Central University of Karnataka
Journal of Legal Studies (CUKJLS)
Volume I (Summer Issue - 2)
January to June 2026

ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

# Gender Pay Disparity in Professional Sports: A Comparative Legal and Policy Analysis

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**DOI Link: https://doi.org/10.5281/zenodo.23285220**

**Abstract**

Sports is an area where gender inequality is highly visible. Women face various constraints in sports compared to men. Despite some progress, women still face discrimination, undervaluation, and underpayment in sports. These disparities stem from historical discrimination, cultural norms within sports organisations, and structural inequities, highlighting the need for integrated strategies that combine legal, policy, and cultural interventions. Gender pay inequality has been a widely discussed and controversial topic in the world of sports. It persists across nearly all professional sports. Female professional athletes receive less pay and fewer benefits compared to their male counterparts, which raises concerns about discrimination in the industry. This paper explores the issues and laws related to gender pay inequality in sports in India and compares them with those in countries like the United States. This paper examines gender pay inequalities in the sports industry. This paper examines the challenges and potential measures to improve payment for women's sports in India.

**Keywords:**

Pay Gap; Gender Inequality; Sports; Women; Policies

**Paper Code- CUKJLS-2026-078**
Submitted- July 15, 2026; Accepted- September 26, 2026; Published- October 10, 2026

## Introduction

Sports are "an organised physical and mental activity aimed at achieving competitive goals through adherence to a set of rules and regulations." During the 18th century, women were allowed to participate in non-contact sports. By the 19th century, women began competing in the same sports as men. They start representing their countries internationally. A crucial point came in the



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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

20th century, when women's involvement and contributions in sports increased significantly. Today, athletes such as 'Mary Kom', 'Saina Nehwal', 'P.V. Sindhu', Dutee Chand, Dipa Karmakar, Mithali Raj, and Hima Das have broken barriers and established new standards of excellence in international sport.

One depressing reality of the twenty-first century is the persistent gender income divide worldwide. In the area of sports, gender discrimination is very common. Gender inequality and discrimination based on a person's sexual orientation undermine and impede the full growth of women and girls in sports globally (Gersch,2021). The gender pay gap refers to the wage difference between men and women performing the same work. Gender discrimination shows up in participation, pay, infrastructure, broadcasting, and other areas. In similar or the same sports, women are regularly paid less than men. Therefore, in sports, it has become a major global concern (Joshua A,2016). The 'International Labour Organisation (ILO)' calculates that women worldwide obtain approximately 20 per cent less than men on average (Ramdat,2021). Although many nations have laws mandating equal pay, equal recompense for equal work is a right, and women are still paid less than men in almost all countries (UDHR).

**Unpacking the past: Concept and chronicle**

Historically, men developed and governed organised sports, which often exclude women and their roles. Male sporting events typically receive more media exposure and attract larger sponsorships, which generate higher revenues. As a result, gender inequality in sports mirrors societal disparities in recognition and economic opportunity (Morgam,2021). Moreover, institutional and societal barriers have also limited women's participation in professional sports. These social norms restricted early female athletes and contributed to significant disparities.


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

The salary gap between male and female sports personnel still exists. Across different sports like basketball, golf, tennis, and soccer, male athletes earn between 15% and nearly 70% more than female athletes, whether through salaries or prize money (Kluska,2022). This disparity remains evident in countries like the United States. As efforts to promote gender inclusivity in sports increase and female athletes gain greater recognition, addressing this pay gap is becoming increasingly important.

**International Frameworks for Gender Pay Equality**

Gender Pay Inequality remains a critical issue within professional sports. Sport functions not only as an individual leisure activity but also as a livelihood and occupation for professional athletes. Female athletes consistently receive lower salaries, match fees, and other benefits than their male counterparts. Despite this disparity, no comprehensive global law mandates equal compensation for male and female athletes. Protections come from international human rights law, national equality legislation, and sport-specific statutes and regulations set by sports organisations (Burt, 2021).

