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EXPANDING THE SCOPE OF RIGHT TO EDUCATION: RECOGNITION OF RIGHT TO SPORTS TO DISMANTLE THE SOCIAL DISCRIMINATION

AUTHORED BY - NEVIN C VIJILS

Not every child had the opportunity to have access to quality education in India prior to the implementation of the Right to Education as an explicit right. The primary reason behind this unfortunate reality was that most of the students were poor and some were below the poverty line. But the secondary reason was the identity of the children regarding their gender, caste, religion decides who are eligible for a quality education. It was mentioned in the statement of objects and reasons attached with the Right of Children to Free and Compulsory Education Bill, 2008 that, to create a humane society there should inclusive education to all. However, even after the implementation of the Right of Children to Free and Compulsory Education act, 2009 and explicit recognition of right to education, the society still suffers from caste, religion, gender discrimination and strengthens the social stigmas. While the initiative was a success, the implementation of free education was not that effective. The act was just focusing on the theoretical aspect where they only gave importance for memorisation of academic content rather than the keeping a balance between practical knowledge. With extensive research on doctrinal and empirical evidence available on the Govt schools of Kerala, this paper aims to analyse the significance of Right to Sports as an explicit right and its role in achieving one of the main goals under Right to Education. At the same time, examining various perspectives from philosophy, psychology and historical evidences on how sports in primary school level can dismantle social barriers.

Keywords: Sports, theoretical approach, experiential learning, inclusivity, Education, Primary level

1. Introduction

For the purpose of providing free access to education to all the children aged between 6-14 years, on 2009, Indian Parliament enacted Right to Education as a fundamental right under Article 21A of Indian Constitution. The reason for its implementation was that in India there are different kinds of beliefs, community, caste, etc which denies the basic level of education

to certain children coming from different caste, religion, gender and financial capacity. Also, families who are not financially capable sent their children to work to earn a living, thus denying the opportunity of education. Without a proper education act or law, many students drop out due to lack of quality education such as qualified teacher's, updated academic curriculum. So, to avoid all this and improve the quality of education and heeding the words of Dr. Ambedkar where he emphasized for the primary level education, under Article 21A of Indian Constitution education was universalised to every child under 6 to 14 years of age¹. And not only providing free and compulsory education, through this act they are also aiming for inclusive education as it was mentioned under the statement of objects and Reasons (SOR) attached to *the Right of Children to Free and Compulsory Education Bill, 2008* stating that "creation of a just and humane society can be achieved only through provision of inclusive elementary education to all."²

'Inclusive education' implies to such education that is common and equal for every child of every background and is also consistent with constitutional ideals, especially with the ideal of fraternity, social justice and equality in opportunity³. So, in India, students come from different types of caste, religion and class, as a result they have different beliefs in interacting with some students. By implementing inclusive education system, these students come together in a common environment without any segregation or differentiated treatment to any particular identity, which will result in a more positive interaction with the students and promote social cohesion in the society, reducing the discrimination and dismantling the social barriers lingering in the society. But this type of education system can only work if it is implemented at the start of a child's learning journey because studies show that children aged 0-6, have extraordinary ability to grasp information and are more open in accepting new concepts that helps to form a view of the world⁴. In other words, implementation of inclusive education program at the early age of child can shape their view on different discriminatory beliefs and can help in achieving the core constitutional mission of articulated in the Preamble, namely, equality, fraternity and social justice. However, the Article 21A emphasizes only on the universalizing the access of education to every child aged 6-14 years which in broader

¹ Subhash Chandra Mindal, *Glimpses of Dr. B.R. Ambedkar's Vision on Education*, 6 INT'L J. CREATIVE RES. THOUGHTS 17, 21 (2018).

