



## Paralympic Games – A Study on The Legal Framework in India for Training and Opportunities for The Aspiring Disabled Sportspersons

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### **ABSTRACT:**

The recently concluded Paralympic Games in Tokyo-Available legal provisions for the disabled in India's Constitution-legislative support for disabled athletes-whether training for aspiring disabled athletes is backed by strong statutory bodies-whether opportunities for trained disabled athletes are backed by strong statutory bodies-problems faced by disabled athletes -people in training and opportunities-suggestions to alleviate these athletes' problems

**KEYWORDS:-** Paralympics, disabled, sportspersons, Indian, Legal, support, training opportunities.

### **Introduction**

Sports and the disabled

Sports and the disabled in India

Legal backing for the training of disabled sportspersons in India

Problems faced by the disabled sportspersons in India

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“The sportsman knows that a sport is a recreation, a game, an amusement and a pastime, but his eyes are fixed on a higher goal, on the most important thing in his life, which is his education or his vocation.”-  
*Author: Avery Brundage, President International Olympics Committee (1952-1972)*



## 1. Introduction

Individuals with impairments confront many social challenges, and disability often leads to negative attitudes and discrimination in many countries. Individuals with disabilities are frequently excluded from education, employment, and communal life as a result of the stigma associated with disability, depriving them of opportunities critical to their societal development, health, and well-being. In some cultures, people with disabilities are perceived as reliant and unable of contributing to society, leading to inactivity, which often results in people with physical disabilities being restricted in their movement beyond the origin of their disability.

The World Report on Disability (WRD) is the first document to provide a comprehensive global picture of persons with disabilities, their needs, and the constraints that prevent them from fully participating in society. The report's goal is to aid in the implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The study, which was released in 2011 by the World Health Organization (WHO) and the World Bank, compiles scientific data on disability that is relevant to public health, human rights, and development. Policymakers, service providers, professionals, and advocates for people with disabilities and their families are the intended audience. People with disabilities and their organizations, as well as other important stakeholders, were involved in the development of the WRD.

Encouragement of handicapped people to thrive in various disciplines or vocations can assist to lessen stigma and discrimination connected with disability by highlighting their abilities and minimizing the inclination to focus on the disability rather than the person. Education, in its broadest sense, is required for an individual to progress, whether or not they are impaired.

Nearly a decade after the publication of this study, governments around the world are taking visible steps to ensure that the disabled have a dignified and normal life and work. Disabled people have worked in practically every industry on the planet. The sports industry is a business. The value of the sports sector is believed to be in the billions of dollars. With their engagement, the disabled are also making the sports industry more competitive and valuable. There have been cases of impaired athletes competing in mainstream sports competitions and winning medals against non-disabled competitors.<sup>1</sup>

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<sup>1</sup><https://www.chaseyoursport.com/Sports-Schemes-in-India/Sports-Authority-of-India-Schemes/63>



## 2. Sports and the disabled

It is common knowledge that sports are included in the definition of education. A healthy mind isn't enough; we also need a healthy body. Disabled people are making an impact in all aspects of life. They have triumphed in the face of adversity, and technology has played a critical role in ensuring that the disabled are treated with dignity. According to the World Bank, 15 percent of the world's population, or 1 billion individuals, suffer from some sort of impairment.

Sports are a good platform for inclusion and adaptation methods because of their unique capacity to transcend linguistic, cultural, and social barriers. Sport's global popularity, as well as its benefits in terms of physical, social, and economic development, making it a perfect tool for promoting the inclusion and well-being of people with disabilities.

## 3. Sports and the disabled in India

The 2021 Paralympics in Tokyo will be hosted by India. Tally India finished 24th in the recently ended Tokyo 2020 Paralympic Games Medals, winning 5 golds, 8 silvers, and 6 bronze medals in a total of 19 medals. For India, these 19 medals were unprecedented and satisfying. There were 162 countries competing in the event, with China, the United Kingdom, and the United States leading the way with 207, 124, and 104 medals respectively. India, the world's second most populous country with 1.3 billion inhabitants, sent the largest delegation, with 54 para-athletes competing in nine sports categories. Seven of these events resulted in medals in Tokyo. China, the world's most populous country, led the medals table.

