

WRESTLERS PROTEST IN INDIA: FOR JUSTICE

Pogula Bhavani*

ABSTRACT

The most popular Olympic sport in India has probably been wrestling. Seven of India's 21 medals in individual sports have been won by wrestlers in the 76 years since it gained its independence. The major wrestlers are from low-income families, and the majority of them are from Haryana, which is an agrarian, strongly patriarchal region with high rates of female feticide. Despite their reluctance to come forward in public, female athletes have long complained about sexual harassment in their sports. The issue of female wrestlers protesting at Jantar Mantar in the national capital is a hot topic among the general populace, despite the efforts of the powers that be to suppress it. All the states are experiencing protests, with Punjab and Haryana being the most vocal. Women wrestlers have called for the arrest of Bharatiya Janata Party (BJP) leader Brij Bhushan Sharan Singh, who is the president of the Wrestling Federation of India (WFI), on suspicion of sexual exploitation, but this has only been reported as a sporting issue. Despite traditional conservatism and feudal mindsets, there is still an investment in encouraging girls to pursue sports in states like Punjab and Haryana. Women who believe that the government's attitude is empowerment are very angry and it is also important to note that women have actively participated in and occasionally led protests taking place in different locations. Sports are viewed as a way to empower one's economy, which is another fact. Consequently, this issue is taking on various dimensions.

Keywords: Wrestlers, Female Athletes, Sexual Harassment, Derogation, Conservatism, Agitation, Empowerment.

INTRODUCTION

Leading wrestlers from India are putting on a record-breaking show. Protests against Brij Bhushan Sharan Singh, the powerful president of the Wrestling Federation of India (WFI), a BJP member of parliament from Uttar Pradesh, accusing him of sexual harassment and intimidation. The sit-in at Jantar Mantar began on January 18 at the protest site when the wrestlers made sexual harassment claims; since then, they have been sleeping, eating, and

*BA LLB, SECOND YEAR, KESHAV MEMORIAL LAW COLLEGE.

beginning their training sessions there. Other notable grapplers also staged a new sit-in protest at Jantar Mantar in Delhi in April. The wrestlers and their roughly 200 supporters at Jantar Mantar held signs that read, “*We will fight for our rights*” and “*Boycott the WFI president*”. When the sports ministry provided reassurances, the grapplers decided to end their protest in January. However, the protesters claimed that Brij Bhushan Singh was not subject to any punishment, which encouraged them to start a second round of demonstrations in the capital.

A five-person committee led by Olympic boxer MC Mary Kom was established by the sports ministry in January to look into the complaints. The government has yet to release the panel’s findings, which has infuriated the wrestlers. When wrestlers first caused controversy on April 23, Sakshi Malik, Vinesh Phogat, and other wrestlers claimed that Brij Bhushan Sharan Singh had been accused of sexual harassment by seven female wrestlers, one of whom was a minor, on Friday but that no FIR had yet been filed and that no action had been taken.¹

WRESTLER’S PROTEST AND SO FAR IN THE STORY

The protest has now been ongoing for one month, and the last three weeks have marked its conclusion. The two FIRs that wrestlers have filed against WFI chief and BJP MP Brij Bhushan Singh allege at least two instances of Singh demanding sexual favours in exchange for professional assistance, at least 15 instances of sexual harassment, including 10 episodes of inappropriate touching, molestation, and numerous intimidation related incidents, including stalking.

In an effort to show their displeasure with the police’s excessive force, protesting wrestlers initially planned to throw away their medals into the Ganga River. However, they later changed their minds. The wrestlers cited a number of factors, including pressure from their families to abandon their plans and a phone call from a BJP leader requesting some time, as the reasons for their decision to change their minds.

The new parliament building was dedicated by Prime Minister Narendra Modi on May 27, 2023, as the entire country watched. After a fight with security personnel, wrestlers Vineesh Phogat, Sakshi Malik, and Bajrang Punia were arrested for rioting and obstructing a

¹ [Breaking down the wrestlers` protest in 5 quick points], [India today, 4th may 2023] <<https://www.indiatoday.in/india/story/wrestlers-protest-supreme-court-delhi-police-wfi-chief-brij-bhushan-singh-jantar-mantar-2368452-2023-05-04>> accessed JUNE 16 2023

public servant from performing their duties, along with other protesters. At the Jantar Mantar protest site, the Delhi police removed all tents, mattresses, and other items. Police announced on May 28th that protests would no longer be permitted at the Jantar Mantar, but would be permitted at any other appropriate and pre-approved location.²

INDIAN WRESTLERS ARE PROTESTING FOR WHAT REASON?