² The Right of Children to Free and Compulsory Education Bill, 2008, Bill No. LXV of 2008 (Introduced in Rajya Sabha on Dec. 15, 2008) (India)

³ PRS Legislative Research, *The Right of Children to Free and Compulsory Education Act, 2009: Clarification on Implementation and Key Issues* (Apr.15, 2010),

⁴ Ari Putra, *How Can Early Childhood Education Integrate the Value of Anti-Bias Education into Their Students' Daily Activities? A Scoping Review of the Literature*, 11 INT'L J. RES. & REV.1 (2024)

expectations shown in academic discussions or ongoing policies, should have prioritised universalizing inclusive education to promote dismantling of social discrimination⁵. Currently the Article 21A only emphasizes on access-oriented approach and does not define inclusive education which does little in addressing the cultural discrimination that operate in classrooms. But even if the Right of Children to Free and Compulsory Education Act does come up with a reform that talks about inclusive education, the aim of dismantling social barriers cannot be achieved by mere theoretical approach. Thus, this paper will be discussing about a different approach to achieve that goal. As per psychology, theories by many great philosophers and historical achievements validate and proves that sports can be used as an educational tool to teach the students about social values like teamwork, equality through practice and discipline. But as it was mentioned before, this approach can only be achieved at the primary level of education as they can absorb these values at their early age. So, the main aim of this paper is to discuss about why should there be a Right to sports as an explicit Article under Indian constitution to achieve the egalitarian aim of Article 21A even though it is mentioned implicitly under Article 21.

2. Sports As an Inclusivity tool in the Education Platform

Sports in a general sense is termed as any physical activity that an individual or a team exercise either for leisure time or for competitive games. Platform where skills or teamwork is tested against other individuals or teams and focuses only on winning the reward or for the satisfaction of defeating the opposite teams. But when the term sports is deeply analysed, it is much more than an exercise for leisure time or for games, as sports is considered as a social leveller. In other words, it notices social differences and reduces it by bringing the people of different background like caste, class, race, gender etc, together. Field where social hierarchy disappears, create corporation, unity and solidarity⁶. But mere implementation of sports in the society does not identify the societal inequalities or cannot dismantle the social barriers because without understanding the deep cause of these inequalities and without defining what is really meant by 'inclusion' can tend to adopt a deficit model of sports programs that rather identifying the discriminatory system, it might cause even more harm by increasing the participation leading

⁵ Priyadarshi Mishra, *An Analytical View of "The Right of Children to Free and Compulsory Education" (RTE) Act, 2009*, 8 INT'L RES. J. MGMT. & TECH. 202 (2017)

⁶ Katherine Dashper & Thomas Fletcher, *Introduction: Diversity, Equity and Inclusion in Sports and Leisure*, in *DIVERSITY, EQUITY AND INCLUSION IN SPORT AND LEISURE* xiii (Katherine Dashper & Thomas Fletcher eds., Routledge 2023).

to more exclusionary practice⁷.

India is famous for its multiculturalism as it homes various caste, religion and culture. But without a reasonable structure, conflict between various beliefs can arise creating a society where an invisible barrier starts to dictate their life unfairly. Unless and until the core issue is identified, mere implementation of Sports as a transformative tool will not be effective. As this is a belief imparted on a human being, it can be controlled by the help of education when implemented as early as possible. This is done because education is not used solely for intellectual progress but used as an efficient instrument in educating people certain social principles that can contribute in shaping attitudes, opinions regarding various aspects of life. So as mentioned above, when education is given in a primary school level which in fact is early as possible, those students are capable of learning new things faster and will retain that information greater than most of the adults. Therefore, for a successful introduction of sports into the society first it must be implemented effectively in the educational system of primary grade.