India's Disabled Population, according to the 2011 Census (updated in 2016) – In India, 2.68 million people are disabled, accounting for 2.21 percent of the total population of 121 million. Males make up 56 percent (1.5 million) of the disabled population, while females make up 44 percent (1.18 million). Males and females make up 51 percent and 49 percent of the total population, respectively.

The majority of the disabled population (69%) lived in rural areas (1.86 Cr disabled persons in rural areas and 0.81 Cr in urban areas). Similarly, 69 percent of the overall population hails from rural areas, with the remaining 31 percent residing in metropolitan areas.

Differently abled people account up 2.2 percent of India's population, which is comparable to North Korea's population and higher than the populations of the Netherlands, New Zealand, and Azerbaijan.<sup>2</sup>

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<sup>2</sup>“Tokyo Paralympics: Meet the 19 Indian medal winners TIMESOFINDIA.COM | Sep 1, 2021



## 4. Legal backing for the training of disabled sportspersons in India

As previously indicated, sports are an educational experience, and modern sports have attained epic dimensions in terms of professionalism. Today's athlete requires not only the willpower and events to demonstrate their sporting love, but also training, education, and facilities such as travel, libraries, and audio-visual material in order to attend sporting events, obtain information, and be psychologically and physically prepared.

India and its government have demonstrated exceptional foresight in laying out a goal to bring out and nurture the sporting potential of its disadvantaged population.

India was one of the first countries to join the United Nations Convention on the Rights of Persons with Disabilities as a signatory (hereinafter referred to as Convention.). Article 30 on Participation in Cultural Life, Recreation, Leisure, and Sports was included in the Convention because to its foresight and wisdom.<sup>3</sup>

**Article 30 of UN Convention of Rights of Persons with Disabilities backed by the relevant provisions in the Constitution of India is the backbone for the legislative support for the disabled sportspersons in India. It states as follows: -**

States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- a) Enjoy access to cultural materials in accessible formats.
  - b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats.
  - c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
  3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

<sup>3</sup> <https://www.samarthanam.org/disabled-sports-in-india-a-perspective/>



- a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels.
- b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources.
- c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues.
- d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system.
- (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure, and sporting activities.

## **Indian Constitutional Mandate**

Article 29(1) of the Constitution of India recognizes “that any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”.

Article 51A of the Indian Constitution makes it the duty of every citizen of India “to value and preserve the rich heritage of own composite culture” and “to strive towards excellence in all spheres of individual and collective activity”.

**The National Policy for Persons with Disabilities (PwDs), 2006** commits to ensure to PwDs have equal opportunities in Sports, Recreation and Cultural activities and to realize this goal, the policy undertakes to:

Make places for recreation, cultural activities and sports, hotels, beaches, sports arenas, auditoriums, gym halls, etc. accessible.

Require travel agencies, hotels, voluntary organizations, and others involved in organizing recreational activities or travel opportunities should offer their services to all, considering the special needs of PwDs.

Identify with the assistance of local NGOs talent amongst PwDs in different sports

Encourage the formation of Sports organizations and cultural societies for PwDs.

There will be mechanism to support the participation of persons with disabilities in national and international events.

Institute a national award for excellence in sports for PwDs.

Participation in Cultural Life



**Libraries:** A high level Committee to be called as National Mission on Libraries has been constituted by the Ministry of Culture in April, 2012. Participation of PwDs in Cultural Life has a multitude of facets and is possible in myriad numbers of ways. One of the most important ways of ensuring participation is accessibility to libraries.

There has been the constant endeavour by the Government to make libraries accessible to PwDs.

**Films:** To safeguard and recognize the interests of the person with disabilities, the Central Board of Film Certification has a set of guidelines one of them mandates that while granting certificates to films, the Board must ensure that scenes showing abuse or ridicule of physically and mentally 'handicapped' persons are not presented needlessly.