Serious accusations, including sexual harassment and intimidation, are made against Singh. Indian athletes who have won medals have been engaging in night and day altercations with the police and other authorities for weeks. The wrestlers had returned to practise after receiving assurances that their complaints would be investigated impartially and that something would be done about them.

However, they returned in the middle of April. This time, the wrestlers have vowed to remain at their protest location at Delhi's Jantar Mantar until their demands are satisfied, accusing the government took no action against Brij Bhushan Singh. Two cases against him have been filed with the Delhi police, one of which is being investigated in accordance with the strict POCSO (protection of children from sexual offences) regulations. The wrestlers' protests in Jantar Mantar have been going on for a fortnight now. Farmers have also expressed their support, with many travelling as far as Delhi. The wrestlers have been urged to have faith in the investigation because the government has committed to looking into the claims.

The IOA made it clear that the departing office bearers would not be involved in the management of the federation in its letter to the WFI secretary general dated May 12, asking

Him to deliver the official documents, including financial instruments, to its ad-hoc panel. Since they were already cooperating with the authorities, the WFI stated that it has no problems following the IOA order.

"This is the first step in our fight for justice", the speaker said of the dissolution of the current WFI. We have won the battle, and we will keep fighting until justice is served, declared Bajrang, the bronze-medal winner from the Olympics in Tokyo.

² [wrestlers protest: story so far],[*The Indian Express*, JUNE 2 2023],<<https://indianexpress.com/article/india/wrestlers-protest-the-story-so-far-8634742/#:~:text=The%20two%20FIRs%20filed%20against,of%20inapp>>accessed June 16, 2023.

Additionally, Vinesh urged those present at Jantar Mantar to deliver a memorandum in support of the wrestlers on May 16 to the district headquarters in each of their respective districts. In the meantime, it has been made clear by the IOA's three-member ad-hoc committee that the procedure to elect new WFI office bearers will be finished within the 45-day time frame and that the charges will be returned to the elected body.

The WFI will regain its administrative authority after the elections. The newly elected representatives will be in charge. Ad-hoc is only handling the affairs as a temporary measure.³

22 DAYS OF WRESTLERS' PROTESTS LEAD TO THE IOA'S EVENTUAL RESPONSE

Wrestlers demonstration: According to Vinesh, the committee has set a deadline of May 21 for Brij Bhushan's arrest. Having the backing of the khaps and farmer's unions, the wrestlers will lead the protest. Rakesh Tikait from the Bhartiya Kisan Union (BKU), Mehar Singh from Khap Maham 24, and Baldev Singh and Sirsa from the Sankyut Kisan Morcha (non-political) joined the wrestlers on the dias and spoke to the media.

The entire country will support the wrestlers if an emergency occurs or they run into trouble. A candlelight march was performed by the wrestlers in the evening along with a large crowd of supporters. The wrestlers were holding hands as they walked, shouts of "*inqilab zindabad*" echoing in the playing of patriotic songs like "*Mera Rang de Basanti chola*." With more than 500 people, many of whom were women, deployed at the protest site from organisations like the Rapid Action Force (RAF), the Delhi police, and the CRPF in anticipation of a sizable crowd showing support for the wrestlers, security measures were stepped up beforehand.⁴

STATEWIDE FIRES ARE STOKED BY WRESTLERS' PROTESTS

Particularly among women, who believe that the government's attitude is a major hindrance to their aspirations and empowerment, there is a great deal of anger. Women have

³. The wrestlers' protest: what we know so far, [OUTLOOK May 31, 2023], <<https://www.outlookindia.com/national/the-wrestlers-protest-what-we-know-news-290847>> accessed on June 17, 2023.

⁴. Wrestlers protest for 22 days; IOA finally takes action, [REDIFF SPORTS May 14, 2023], <<https://www.rediff.com/sports/report/wrestlers-protest-for-22-days-ioa-finally-takes-action/20230514.htm>> accessed on June 17, 2023.

participated in and occasionally dominated the protests taking place in different locations, and this needs to be emphasised.