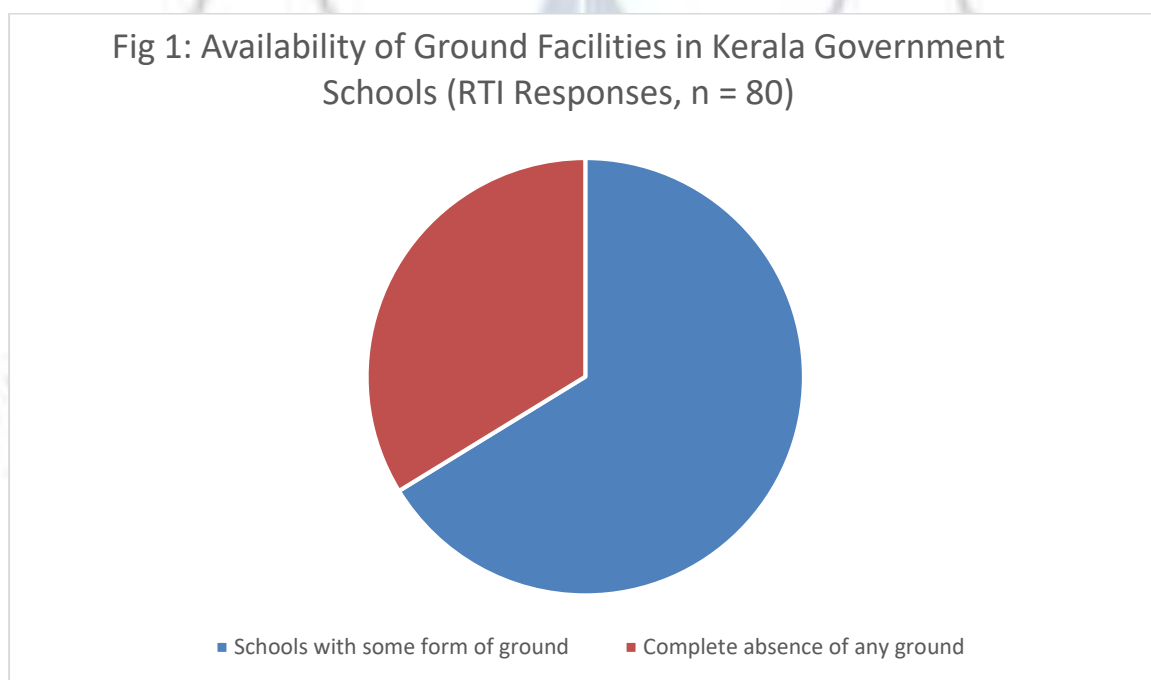
This educational recommendation is of two main reasons. The first reason is the psychological mindset and its reaction to practical and experiential learning which will be analysed later in the paper. The second reason being is that, it increases the opportunity and might open new career paths to children without any social exclusion, as access to sports or physical training is available to all the children. Research has shown that disabled individuals and the socially backward community are under-represented in the sports arena, indicating that sports alone cannot show the hope of social inclusion. In the same breath, support to this statement was also added that the structure of modern sports was not precisely a social equalizer as it created more inequality by permitting the elites, socially advantaged individuals to prevail in the sports arenas. As a result, sports cannot independently overcome the social barriers when it was always been influenced by different social and cultural beliefs⁸. However, by integrating sports into Indian education it can truly achieve the goal because in India as mentioned above, the education is universalised for every child under the age of 6-14 years providing such a structure or a platform where all children under diverse communities participate together without any segregation. So, by using education as delivery system for the sports to ensure not just physical

⁷ Reinhard Haudenhuyse, *Introduction to the Issue "Sports for Social Inclusion: Questioning Policy, Practice and Research"*, 5 SOC. INCLUSION 85 (2017).

⁸ James H. Frey & D. Stanley Eitzen, *Sports and Society*, 17 ANN. REV. SOC. 503, 510- 12 (1991)

entertainment or leisure but as tool for a mental development on the children's mindset on inclusivity.

Even National Education policy, 2020 supports the implementation of sports into the academic curriculum and also claims that through sports-integrated education, experiential learning can be adopted. "Sports-integration is another cross-curricular pedagogical approach that utilizes physical activities including indigenous sports, in pedagogical practices to help in developing skills such as collaboration, self-initiative, self-direction, self-discipline, teamwork, responsibility, citizenship, etc"⁹. However, Kerala being regarded as the most advanced states in educational sector, ranking with a 95.3%¹⁰ of literacy rate, an RTI based empirical findings illustrated in Fig 1, points out that 33.75% of Govt Schools lack a dedicated ground for playing or any kind of physical activity, while rest 66.25% do have some form of ground but not specifically playing ground.