At the international level, several principles promote equal pay for men and women in sport. According to the "International Charter of Physical Education and Sport", every individual has a basic right to engage in athletics and physical training since these activities are essential to developing a personality of a person. The '4th Principle of the Olympic Charter' states that "the practice of sport is a human right". Everyone should have equal access to sports without discrimination. The Charter stipulates that rights and freedoms must be ensured without any discrimination, particularly on the grounds of "race", "colour", "sex", "religion", "birth", or other status (as stated in the 6th principle of the Olympic Charter). The "Universal Declaration of Human Rights (1948)" acknowledges in Article 23 that every individual has the right to work under just and favourable conditions. Similarly, educational systems and social environments must ensure the self-actualisation, human flourishing


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

and personal autonomy through physical training and athletics (UNESCO Charter).

"The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)" and other United Nations Declarations aim to empower women and eliminate discrimination. It is stated in the preamble that "extensive discrimination against women continues to exist" and that this kind of discrimination "violates the principles of equality of rights and respect for human dignity". Any distinction made on the basis of sex which hinders women's equality, liberation and empowerment constitutes discrimination (Article 1). Article 2 obliges States parties to implement policies, including legislation and other appropriate measures, to eradicate female inequality. In sports, this means governments should not only avoid discrimination against women athletes but also implement legal and regulatory measures. Article 4 allows temporary special measures to promote equality that are not considered discrimination. Article 11(1)(d) ensures equal pay and treatment for equal work. It directs states to eliminate employment discrimination and uphold the rights to work, equal opportunity and equal pay.

These frameworks are useful for analysing gender discrimination in sport and provide an important human right for examining gender pay disparities in professional sport. It can be evaluated not as a sport policy but as a broader principle of equality, non-discrimination and equal opportunity. Article 7 of the "International Covenant on Economic, Social and Cultural Rights (ICESCR)" guarantees equitable, fair, humane, and decent working conditions, including equal and fair remuneration, and protects against unfair dismissal from employment.

## Gender Pay Inequality in Indian Sports

Sport offers a valuable lens to understand gender inequality in India. India is undoubtedly a sports nation. To provide equal opportunities, it is essential to ensure equivalent remuneration for equivalent work, given that unequal pay


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ISSN (Print): 3139-4485

for both genders in various industries, including sports, have drawn considerable attention over the years. In India, according to estimates from the World Inequality Report 2022, men receive 82% of labour income, while women receive 18%. Despite the enactment of equal pay legislation, India still has a large gender pay gap, ranking 127th out of 146 countries in the 2023 Gender Gap Report (James,2024). If India's pay gap keeps narrowing at the present pace, women will still not receive equal pay compared to men. In India, laws such as the 1976 Equal Remuneration Act no longer effectively address pay equality or reduce pay disparities. Additional legislation is needed to improve pay equality for women across all careers, particularly in professional sports. In terms of revenue generation, the Indian sports sector is regarded as one of the high-growth sectors. Many women athletes have represented the country in various competitions and events over the last few years. However, the Government of India has implemented equal pay initiatives in sports. However, a pay gap still exists. A nation has laws that promote equality of all genders, but women still obstacles and challenges (Riyas,2022).

India may have granted equal rights from the very start, but it has failed when it comes to "equal pay in sports", which leaves women sports players in trouble without a reasonable justification. Although "equality" is part of the basic structure, women players are paid less than men. Therefore, women should be granted equal status in sports. Cricket, for example, faces a significant gender pay gap. Women encounter many difficulties, including not receiving equal pay with men (Adapa, 2024). This denies them equal opportunities, which are not only morally imperative but are also fundamental rights explicitly guaranteed by the Indian Constitution. The move to provide equal pay for Indian cricket players reflects a broader trend toward achieving pay equity. The country already provides some protections through the Equal Remuneration Act, which at least mandates equal pay between genders.


