of the 19th century. Miracles in women sports are witnessed in the 20th century; this is a period where we do see sports inclining towards the other sex. Millions of girls have represented their nationalities all across the world. One cannot forget about some special mentions in sports who have dominated the world and have set up new benchmarks in the sporting world like, Mary Kom (Boxing), Saina Nehwal, P.V Sindhu (Badminton), Dutee Chand (Athletics), Dipa Karmakar (Gymnastics), Deepika Kumari (Archery), P.T Usha (Athletics), Mitali Raj(Cricket), DipikaPallikal (Squash).

Problem analysis and court's verdict

India may have done well by granting equal rights from the beginning but has failed miserably when it comes to "equal pay in sports" which leaves sportswomen mentally vulnerable without a reasonable justification. It's no longer a secret that a gender pay gap exists in India; female athletes are paid considerably less as compared to their male counterparts despite having "equality" as a part of the basic structure. The constitution of India is the bulkiest constitution in the world which ensures to encompass every aspect. The very fundamental concept that has been codified under it, is the concept of "Equality" which for now the constitution has ensured to implement in every facet, but when it comes to sports- it is still futile. The pay gap violates [Article 14](#), [Article 15](#), [Article 16](#), and Article 39(a) of the Constitution. Hence, in all of the above provisions, it is discovered that women should be granted equal status in all aspects, wherein sports is not an exception.

The grounds for which still does not hold any justification. Although the concept of equality has been stated in the basic structure of the Constitution, it is still a very challenging task when it comes to its implementation. Numerous provisions give rise to the concept of women empowerment in India, but no one is a stranger to the fact that to achieve so, one needs to put in efforts to get some sort of assistance from the judiciary. J. Chinappa Reddy describes "Equal pay for equal work" as not a mere demagogic slogan. It is a constitutional goal capable of attainment through constitutional remedies by the enforcement of constitutional

rights. [Article 39\(d\)](#) proclaims, as a Directive Principle, the Constitutional goal of 'equal pay for equal work for both men and women' which has been laid down in [Randhir Singh v Union of India and Ors.](#)

India, however, has also attempted to safeguard the concept of "Equal pay for equal work" through territorial laws and has also made it robust by being a signatory to the Convention on the Elimination of All Forms of Discrimination against Women which generally is referred to as the CEDAW convention. Once a country is a signatory to the Convention, one may draw a fair presumption that the country must abide by its rules and regulations. CEDAW specifically lays down provisions when it comes to sports as: *State parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of women and men, the same rights, in particular [t]he rights to participate in recreational activities, sports and all aspects of cultural life."*

By the above provisions, it is a very clear fact that the Indian Constitution runs parallel to the international conventions, and also women have equal economic rights as compared to men in the sports industry. Though these rights are regarded as constitutional rights and have their implementations when it comes down to aspects other than sports, there has still been disparity in pay. Undoubtedly, sports women now have the full right to bring forth legal actions against such unjustified activities. In foreign countries, where women have been fighting for their rights, they have now gained somewhat of an "equality in sports".

Initiative taken by other countries

The best initiative has been recently taken by Iceland, which has enacted a legislation that was the first to enforce an equal pay law on 1st January, 2018 to eradicate the problem. When it specifically comes down to sports, there are only a few developed countries where women who have been fighting for their equal pay rights for a long time have finally made it. The New Zealand football body became the first of all to pay their female football stars equally as that of men. Irrespective of gender if one is wearing a New Zealand jersey, they are entitled to be treated equally. Following the same idea of equal pay, New Zealand has also made full efforts in the field of cricket which is still under process.

Afresh, CBF (Brazilian Football Confederation) chief Rogério Caboclo stated there shall be no difference when it comes to the pay structure of men's and women's football to paying in women football as compared to men. Following Iceland and Brazil, several other countries have also made an effort towards the goal of equality. Australia's football governing body has almost bridged the pay gap. The Australian cricket board has already decided to treat female cricket players equally. The Norway football association and Norway's player association have also declared equal pay irrespective of gender. What we might have seen or discussed is that sports that are played at an international level in countries with maximum participation have been granted the right to equal pay, especially in football and cricket, but those sports or tournaments are not the only places where women play. Sports can be defined as "An action which requires physical and mental activity in an organized manner to attain competitive goals by following a set of rules and regulations". It neither covers only a particular sport under the definition nor a specific gender that's eligible to play.

Conclusion

Firstly, since ours has been a male dominated society, males were allowed to hone their skills in the field of sports and women were often restricted from doing so. Secondly, the major income generated by the sporting world is that from broadcasting and male sports have always been broadcasted more on television, youtube, radios, etc. Considering Indian Premier League (IPL) for that matter, huge income is generated from it which leads to high end pays for the male cricketers. But, all these factors do not necessarily mean that women don't work hard. Women have done wonders in the sporting world to date and have contributed equally as their male counterparts. It's not an easy task for one to wave your country's flag at the international level without giving everything you have. Money, wealth, fame, social, and political status have played a huge role in refurbishing an athlete's confidence, morals acceptance in society, which is nowhere to be found in women's sports. After all, it's **“Equal Pay for Equal Work”** not **“More Pay for More Entertainment”**.

Hence, in a developing nation like India where the society has accepted women in sports, it is only fair to offer them the same level of compensation as the men playing the same sport. Having the concept of equality in its basic structure but little value when it comes to implementation, especially in sports is rather disappointing. The judiciary has always been of great importance when required. In this current situation, effective and coherent legislation for sports is the need of the hour in India which should pay women equally irrespective of what sport she plays. Correspondingly they cannot be paid less for the same output generated by them as that of their male counterpart. While obtaining equal pay for the women's national team or for that matter any athlete who represents herself at the international or the national level is valuable towards gender equality is difficult, it is definitely not an impossible feat.

REFERENCES

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- ³The Constitution of India, 1949
- ⁴(1982) 1 SCC 618
- ⁵Article 13, Convention for Elimination of all kinds of Discrimination against Women (CEDAW)