The existence of such ground facility does not guarantee the functional access to sports, safety of children and may lack necessary sports equipment. This data is of from 80 Govt schools out of 4,508 total Govt schools in Kerala and is responded by the headmaster or headmistress of

⁹ Ministry of Education (Gov't of India), *National Education Policy 2020* (July 29, 2020),

¹⁰ List of Indian States with Highest and Lowest Literacy Rate, *Jagran Josh* (Jul. 8, 2025),

¹¹ Source: Right to Information Application No. RTI/34841/2025, Nevin C. Vijils, filed before the Public Information Officer, General Education Department, Government of Kerala (2025).

those schools and the condition of the remaining schools are official undocumented. A state often cited for its literacy rate, school enrolment and education outcomes struggles for implementation of sports as an important curriculum mentioned in NEP, 2020 it is more concerning for other schools in states where allocation of educational resources is less or not adequate.

So, in furtherance to strengthening the claim for the integration of sports and education and the implementation of Right to Sports as a fundamental right, it is necessary to dwell deep into different theoretical frameworks that can explain why and how sports can influence social behaviour and shape social attitudes; psychological perspectives on children to see how they perceive sports as tool for social inclusion; and historical evidence that shows sports as a successful weapon to combat discrimination and a tool to dismantle social barriers.

2.1. Theoretical perspective

Empirical literature illustrates that incorporating sports in primary level education will result in societal development in such a way that it dismantles those social barriers and enhances children's developmental outcomes. But for an explicit implementation of Right to Sports as a fundamental right, these evidences are not enough. So, to achieve that, a stronger philosophical and theoretical justification is required. Theories provide conceptual clarification on why integration of sports is not optional but is an essential element under education. A wide range of scholarship affirms that philosophy is not secluded from the progress of real-world scenarios rather, it plays an essential role in clarifying the concepts and ideas and gives reasoning for the outcomes¹².

Many theoretical studies affirmed that education must address not only the intellectual capacity but also the whole human being, in other words, physical development and building of ethical character. For instance, some of the profound philosophers emphasizes the need of physical education are Aristotle who viewed physical education as a way to achieve virtue and eudaimonia (human flourishing) and Rousseau who gave importance to learning through movement by introducing 3 pillars of education. By anchoring these philosophical thoughts, it significantly strengthens the argument for the implementation of Right to Sports as a fundamental right.

¹² Lucie Laplane et al., *Why science Needs Philosophy*, 116 PROC. NAT'L ACAD. SCI. 3948 (2019)

2.1.1. Aristotle

As Aristotle discusses about the concept of eudaimonia as he speaks about the need of developing the mind of an individual to think rationally in order to have good life. Therefore, the individual must indulge or engage in activities of virtues not for the outcome of the result but to have a knowledge on the importance to have a good and meaningful life. He is clear with the message that mere theoretical knowledge is not sufficient to attain virtue but if that individual imparts that knowledge into their daily activities, due to its repeated doing of that act, it will become the part of that individual's character trait. In a way, he is conveying that theoretical teaching can be used as a guide in order to bring light and make the people realise that unless there is no practical implementation, theories cannot be effective. Thus, when there is no opportunity to practically embody the theory in life, then the theory is not built in the human character by simply learning it¹³. The philosophy laid goes to support the argument on why sports is not just mere entertainment or leisure but a societal tool to overcome social barriers. Instead of just theoretical teaching on inclusive community and viewing different people in single umbrella, implementing sports along with those teachings can be more fun and effective. It will show how to express those theoretical teachings and have an opportunity to experience those teachings through playing, teamwork, discipline, following fairness etc and when these actions are exercised regularly it will be embodied into one's character.

In another one of his philosophical thoughts from Book VIII of Aristotle's politics, he provides a framework to explain why physical activity is beneficial and is an essential component in primary level education. He argues that education should be treated as a public function of the state rather than private enterprise so that every student from every background can have equal access to education because "the character of the citizen makes the character of the constitution." Aristotle identifies four pillars of education, namely, reading and writing, music, drawing and physical training, in which he stresses on gymnastics as a central role in forming moral and psychological excellence¹⁴. He argues that by engaging in physical training a student is able to cultivate courage, emotion management, builds self-restraint and corporation among other students. He cautions against over-athletic behavior as well as from theoretical character, but insists on emphasizing a middle ground that is wholesome to the body and the mind of a child. In case of coming to current scenario where there is universalisation of other three pillars other than physical training and the rest of the four pillars are satisfactory the fourth pillar

¹³ Internet Encyclopaedia of Philosophy, *Virtue Ethics*

¹⁴ ARISTOTLE, *POLITICS* bk. I, ch. 2 (Batoche Books 1999).

would not be attainable without the recognition of Right to Sports as the explicit right.