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Central University of Karnataka
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## Legislative framework of Gender Pay Equality from an Indian perspective

### *Constitutional Provisions*

The Indian framework does not give a clear definition of the term 'sports'. Nevertheless, 'Schedule VII of the Constitution of India includes sports in Entry 33 of List II (the State List), which also covers theatres, dramatic performances, cinemas (except Entry 60 of List I), sports, entertainment and amusement'. The Constitution includes provisions to promote equal opportunity and remove inequality. Gender equality and the principle of equal opportunity for both genders are considered fundamental constitutional values. Articles 14 to 18 ensure the 'right to equality'. Article 15 particularly bans discrimination on the grounds of gender, which includes access to "places of public entertainment". This provision promotes gender equality in sports facilities and participation. It also provides remedies where these rights are infringed. 'Under Article 32 and 226 of the Indian Constitution', citizens have the right to approach either the Supreme Court or a High Court to seek constitutional remedies through writ petitions. The Directive Principles of State Policy require equal opportunities for both men and women. Although 'equal pay for equal work' is not a specific fundamental right, but Article 39(d) upholds this principle for men and women doing similar work.

The application of constitutional provisions to sports heavily depends on 'Article 14, i.e., Right to equality' and 'Article 15, i.e. Prohibition of Discrimination' and the movement towards the concept of substantive equality. Substantive equality recognises diverse socio-economic or regional backgrounds that create unequal starting points. Therefore, the state must provide tailored support, including equal pay and other measures such as quality training, equipment, and infrastructure, to achieve true fairness. The framework protects against indirect discrimination, which occurs when seemingly neutral policies disadvantage athletes. Therefore, equality concerns not only whether women and men are formally permitted to compete, but also



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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

concerns about the institutional conditions of sport to allow them a genuine comparable opportunity to develop their careers (Hussaini,2020).

***'The Equal Remuneration Act, 1976 and The Code on Wages, 2019'***

The Remuneration Act requires equal pay for male and female workers. It also prohibits sex-based discrimination in employment and related matters. The legislation requires employers to pay equally male and female who performs the same or similar work within the establishment, a principle commonly known as "Equal Wages for Equal Work" (Section 4, ERA).

'The Equal Remuneration Act, 1976'6 is the primary law used to bring equal pay issues before the court. Although the law offers a route to obtain a judgment, numerous barriers prevent women from effectively proving their pay discrimination cases. The most important thing is that, despite this enactment guaranteeing women equal pay for equal work, women still earn lower salaries than their male counterparts for the same roles, indicating that the law has not effectively closed the pay gap in India. And secondly, it is not explicitly applicable to sports. So, in India, there is no specific law mandating equal pay for women in sports.

'The Code on Wages, 2019, also known as the Wage Code, consolidates the provisions of four Labour laws, viz. Payment of Wages Act, 1936, Minimum Wages Act, 1948, Payment of Bonus Act, 1965, Equal Remuneration Act, 1976. This Act supersedes all prior definitions of wages. It includes the employer's payments for dearness allowance, basic pay, and retaining allowance. Wages do not include any bonuses, rental assistance, utilities allowance, travel allowance, retirement and pension scheme, extra pay, gratuity, or commissions.

This provides a strong legal basis for equality in sport. However, there is a sports-specific problem. Section 3 operates where employees perform the same or similar work for the same employer. Professional male and female


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

athletes' sports competitions are separated organisationally and leagues have different commercial structures. Whether every professional athlete qualifies as an "employee" under the Code will also depend on the terms of the relationship. Consequently, traditional equal-pay legislation does not solve the structural differences. For example, between IPL and WPL or men's and women's hockey.

### *Cricket: Important Progress, but Equal Fees Do Not Mean Equal Earnings*

The Indian example of formal pay equity occurred in cricket. In October 2022, the BCCI adopted its "pay equity policy" for contracted Indian international women cricketers. However, match-fee equality must not be equated with total-pay equality. A player's annual match-fee income depends on the number and type of international matches offered. So, if women's team play fewer matches, equal payment per match can coexist with unequal annual earnings.