**Monuments:** In 2011, the Ministry of Social Justice and Empowerment (MoSJE) approved a grant of 0.83 million USD to the Archaeological Survey of India (ASI) to make five of its World Heritage Sites - the Taj Mahal, Agra Fort, Fatehpur Sikri, Sun Temple Konark, and Jami Masjid Champaner-Pavgadh and 25 other ticketed monuments accessible to PwDs. The funds are to be used to make access pathways, ramps, toilets, tactile maps, Braille signage, and modifications in ticket counters for PwDs. The ASI has also brought out the publication on World Heritage Properties, in Braille.<sup>4</sup>

**Barriers in terms of Intellectual Property Rights:** Under the present legal copyright regime in India, the conversion and use of the printed material in its converted form requires permission of the copyright holders. Whereas Section 52(a)(i) of the Copyright Act, 1957 allows reproduction of a copyrighted work for private use including research, such an exclusion does not include conversion and use of printed material for recreational purposes or for use of PwDs in accessible formats. The Copyright (Amendment) Act, 2012 has introduced exceptions to copyright for physically challenged and compulsory license provision to make accessibility of work in all formats.

**Marrakesh Treaty:** India is Party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. This was adopted by the Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities in Marrakesh, on June 27, 2013.

**Tourism:** The Ministry of Tourism (MOT) has set up a system for implementation of minimum standards for accessibility of facilities and services for the PwDs to be available in the hotels right from the project implementation stage as sports requires travel and this is now known as sports tourism.

The Ministry of Tourism (MOT) approves hotel projects and classifies operational hotels, convention centres etc. as per guidelines, laid down for this purpose. Provision has been made in the guidelines to keep the requirements of the differently able persons.

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<sup>4</sup> Report of Government of India- Ministry of Social Justice and Empowerment submitted in pursuance of Article 35 of the UN convention on the Rights of Persons with Disabilities.



The MOT has now made mandatory that classified hotels should have at least one dedicated room for the differently abled guest with wheelchair accessibility, suitable low height furniture, low peep hole, cupboard with sliding doors and low cloth hangers etc.

The room is also required to have audible and visible (blinking light) alarm system.

The bathroom is required to be wheelchair accessible with sliding door and suitable fixtures like low washbasin, low height toilet, and grab bars etc.

Public restrooms of classified hotels are required to be unisex, wheelchair accessible, with suitable fixtures of low height, grab bars etc. Free accessibility must be provided in all public areas and at least one restaurant in 5 Star and Star Deluxe hotels should have ramps with anti - slip floors at the entrance. The hotels are advised to have the rooms for the differently able guests to be located at the lowest level and closest to the elevator.

They are also advised to sensitize all staff members of the hotel regarding the special requirements of the differently able persons to enable them to handle such guests with care. With a view to generate awareness and to recognize the contribution, the MOT instituted an award to the hotels which provide best facilities for the differently able guests.

## **Organizations promoting Disability Sports**

The Government has been collaborating with NGOs to raise awareness. On August 12, 2011, the Union Minister of Tourism flagged off a “Beyond Barriers Incredible India Tour” by wheelchair-based persons in New Delhi. The Tour involved visits to 28 State Capitals and 40 cities in 81 days by a group of volunteers on wheelchairs.

Paralympic Committee of India in the Year 2005, the Government recognized Paralympic Committee of India (PCI) at par with Indian Olympic Association (IOA).

From 2006, PCI started affiliating State Bodies & Federations and this paved way for uplifting Para Sports in India. PCI is dedicated for the development and upliftment of Physically Challenged Sports & Wheelchair Athletes with the aim and objectives inter alia to promote and contribute to the development of sport opportunities and competitions, from the start to elite level. PCI has been instrumental in India’s participation at various International Meets like Para Asian Games, World Competitions.

For the first time, the Commonwealth Games 2010 hosted in Delhi saw sports PwDs compete in the same arena as mainstream sports. As a result of a Co-operative Agreement between The Commonwealth Games Federation and The International Paralympic Committee athletes with disabilities also got an opportunity to showcase their world-class sporting skills.

National Playing Fields Association of India (NPF AI): The Sports Ministry has signed an MOU with Fields in Trust, UK, for the formation of the National Playing Fields Association of India (NPF AI) in February 2009. The main objective of the NPF AI is to develop, promote, protect, and expand playing fields and open



spaces in the country.

Indian Spinal Injuries Centre has established sports facilities for people with spinal cord injuries (wheelchairs users) to have them provided the opportunities to participate in various sports activities like wheelchair rugby, wheelchair basketball, wheelchair tennis and lawn tennis to increase their functional level and physical capacity to be active.