2.1.2. Jean-Jacques Rousseau

In his opinion, children should not be subjected to hard study programs, schooling or pedagogical discipline as simply using one's reason does not ensure a virtuous life according to Rousseau, but rather a child just has to develop the full potential of the mind and body¹⁵. Simply put, he described education as a process of becoming the enjoyable, reasonable ways of life that are harmoniously balanced, useful and therefore, natural. The education that suppresses the entire development of the human being will also encumber them on their heavy shackles that would not help them instil courage, moral values and maturity. Another point that he makes is that education is not a compulsion that is imposed outside the child but rather a process that develops in the child. He came up with 3 sources of education which included, Nature (development of bodily senses and feelings), Men (Person who shows to do virtues deeds), Things (learn by experiences of the environment). Among these, acquiring knowledge in nature and things is better since as Rousseau postulates this kind of knowledge is true and it cannot mislead any person. Since this is the lesson that derives out of the experience of cause and effect, success and failure and their impacts. As compared to education by men which is rooted in commands and punishments, nature and things will make one know so many things on their own and will get a real insight into the concept. This found its way into his principle in saying that let the child learn nothing in the book which he can learn in experience¹⁶.

Another aspect that Rousseau banned is acquiring knowledge by textbooks, memorisation and verbal teaching instead children ought to learn by natural consequences, e.g., as the child continues playing with fire, he ought to learn not to play with fire because he has experienced the adverse effect of fire by getting needles. This makes the mind of a child very wary and this is better than what is contained in textbooks. When this policy is applied to the modern situation, it will coincide directly with the purpose of this paper i.e. the role of sports in modern education. Sports cause a spontaneous environment whereby the children possess the greatest freedom to learn through body participation, interaction among themselves, incorporation which reflects the notion of Rousseau, who also considered that learning by sports would bring more knowledge than any form of verbal teachings. When children in any kind of sports event,

¹⁵ Samuel Baidi Sel & Bomeigha Samuel Aveke, *Jean-Jacques Rousseau on Education: A Philosophical Analysis*, 11 J. HUMS. & SOC. POL'Y 94, 100-02 (2025)

¹⁶ Id.

they do not consider the caste, religion, class of an opponent but rather their capabilities, collective efforts, equality and mutual respect which has been included in one of the sources given by Rousseau, Nature, where there are no social inequalities to force and as a result the children are trained to treat everyone equally.

2.1.3. Amartya Sen

The Capability Approach by Amartya Sen has offered a more severe normative basis of incorporating sports into the fundamental education as a method of fighting discrimination, as it turns the evaluative emphasis of justice on the distribution of resources and formal rights to increasing what children can and can do, their actual liberties¹⁷. In this paradigm, sports do not form extracurricular indulgences but form fundamental domains of capability developing vital functioning like bodily health, emotional strength, collaboration, social belief, and non-exclusion whereby as well as empowering a child set by capability through partaking, acknowledgment, and capacity exist regardless of caste, class, or gender¹⁸. This is because institutions according to Sen tend to breakdown when they use the same amount of inputs but do not take into account the fact that there are inequalities in the conversion factors- the social norms, discrimination, or structural constraints, which do not allow individuals to convert opportunities to meaningful outcomes; and that is exactly what sports directly seek to do without proposing equalizing the input with the outcome; sports deal directly with the disparities by creating a social facet and by breaking the hierarchical barrier in early childhood¹⁹. Since Sen uses justice as a way of strengthening the agency of individuals, sports are essential in developing children who are able to make decisions, negotiate rules, and become part of a democratic life and hence avoid making education an academic or passive process. Moreover, the fact that Sen demands people to reason publicly in order to find valuable capabilities justifies the communities that express sports as the core of dignity, inclusion, and human development. In this way, the Capability Approach reinforces the thesis that the Right to Sports is a natural extension of the Right to Education: lack of structured sports in primary schooling means that children (and, in particular, marginalised ones) are deprived of their capabilities, which continues to support social discrimination as a form of social exclusion.