Another example is the 2023 WPL and IPL auctions, where the average sale price for the Women's Premier League (WPL) was Rs 68 lakh, whereas for the Indian Premier League (IPL) it was Rs 2.09 crore. The disparity was more pronounced among the highest-priced players. Because in the relevant auctions, Smriti Mandhana received Rs 3.4 crore, whereas Sam Curran received Rs 18.5 crore. Therefore, these issues should be addressed as policy problems rather than as employer discrimination (BCCI, 2022).

### *Hockey: An Even Clearer Policy Example*

The revival of the Hockey India League is significant because it established both men's and women's events. For the 2024-25 HIL, the men's franchises received a player-auction of Rs 4 crore per team, whereas the women's teams received Rs 2 crore. This distinction continues in the 2026 HIL mini-auction. Hockey India set the salary at Rs 4 crore for men's teams and Rs 2 crore for women's teams. The minimum player base price structure remained unchanged at Rs 2 lakh, Rs 5 lakh, and Rs 10 lakh. The predetermined


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

difference in team salary demonstrates how gender-based pay disparities can be embedded in a regulatory framework before any bidding occurs (Hockey India, 2024).

***Football***

In April 2023, AIFF required leading Indian Women's League clubs to offer at least ten Indian players fully professional annual contracts of at least Rs 3.2 lakh each. This reform aims to improve economic opportunities for women footballers. However, this is a minimum professionalism measure, not an equal pay policy (All India Football Federation, 2023).

***'Khelo Bharat Niti 2025'***

This policy replaced the National Sports Policy 2001. The policy's main objectives are inclusion and women's participation. It promotes equitable access to infrastructure and supports regular programmes for women, disabled persons and marginalised groups. However, women's participation does not equal women's economic equality. The policy lacks a comprehensive national standard for equal match fees, revenue sharing, minimum salaries, etc (Ministry of Youth Affairs and Sports, 2025).

***'National Sports Governance Act, 2025'***

The Act seeks to ensure good governance, athlete welfare and effective grievance mechanisms within national sports bodies. The Act's framework also enhances women's engagement in sports administration. Women's representation in decision-making matters for pay equality because it can shape decisions about league budgets, prize money and athlete contracts. However, representation alone does not guarantee economic equality. The system could be improved by pay equity reports (National Sports Governance Act, 2025).


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ISSN (Print): 3139-4485

| Policy area | Present position in India | Gaps |
|---|---|---|
| Constitutional provision of equality | Article 39(d) specifically recognises equal pay | It primarily requires implementing legislation or policy |
| Code on Wages, 2019 | Prohibits gender discrimination in same/similar work | Application is difficult to separate leagues and employers |
| Cricket | WPL created | IPL/WPL salary ecosystem remains substantially different |
| Hockey | Men's and women's HIL both established | Women's salary remains 50% of men's |
| Football | Introduced minimum professional contracts | No cross-gender remuneration and parity framework |
| Khelo Bharat Niti 2025 | Strong emphasis on inclusion and women's participation | No explicit framework for professional sports pay equity |
| Sports Governance Act 2025 | Women's representation and good governance | It does not impose comprehensive remuneration parity |

**Table 1: Policies relating to Gender Equal Pay in Indian Sports**

## Legislative Framework in the United States of America

In the United States, there is no federal statute mandating that male and female athletes receive the same salaries. Athletes who are subject to pay discrimination rely on federal laws to seek remedies for discriminatory



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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

practices, namely, "the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964", which forbids all types of discrimination, and "Title IX of the Education Amendments of 1972", which aims to prevent inequality and gender discrimination in federally funded educational organisations.

***'Equal Pay Act, 1963'***

'The Equal Pay Act' is a principal federal legislation addressing gender-based pay discrimination. It prohibits employers from preferring one sex over the other, when they perform the same "skill", "effort" and "responsibility" under comparable workplace circumstances. The legislation requires that employers provide equal remuneration to men and women performing the same work within the same establishment. The Act also defines "Equal Work" as "the performance of which is performed under similar working conditions" (Code of Federal Regulations).