National Institute of Mental Health has associated with Special Olympics for persons with mental retardation both at local and national level and has been organizing programmes various leisure activities for children and persons with mental retardation such as dance, music festival, picnics, etc.

National Institute for Empowerment of Persons with Multiple Disabilities for the first time organised Southern regional sports for persons with multiple disabilities with the objective of exploring hidden talents and potentials of persons with multiple disabilities.

Schemes and Programs to promote Disability Sports: The Ministry of Youth Affairs & Sports, Department of Sports is implementing the schemes aimed at promotion and development of sports among PwDs

Scheme of assistance to National Sports Federation: Assistance is provided to National Sports Federations for conducting National Championships and International

Tournaments in India, participation in international tournaments abroad, organizing coaching camps, procuring sports equipment's and so on. Annual report of Ministry of Youth Affairs and Sports, 2014-15 provides the following details of funds released to National Sports Federations: <sup>5</sup>

The 'Scheme of Sports and Games for the Disabled': The Ministry formulated a scheme for promotion of sports and games among disabled in 2009. broad-basing participative sports among the persons with disabilities. The scheme has components of grants for sports coaching and purchase of consumables and non-consumables sports equipment's for schools, grant for training of coaches and grant for holding district, state and National level competition for persons with disabilities. During 2014-15, grants to 35 schools were provided under the Scheme till December 2014. 42350 persons with disabilities participated in competitions conducted at district and state levels during 2014-15 (as on December 2014) under the Scheme. Expenditure incurred during last three years under the Scheme of Sports & Games for Persons with Disabilities is stated below:

Scheme of Pension to Meritorious Sportspersons was launched in the year 1994. Sportspersons who are Indian citizens and have won gold, silver and bronze medals and have attained age of 30 years as well as have retired from active sports career are eligible for life pension.

The Association for Cricket for Blind in India (ACBI) was set up in 1996 with an objective to use competitive cricket to inculcate positive outlook and confidence in blind. The ACBI organized the first two

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<sup>5</sup> Ministry of Youth Affairs and Sports, Para-Athletics under Khelo India Scheme, Posted On: 26 JUL 2018 5:46PM by PIB Delhi





Blind Cricket World Cups in 1998 and 2002. National Institute for the Visually Handicapped (NIVH), Dehradun, developed the audio ball made of hard plastic with ball bearings inside. It is now accepted as per the international standard. 281. National Sports Meet for the Blind: The Indian Blind Sports Association was established in April

The Association for Cricket for Blind in India (ACBI) was set up in 1996 with an objective to use competitive cricket to inculcate positive outlook and confidence in blind. The ACBI organised the first two Blind Cricket World Cups in 1998 and 2002. National Institute for the Visually Handicapped (NIVH), Dehradun, developed the audio ball made of hard plastic with ball bearings inside. It is now accepted as per the international standard.

National Sports Meet for the Blind: The Indian Blind Sports Association was established in April 1986 through the initiative of the Blind Relief Association, Delhi

(BRA), a premier organization for the blind in India. The objective was to promote national-level sports activities for the blind. The Association is recognized by the Indian Olympic Association and affiliated to the International Blind Sports Federation (IBSA), representing India in this apex sports body for the visually challenged. It is also affiliated with the Paralympic Committee. It has 133 institutions and sports organizations from 23 states. Indian Blind Sports Association has been organising the National Sports Meet for the Blind on a biennial basis regularly since 1982. The 18th National Sports Meet was held in 2012 and was attended by nearly 600 athletes and sports officials from 15 states across the country. IBSA World Championships: Escorts, 1 Coach, 1 Assistant Coach and 2 Officials participated in the 4th IBSA World Championships and Game in the Antalya. India won five medals (one silver and four bronze medals).<sup>6</sup>

## 5. Problems faced by the disabled sportspersons in India

In India, sporting events for the disabled till recently did not garner much attention due to popularity of sports like cricket. Our disabled sports persons strive for bare minimums, whilst in western countries like Canada the achievements of the disabled sports persons are celebrated.