¹⁷ Internet Encyclopedia of Philosophy, *Amartya Sen's Capability Approach*,

¹⁸ AMARTYA SEN, *DEVELOPMENT AS FREEDOM* 87-88 (Oxford Univ. Press 1999)

¹⁹ AMARTYA SEN, *COMMODITIES AND CAPABILITIES* 28-30 (Teri Publ'ns 1987)

2.2. Psychological perspective

If the benefit of sports is viewed from psychological angle, when a student studying at primary school level their perspectives and attitudes towards others and oneself is on developmental stage, so by implementing sports into their curriculum at the early age, it functions as experiential medium where they repeatedly learn about social inclusion by corporation, role-taking, conflict resolution and peer acceptance. In a review it was found that, anti-bias learning is effective when it is implemented daily, for instance, experiential activities like games, cooperative tasks where this then directly gets aligned with the role of sports implemented at the primary level²⁰. Sports not only benefit in supporting anti-bias teaching but also in developmental psychology, it argues that when sports is implanted early into the education curriculum, they have border dimensions where they can choose sports as a career depending on their competency and benefiting children who doesn't excel in academic settings. Thus, by diversifying the achievement paths can help in reduction of status hierarchies that commonly reinforce caste, gender or ability-based stereotypes²¹.

Intergroup contact theory provides the strongest empirical basis, with its results most effectively determined in the Pettigrew and Tropp meta-analysis of 515 studies involving more than 250,000 individuals, which finds that intergroup contact strongly reduces prejudice by age groups, contexts, and target groups and that effects are significantly greater in terms of cooperative, equal-status, goal-focused and institutionally endorsed intergroup contact. Notably, one of the few naturalistic settings in schools that are reliable in fulfilling all the four conditions of Allport as defined by him are sports, where children have a sense of a team, aim at achieving group objectives, play under equal rules and act according to the institutional norm of fairness. The meta-analysis also shows that the effects of contact are generalized outside of immediate play to wider outgroup attitudes, so supporting the argument that initial sports-based contact can alleviate caste, gender, linguistic and ability-based discrimination in subsequent schooling. One of the best lines of research indicates that cross-group friendships which are an inherent by-product of team sports are one of the most successful means of eliminating implicit and explicit bias²². Friendships work on the basis of less intergroup anxiety and more empathy and re-categorizes other people as members of one extended in group. In the case of primary

²⁰ Ari Putra, *How Can Early Childhood Education Integrate the Values of Anti-Bias Education into Their Students' Daily Activities? A Scoping Review of the Literature*, 11 INT'L J. RES. & REV. 1 (2024).

²¹ Id.

²² Thomas F. Pettigrew & Linda R. Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. PERSONALITY & SOC. PSYCHOL. 751 (2006)

school children, whose self-concept is dynamic and highly sensitive to social feedback this re-categorization has long-term protective effects in discouraging the formation of discriminatory beliefs. Thus, psychological research confirms that sports is an essential component in primary education which act as a developmental intervention that directly shape a child's cognitive, societal attitude in ways that reduce discrimination.