The EPA is relevant where the person is an employee for instance, male and female coaches. For professional athletes, the issue becomes complicated.

***'Title VII of the Civil Rights Act of 1964'***

Gender-based discrimination in employment is protected by Title VII. It covered employer from discrimination in respect of compensation, terms and conditions of employment because of sex. Therefore, in sport, Title VII can address discrimination involving salary, bonuses, benefits, and other forms of compensation if the claimant falls within the employment framework of Title VII.

***Title IX***

Title IX is the most influential federal law relating to gender equality in sports. It required equal funding for both sexes in federally funded educational programs, including sports. It marked a turning point in gender equality in


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

athletics. It requires institutions to make athletic financial assistance available to both sexes in proportions substantially proportionate to their respective participation rates (Erin E. Buzuvis, 2017).

***'Equal Pay for Team Act of 2022'***

This Act is an important federal law aimed at eliminating gender-based disparities in the compensation of athletes who represent the country in international competitions. The Act requires equivalent and non-discriminatory treatment of male and female athletes regarding compensation, as well as other benefits, medical care and travel allowances.

| **Laws/ Statutes** | **Principle** | **Application to sport** |
|---|---|---|
| Equal Pay Act, 1963 (EPA) | Whether male or female, they should be paid the same for performing the same or equivalent work. | Apply to employees who work in sports. It includes coaches and athletes who qualified as employees. |
| "Title VII of the Civil Rights Act, 1964" | Prohibition of discrimination in employment with respect to sex (compensation discrimination) | It safeguards employees within the sports industry against discrimination on the basis of sex. |
| Title IX, Education Amendments 1972 | Prohibition of discrimination in federally funded education | Applicable to school and college athletics |

**Table 2: Pay laws relating to sport in the United States**


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

***Other statutes***

To promote equality between male and female athletes, the Athletics Fair Pay Act of 2019 was introduced by senators and mandates equal pay for Olympic and amateur athletes. It aimed to mandate equal pay and financial transparency for athletes under the authority of national governing bodies. This Bill updates the "Ted Stevens Olympic and Amateur Sports Act, 1978 (Ted Stevens Act)", which requires national sports organisations to pay female athletes equally and to submit an annual report to Congress on efforts to eradicate pay disparities. Additionally, the Give Our Athletes Level Salaries Act was a bill introduced in the United States House of Representatives in 2019 to encourage and promote equal pay among professional athletes. The "Equal Pay for Team USA Act of 2022" was recently enacted by President Biden, making it necessary for all American athletes who compete internationally in sports to receive equal pay and benefits, regardless of gender. The law applies to nearly 50 national sporting bodies. For example, "U.S Soccer and USA Volleyball" as well as the "United States Olympic" and "Paralympic Committee" (Hindman et al.,2024).

| **Parameter** | **India** | **United States** |
|---|---|---|
| **Constitutional foundation** | Articles 14, 15, 16, 39(a) and (d) of the Constitution supports equality and 'equal pay for equal work' | Equal protection principles and protection arise from through federal anti-discrimination laws |
| **Legislations** | 'Equal Remuneration Act, 1976 was later incorporated into the Code of Wages, 2019' | 'Equal Pay Act, 1963, Title VII of the Civil Rights Act, 1964' |


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ISSN (Print): 3139-4485

| | | |
|---|---|---|
| **Sports-specific equality law** | No comprehensive sports-specific equal pay law or statute | Equal Pay for Team Act of 2022 |
| **Education/college sports** | No equivalent comprehensive national legislation | Title IX of Education Amendments 1972 |