The idea that sports can help people gain economic empowerment is also true, obtaining a desired government position is frequently the aim; this economic concern has frequently taken precedence over all others in a number of situations.⁵

FARMERS JOINING WRESTLERS PROTEST

The farmers' movement against the three contentious Farm Acts, which the central government subsequently withdrew, raised public awareness to a high level, and as a result, the public is less receptive to right-wing apologists' attempts to caste and region-bias the wrestlers' issue. The citizen contacted a cross-section of attitudes towards women athletes and how they have come to serve as role models for women in general. There is a lot of rage in the hinterland due to the events surrounding the wrestler's protest.

We also vehemently condemn the way the Delhi police have mistreated protesters, whether at Jantar Mantar or in other parts of the city, attempting to violently disperse a legitimate and peaceful gathering, abusing and assaulting students and athletes, and denying the democratic right to protest in the face of widespread indifference. It is abundantly clear that individuals like Brij Bhushan Singh are typical of the criminalization and corruption within the institutions of this government and appear to enjoy the highest levels of patronage.

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The Prevention of Sexual Harassment (POSH) Act, 2013, which was passed by the Indian Parliament after protracted struggles by the feminist movements in India, was enacted in response to the warnings of civil society organisations that sexual violence and harassment at workplaces is a sexual offence given its pervasive prevalence in all workplaces.⁶

They have claimed that it is an utter disgrace that even ten years after the law's passage, more than half of India's sports federations have still not established the Internal Complaints Committees (ICC), which are required for all governmental and private organisations in the nation.

⁵ [Rajeev Khanna], [wrestler's protest stokes fires across states], [*THE CITIZEN IS HOPEFUL*, 05-11-2023], <<https://www.thecitizen.in/in-depth/wrestlers-protest-stokes-fires-across-states-932311>>accessed on June 17, 2023.

⁶ [Prevention of Sexual Harassment Act, 2013, Acts of Parliament, 2013(India).

This is just an example of how patriarchal public spaces, institutions, and workplaces are in our culture.⁷

SPORTS MINISTER VIEWS ON THE ISSUE

The investigation would be finished in four weeks, according to Indian Sports Minister Anurag Singh Thakur. The report of the investigation was completed in April, but the conclusions were kept secret.

Meanwhile, Singh has refused to resign from his position as WFI president in recent months. He has refused the accusations made against him, claiming they are part of a plot to ruin his reputation and remove him from the Indian parliament.⁸

THE ALLEGATIONS ARE SERIOUS, ACCORDING TO APEX COURT

Meanwhile, the wrestlers and their supporters have criticized the government for failing to punish a politician, emphasising that they won't leave the protest area until Singh is taken into custody. Sexual harassment is a problem in many sports, following a string of victories at the Olympics, Commonwealth Games, and Asian Games, wrestling has recently gained popularity in some parts of India, particularly among women.

The women petitioners' case was adjourned by the Supreme Court on May 4, 2023, with the statement that their request for a FIR had been granted. The wrestlers claimed that the order from the Supreme Court had not hampered them.

Anurag Thakur, the sports minister, urged the protesting wrestlers to have faith in the system and that the investigation would make everything crystal clear while still asking them to consider their next action after Supreme Court closed the case on their petition.⁹

⁷ [Imran Ahmed Siddiqui], [Farmers groups break police barricades and join wrestlers' protest at Jantar Mantar], [THE TELEGRAPH INDIA, May 5, 2023], <<https://www.telegraphindia.com/india/farmer-groups-break-police-barricades-and-join-wrestlers-protest-at-jantar-mantar/cid/1935371>>accessed June 18, 2023.

⁸ [OUT LOOK], <<https://www.outlookindia.com/national/the-wrestlers-protest-what-we-know-news-290847>>accessed June 18, 2023.

⁹ [Murali Krishnan], [India: wrestler's protest spotlights sexual abuse in sports], [DW, 4 April 2023], <<https://www.dw.com/en/india-wrestlers-protest-puts-spotlight-on-sexual-abuse-in-sports/a-65518424>>accessed June 19, 2023.

LAWS AGAINST SEXUAL HARASSMENT AT WORK

However, it becomes even more crucial for a woman to remain knowledgeable about her legal rights in certain situations. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) (POSH) Act, 2013, is the first law that governs such crimes.

According to Section 2(o)(4) of this Act, “*any sports institute, stadium, sports complex, competitions, or games venue, whether residential or not used for training, sports, or other activities relating thereto*”, is a workplace.

The Act’s key phrase is “*workplace.*” It defines the terms “*employer*” [section 2(g)] and “*employee*” [section 2(f)] in relation to one another.