The WHO states in its report that there are about 650 million people in the world who are differently abled in some or the other way. Out of this, eighty percent live in developing countries like India. In India, several acts like the Persons with Disabilities Act, 1995 and the National Policy for Persons with Disabilities, 2006 are supportive of the need for individuals with disabilities to participate in sporting, recreational and leisure activities. When compared to “normal” athletes and sportspersons, disabled sports persons are often widely ignored, forced to strive harder than the able-bodied to master their sport. They also must endure massive societal rejection and discrimination before they can make it to the international level. Besides, even when

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<sup>6</sup> ‘Scheme of Sports & Games for the Disabled’ is a Central Sector Scheme being introduced by the Ministry of Youth Affairs & Sports in 2009-10 during the XI Plan Period.



they do make it, competitions are few and far in between, and in developing countries like ours, they neither get support from the government nor recognition from the society.

People are unaware of such competitions, and we don't see crowds thronging to watch them. However, at the Rio Paralympic Games and Tokyo Paralympic Games, India outperformed several countries by winning many medals for their exemplary display.

In our country, there is a major focus on field events, and this has led to the evolution of world beaters like Devendra Jhajharia and Mariyappan Thangavelu. Since 1968, India has won medals in Paralympics, yet somehow we don't recognize their efforts. The Tokyo event saw a record medals haul by our Paralympians. These players have given their craft everything they've got, and their stories are remarkable.

In an evident attempt to change the existing scenario, the union sports ministry has increased the funds to support the disabled sports persons. Our government believes that by increasing the schemes for disabled sports persons by allocating sufficient funds will hasten the creation of specialized sports infrastructure for persons with disabilities.

Today, one can clearly see that people with disabilities are at par with everyone else, when it comes to making our country proud through achievements in sports. Most of these athletes come from rural backgrounds, and strive hard to succeed despite rampant corruption, fund deficits, and the overall apathy that plagues our system. It is high time we understood and acknowledged the struggle that they must endure to qualify for, and win medals in global sporting events like the Paralympics.

## Suggestions

- India needs to make a database of all the disabled in the country which should be from the village level, town level, city level, and state level.
- The enumerated disabled need to be categorized age wise. Welfare measures as stated in the Rights of Persons with Disabilities Act should be provided to these disabled.
- The enumerated disabled in the age of 8 onwards as accepted by the Paralympic committee.
- At the grassroots level, people with a disability can participate together with limited emphasis on rules and regulations. As elements of competition are introduced, it becomes more important to group people together according to their abilities to ensure fair competition.
- Special sports training schools need to be set up at the regional level of each state.



- There should be five residential Sports Gurukuls - North India, East India, Central India, Western India and Eastern India to cater to educating, training and promoting the disabled sports persons of India. These Gurukuls should be administering all subject education from the primary school level up to the university level and all sports training from the beginners level to the professional level.
- These sports gurukuls need to have world class facilities, faculties, and training staff. They should have all disabled friendly facilities inbuilt.
- There should be enhanced State and Central Government funding to carry out realistic research on topics of disability sports and related physical activity encompassing participation levels, legislation, attitude research and research on hindrances and gains of sports and related physical activities.
- Build and boost further support system for research of mental and psychological health of disabled sports persons.
- Reasonably priced sports and education related technologies should be made available to the disabled sports persons.
- Make reachable internationally accepted norms, designs and structures to ensure best performance as per accepted rules to the disabled sportspersons.
- Provide multilingual sports related reading materials, coaching materials, manuals, and also other related education materials.
- Study, monitor and evaluate the means to ensure quality sport events are being held regularly and effectively to meet the expected targets.
- Encourage and create opportunities to share knowledge, experience and internationally accepted best practice.
- Make use of evolving technologies and the internet to increase cooperation between the Sports Gurukuls, researchers and the teachers.



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## Conclusion

In 'Declaration on the Rights of the Disabled Persons' on December 9, 1975, United Nations Assembly defined disabled person as "any person unable to ensure by himself, wholly or partially, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities."

The Tokyo Paralympic medals haul by our Indian greats have made this definition a tad diminished as it has proved that the disabled when given the right training, education and opportunities are able to do better than normal individuals in any field of their choice. The Governments world over have woken up to this reality and are keen to encourage this hitherto neglected but talented human resource.