2.3. Historical evidence

The historic development of Travancore shows that the systematic incorporation of sports into education may radically restructure social forms, institutional patterns, and government policy. One of the first and most extensive experiments in sports-based social change, orchestrated by Christian missionaries of London Missionary Society, was the introduction of organized physical education into school curricula in the early 19th century²³. Their introduction of institutionalized sports, cricket, football, athletics, changed the region into a non-rote pedagogy into a holistic one which connected physical, moral, and intellectual growth and in doing so, undermined the very concept of education in Travancore. Most importantly, sports served as an instrument of purposeful social reform: the lack of caste divisions in mixed-caste sports clubs and competitions in schools served to ensure the development of new types of social interaction that previously could not exist in the strict hierarchy of Travancore, which explains how sports served as a levelling device that restructured the daily relationships of the society. Missionaries also reformed gender relations by incorporating the element of sport in educating girls - an unprecedented intervention that allowed them to move freely, be seen and define themselves directly in opposition to the patriarchal rules and the basis of the further changes in the gender-based policies. The net impact of these activities was not just limited to mission schools, as through proving the civil and developmental importance of physical education, missionaries approached influencing state governments to add sports into the official educational policy machinery, and this was one of the first institutional acknowledgments of sports as a civic good, not as an elite leisure activity. Sports, therefore, when purposefully incorporated into educational systems, yielded quantifiable social changes in equality, social integration, gender promotion, and policy development, thereby providing a good empirical precedent upon which modern-day claims of an explicit Right to Sports within constitutional or legal systems can be based.

²³ Karthik Kumar S.S., *The Intersection of Religion and Sport: Examining Missionary Impact on Sport Education in Travancore*, 3 ACAD. 831, 845-47 (2025)

3. Constitutional and International Normative Foundations of the Right to Sports

3.1. Constitution

The case of the need to have an explicit Right to Sports as part of the Indian constitutional structure is supported by the fact that established jurisprudence has interpreted Article 21 to include all the aspects that a life of dignity should bring. Sporting activities have a direct effect on these secured aspects of life as it instils discipline, confidence, teamwork, leadership, conflict resolution, mental strength, and emotional stability. Such are not peripheral features but the fundamental elements of what the Court has defined as the preconditions of full development of the human personality, and thus constitute a part of the normative content of Article 21.

Under Article 21 of Indian Constitution, inclusion of Right to Health is a great constitutional justification for the implementation of Right to Sports. In "*Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996) 4 SCC 37*"²⁴, it was stated that state has a duty to fulfil the conditions to which health can be enjoyed. As a result, state in the interest of greater health, sports being a cheapest and most effective source of positive impact which can also at the long run can tackle non-communicable disease, obesity and other health related factors. Researches specializing on health also confirms that one of the major means of stress relievers and other lifestyle illness can be exercise, as it strengthens the body and extends an individual's life.

Article 14 and 15 of Indian Constitution also give a great justification for the development of equality under Right to Sports. In this current scenario, India has a low level of sports accessibility and governmental support allowing a selected number of athletes or individuals from urban centres, reputed schools and other elite classes to have a privileged access to sports world. Such discrepancies cause discriminatory practices among marginalised groups, rural, tribal and economically backward communities and also among disabled students resulting in snatching away their life changing opportunities and undermining substantive equality. So, if sports is recognized as a primary right, similarly done with Right to education, state will have a responsibility for creating an infrastructural balance, training physical instructors and streamlining the selection and participation process. Likewise, in *Vishaka v. State of Rajasthan*

²⁴ *Paschim Banga Khet Mazdoor Samity & Ors v. State of West Bengal & Anr.*, (1996) 4 SCC 37 (India)

(1997) 6 SCC 241²⁵ it was made clear that the State has a duty to take affirmative action to break the structural barriers that women face. It has always been revealed that the activity of girls in sports enhances school attendance, postpones early marriage and enhances independence in decision-making. Therefore, mainstreaming sports would satisfy Article 15(1) and 15(3), by promoting substantive equality of women and girls.

The argument of constitutionalising of the Right to Sports is also enhanced when the argument is put in the context of the normative framework of the Directive Principles of State Policy (DPSPs). Articles 38, 39(f), 41 and 45 all provide an obligation on the State to minimize inequalities, facilitate childhood development, increase access to education, and improve public health and nutrition. Sports affect these goals directly, as it diminishes socio-economic differences through mobility opportunities due to the availability of scholarships and jobs; boosts childhood development through better cognitive and physical development; and improves population health by decreasing the burdens of disease. Notably, the Supreme Court has severally ruled that DPSPs have to inform and direct the interpretation of basic rights. In *Minerva Mills v. Union of India* (1980) 3 SCC 625²⁶ confirmed that Parts III and IV do not conflict with one another but are complementary and the Constitution should be interpreted as establishing a harmonious relationship between rights and social-economic obligations. As one way of extending this interpretive approach, a clear codification of a Right to Sports would provide constitutional meaning to the DPSPs in child development, community health, and welfare.