**Table 3: A Comparative Policy Analysis between India and the United States of America**

## Discussion

Gender-based discrimination in remuneration is an important issue in sport. The Comparative study shows that India and the United States share a general responsibility to gender equality. But significantly differ in the legislative mechanisms. India and the United States have taken different approaches to gender pay equality in sport. India primarily relies on constitutional and labour law provisions, such as the Code of Wages, 2019. These mechanisms provide an important normative basis for equality. They do not establish a uniform sport-specific title to equal pay for male and female athletes. Whereas the United States merged employment laws with legislation and regulation affecting sport. (Title IX and the 'Equal Pay for Team USA Act'). The 'Equal Pay Act' and Title VII provide job protections. Title IX deals with inequalities in school sports. The 'Equal Pay for Team USA Act' goes further by ensuring that athletes representing the country in international competitions receive equal pay and benefits.

In India, many legislations, like 'the Minimum Wages Act and the Equal Remuneration Act', were introduced to tackle the pay difference between both genders. Despite the implementation of these Acts, the pay gap between them still exists in India. For this purpose, "the Code on Wages, 2019", was introduced to deal with the loopholes present in the previous acts. It can be argued that much remains to be done, as this Act is insufficient to address the


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

issue, particularly because it lacks provisions for equal wages. Whereas the United States possesses a body of sports-related equal-pay legislation, particularly through Title IX, the Equal Pay Act, and the landmark U.S. Women's National Soccer Team legislation, which influenced broader reforms in sports compensation. This comparison highlights a key gap in India's laws. There is an urgent need to create sports-specific equality laws and rules that could clarify the law and reduce reliance on voluntary federation policies.

**Judicial Approach toward Addressing Gender Biases in Sports**

The legal viewpoint on gender equality in sports must be grounded in the constitutional commitment to equality, non-discrimination, and meaningful participation in public life. Articles 14, 15, and 21 in India provide the normative basis for exploring whether women athletes are being deprived of equal access to sporting opportunities, fair treatment in the selection process, or of exclusionary practices by institutions. The relevance of this framework lies in the idea that sport cannot be viewed as an insulated field of law, since it is managed by federations or associations. Where sports involvement affects status, livelihood, recognition, and access to national representation, discrimination in sports administration takes on constitutional dimensions. To this end, judicial treatment of gender matters in sport is not one limited to a discursive treatment of equality in the abstract; it demands the courts to determine whether the institutions that regulate participation and opportunity act in a way that is consistent with constitutional justice (Constitution of India, 1950).

The issue of economic justice in sport, especially in terms of remuneration, incentives and material recognition also touches upon the constitutional principle of equality. The difference between males and females in sport in terms of pay and benefits is frequently justified based on market relations, but this does not necessarily justify the exclusion of the legal principle which states that equal work and equal value should be given equal institutional treatment (Hariharan,2022). The equal remuneration principle is particularly


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ISSN (Online): 3139-4345
ISSN (Print): 3139-4485

significant in the sports context, since unequal pay often reflects a historical under-evaluation of women in sport rather than an objective evaluation of performance or contribution. Courts' involvement in this matter can thus change the debate of benevolent inclusion to fairness as enforced, particularly where economic inequalities are used as proxies to interpret other structural discrimination.

## Conclusion

Despite progress in women's participation at the national and international levels, gender wage disparity in sports remains a significant challenge. Increased participation alone does not result in economic equality. There is always a persistent difference in salaries, benefits, and institutional support. The principle of equality requires that athletes representing the same sporting institutions receive fair and non-discriminatory treatment.

India’s position relative to the United States underscores the importance and necessity of an effective legal and regulatory framework. India possesses constitutional guarantees of equality and statutory protection. Nevertheless, the absence of comprehensive sports-specific legislation means that equal remuneration for athletes always depends on policies and the discretion of sporting bodies. Whereas the US has a more developed and extensive framework through the “Equal Pay Act”, “Title VII”, “Title IX”, and “the Equal Pay for Team USA Act, 2022”, which establishes equal compensation obligations for athletes representing the country. Therefore, achieving gender pay equality in sport requires recognising fair and non-discriminatory pay and athlete welfare, rather than as an act of goodwill only.

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