Thus, in terms of the sports facilities, competition venues, and games villages, India’s various sports federations are employers under the Act. Therefore, in cases of sexual harassment involving any female athlete, these employers are required to set up an IC to look into the claims and treat them seriously.

SEXUAL ASSAULT CASES IN THE SPORTS INDUSTRY

India has seen a number of instances of sexual harassment of female athletes in recent years. According to a parliamentary committee established in February 2019 for the empowerment of women, the number of sexual harassment incidents in sports may be higher because the majority of them go unreported. The media’s focus has not only been drawn to the current case. There have been numerous instances of sexual harassment in the past, such as the FIR filed in January 2020 against a coach for allegedly harassing a female cricket player. Seven accused renowned coach P. Nagarajan of sexual harassment in July 2021

IMPORTANT DATES OF WRESTLER'S PROTEST

On April 28th, the chairperson of the WFI was the target of two FIRs. Both the POCSO Act and the applicable sections of the IPC were the subject of separate FIRs.

On May 3rd, the wrestlers and Delhi police got into a fight. The wrestlers in protest claimed that intoxicated police officers had handled them roughly. Several wrestlers were arrested and some sustained injuries as a result of the altercation.

On May 4th, the supreme court halted the hearings and instructed the protestors to seek redress from the lower court.

On May 7th, Rakesh Tikait, the protesting farmers` leader, joined the wrestlers.

On May 28th, section 144 was enacted, after the protesting wrestlers marched towards the new parliament building during its inauguration in Delhi.

WFI Brij Bhushan Singh responded to requests to submit to a narcoanalysis test by saying he would be willing to do so if the protestors agreed to do so.

On May 30th; the protesting wrestlers announced their intention to submerge their medals in the Ganga, the leaders of the farmers stopped the protesters as they were about to immerse the medals and gave them five days to settle the dispute.

On June 2nd; to show their support for the wrestlers, farmers held “*Maha panchayats*”.

On June 9th; to move to action against the WFI chairperson, if they didn` t, the farmers held additional panchayats across the country.¹⁰

WRESTLERS AGREE TO POSTPONE PROTESTS UNTIL JUNE 15 AFTER RECEIVING ASSURANCE FROM THE SPORTS MINISTER:

There had been little concession from the government up until sports minister Anurag Thakur`s meeting with the wrestlers this week, the first to be made public since the second protest started on April 23. Singh continued to give the unchecked impression of being protected and patronised by the powers that be as the wrestlers returned to Jantar Mantar and petitioned the Supreme Court, despite the ruling party and government`s continued action and lack of empathy.¹¹

CASE LAWS

Sexual harassment occurs frequently in India, especially where women are the targets. The problem is one of the main worries in sports as well. Sexual harassment of female athletes is

¹⁰ [Kakoli Nath], [wrestlers protest: what`s happening?] [*FINOLOGY BLOG*, 1 May 2023], <<https://blog.finology.in/Legal-news/wrestlers-protest>> accessed June 19, 2023.

¹¹ [Amit Kamath], [wrestlers agree to not stage protest until June 15 after Sports Minister`s assurance], [*INDIAN EXPRESS* JUNE 9, 2023], <<https://indianexpress.com/article/sports/sport-others/wrestlers-protest-live-updates-bajrang-punia-vinesh-phogat-and-sakshi-malik-threaten-to-throw-their-medals>> accessed June 19, 2023.

rife, and they are denigrated for their clothing choices and objected beyond imagination and worse still, most of the time these women are forced to put up with the situation because the authorities do nothing.

Here, we congratulate PV Sindhu and Saina Mirza on their achievements, and then these women, who are a source of pride for the nation are subjected to various types of sexual harassment. In light of this, we examine two instances of sexual harassment in sports across the nation where reporting led to no action.

In 2015, An athlete aged 15 committed suicide after being sexually harassed.

In May 2015, a few senior athletes allegedly harassed a young female athlete in a sexual manner. After the incident, three other people were hospitalised after apparently conspiring to commit suicide by eating poisonous fruits.

At the Sports Centre of the Sports Authority of India (SAI) water sports centre at Vembanad Lake in Alappuzha, Kerala, the athletes were undergoing training.

Injeti Srinivas, director-general of SAI, promised to give the sports minister his report after the incident in a day. The state government of Kerala ordered K. Shivashankar, the sports secretary, to look over the incident. Police had reported a case of an unnatural death, but they were still investigating the matter.