3.2. International

The international human rights system also offers solid backing to the idea of sports as a right and the contents of the UNESCO-EU "Sports for Social Inclusion and Integration" Toolkit contribute to an even more solid normative base of such an idea. The Toolkit explicitly states that *"the practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind"*²⁷. This is in line with the Indian constitutional values of equality, dignity and inclusion. In addition, the Toolkit underlines the idea of sport as a tool that is low-cost and high impact, lowers the level of stigma, improves

²⁵ *Vishaka & Ors v. State of Rajasthan & Ors.*, AIR 1997 SC 3011; (1997) 6 SCC 241

²⁶ *Minerva Mills Ltd. & Ors. V. Union of India & Ors.*, AIR 1980 SC 1789; (1981) 1 SCR 206 (India)

²⁷ European Coalition of Cities against Racism (ECCAR), *Sports for Social Inclusion and Integration: A Toolkit for Local Authorities* (Toolkit for Equality – City Policies Against Racism, Release 2.0, 2021)

the integration, and reinforces the democratic principles of such tools as teamwork, fairness, and respect. These roles reflect the understanding by international human rights organizations that sport is the focus of the right to health, education, development, and non-discrimination treaties like the ICESCR (Art. 12) and the CRC (Arts. 24, 29, 31) and CEDAW (Art. 10(g)). The United Nations Human Rights Council has also been keen to assert the position of sport in enhancing human rights and fighting discrimination. The Toolkit also records the way through which the sports policies generate social inclusion, lessen racial discrimination, and augment equal opportunities, which are known to be important elements of human rights protection. The Toolkit at least offers a good indication of the fact that sport can be used as a practical process to achieving internationally guaranteed rights and that sport has demonstrated itself as a potent tool in breaking cultural, ethnic, and socio-economic barriers and in bringing marginalised groups, such as migrants, refugees, women, and minorities, together.

By incorporating these realizations in the Indian context, it is shown that the idea of having an explicit Right to Sports is not new or unique; instead, it puts India on the same page as other countries across the world in commitment and best practices. India is a state party of Committee on the Rights of the Child (CRC), part of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) which presents an obligation to protect the rights of children by giving equal access to education, health and to achieve full development in their body and mind which in this case. The UNESCO-EU "Sports for Social Inclusion and Integration" Toolkit also points out the international evidence where Europe integrated sports in cities as a human rights instrument and resulted in combating racism, decrease in school drop outs etc. As a result, India has an obligation to adhere to the international human rights standards and should commit to the transition of implicit to explicit Right to Sports.

4. Conclusion

This paper has evidently pointed out that integrating sports into primary education is not just an educational reform but a building block towards an era where India experiencing substantive equality. Even though access to free education to every child is guaranteed under Article 21A of Indian Constitution, the focus is mainly on providing education not the quality of education. But integrating sports as a special pedagogical instrument, where it allows equality through collective play and experiential learning in which hierarchies can be broken. Drawing upon

theoretical schemes about Aristotle's conception of human flourishing, Rousseau on natural and experimental education and Sen's capability approach agrees on the fact that education must cultivate physical and social capacities alongside intellectual development, whereas the psychological and historical facts prove that values acquired in the process of early physical interaction are more lasting than those taught in the environment of abstract education.

Along with the doctrinal research, empirical findings expose certain gaps in policy implementation even when National Education Policy, 2020 mandates on implementation of sports for a positive impact on holistic development. International Human Right Organisations also advocates for the implementation of sports into the society. The reason for integrating sports into school curriculum is that when children experiences inclusivity at the earliest, the attitude against different beliefs can be ripped apart in its entirety. But only with sports cannot be achieved, therefore, Right to Education must be implemented together with Right to Sports for a desirable change in the society for more inclusivity and more egalitarian educational system.