However, there have been no more updates on the case, and even the specifics have not been released.

In 2010, a few members of the Indian national women's hockey team filed a formal complaint alleging that Maharaj Krishnan Kaushik, the coach, had sexually harassed them. Th. Ranjita Devi informed Hockey India of the incident in an email she sent to them.

The Arjuna Award winner, Kaushik, was charged with leaving out team members who refused to comply with his demands. Ranjita Devi also charged him for harassing her in a sexual manner.

In response to the complaint, Hockey India fired the coach, but Kaushik was waiting for a bigger position, where he was quickly chosen to serve as the Central Zone's high-performance manager. He was chosen to work with other state players and academy coaches.

It seems that he had nothing to do with the incident in 2010, yet another criminal managed to elude capture from justice.¹²

Delhi police filed a charge sheet against Brij Bhushan Sharan Singh:

According to the charge sheet filed by the Delhi police against Brij Bhushan Sharan Singh, the president of the Wrestling Federation of India (WFI) and a member of the Bharatiya Janata Party. Singh is liable to be prosecuted and punished for offences of sexual harassment, molestation, and stalking.

The charge sheet was issued after the top wrestlers from India staged a 37 days sit-in at Jantar Mantar in New Delhi to protest the lack of response to their complaints of Singh's sexual harassment. They later met with Union Sports Minister Anurag Thakur, who agreed to give Delhi police until June 15 to submit its accusation sheet. The Supreme Court ordered the police to register the first information report in April.

According to the Express, Singh has been charged with violating sections 506 (criminal intimidation), 354 (outraging a woman's modesty), 354A (sexual harassment), and 354 D (stalking), in six cases (a seventh, brought by a minor, was withdrawn).

According to the report, Singh was harassed in one instance on a repeated and continuing basis, according to the charge sheet.

Singh and the witness have now been ordered to appear in court, per the police's request.¹³

CONCLUSION

In light of the accusations, the wrestling Federation requires reform. The United World Wrestling organisations and the International Olympic Committee have condemned the police crackdown on the wrestlers, which occurred on the day India opened its new parliament building, and the protest has gained support from civil society. Leaders of Jantar Mantar farms in Uttar Pradesh (UP) and Haryana have also publicly backed the wrestlers, vowing to intensify the agitation. While this is going on, Mr. Singh doesn't appear to be

¹² [Sagnik Kundu], [5 instances of sexual harassment in sports in India where last or no action was taken.], [*Sportskeeda*, December 14, 2016], <<https://www.sportskeeda.com/sports/5-instances-sexual-harassment-sports-india-where-late-no-action-taken>> accessed on July 7, 2023.

¹³ Delhi police charge sheet calls for Brij Bhushan Sharan Singh to be prosecuted, [*The Wire* July 11, 2023], <<https://thewire.in/government/delhi-police-brij-bhushan-bjp-mp-wrestlers-chargesheet>> accessed on July 14, 2023.

receiving any criticism from the leadership of the ruling party. Mr. Singh, who was once charged in a TADA case, seems to be too valuable in the eyes of the BJP, as no one should ever face punishment without going through a fair trial and investigation, but the standard for probity must be higher.¹⁴

The recent protest by prominent Indian Wrestlers and the government's promise of a thorough investigation have raised awareness of the problem of harassment in sports, especially within the Federation of India. The investigation's findings and any future modifications to the federation's leadership, rules, and practises will probably have a big impact on the Indian Wrestling Community and the development of the sport in that nation. The protest also supports international initiatives to stop sports-related harassment by highlighting the need for a safe environment for athletes everywhere.

Top-tier wrestlers from across the nation and the world were compelled to sit out a protest at Jantar Mantar once more as a result of the police's action in this case; the accused made egregious use of their positions of authority and their ability to silence the victims through intimidation. The petition was dismissed by the SC, and it is currently unknown whether the parties who were wronged will no longer protest or whether they will seek redress from the trial court or the HC. The perpetrators should be held accountable for their actions and let's hope that justice is served.

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¹⁴ [wrestling for justice: on the protest by the wrestlers], [*The Hindu*, 2 June 2023], <<https://www.thehindu.com/opinion/editorial/wrestling-for-justice-the-hindu-editorial-on-the-protest-by-the-wrestlers/article66920308.ece>> accessed on July 7, 2023.