

COMMENTARY

Ethical and legal dimensions of sexual harassment in sports: The case of Brij Bhushan Sharan Singh

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Abstract

This commentary draws critical attention to the gross neglect of athletes' safety within the sports environment in India, focusing on the neglect of principles of fairness, mutual respect and ethics, especially as they impact women. We look specifically at the abandonment of ethical (and legal) frameworks in dealing with complaints of sexual harassment from women wrestlers in Haryana, registered over years, against the head of the Wrestling Federation of India. The Sports Ministry showed complete indifference not only to the principles of fair play and a safe environment, but to basic ethics in dealing with gendered violence and the trauma suffered by women and girls. The essay also highlights the importance of the effective and impartial conduct of the legal processes necessary to support ethical conduct in the emerging sporting space in India.

Keywords: sexual harassment, sports, ethics, institutional accountability, power imbalances

Sexual harassment in sport is a deeply entrenched issue, long shrouded in secrecy. However, the case of Brij Bhushan Sharan Singh, a powerful figure in Indian wrestling, has brought this issue to the forefront, exposing persistent systemic failures in addressing sexual harassment in sport. The case garnered significant attention, with international bodies like the Sport and Rights Alliance urging the International Olympic Committee (IOC) to investigate the Wrestling Federation of India (WFI) and enhance mechanisms for reporting sexual harassment.

The legal framework for addressing sexual harassment in India was first established through the Supreme Court's landmark decision in *Vishaka & Ors v State of Rajasthan & Ors* (*Vishaka* hereafter) on August 13, 1997 [1]. The judgment laid down guidelines for the prohibition and prevention of sexual harassment at the workplace, including the establishment of redressal mechanisms. These guidelines later formed the basis for The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act). Notably, Section 2(o)(iv) of the POSH Act explicitly includes "any sports institute, stadium, sports complex or competition or games venue, whether residential or not, used for training, sports or other activities relating thereto" within its definition of a workplace.

Yet, sport in India continues to lack robust regulatory mechanisms to combat sexual harassment effectively. A national survey covering 30 out of 57 National Sports

Federations (NSFs) in India revealed alarming gaps: 16 NSFs either lacked an Internal Complaints Committee (IC) or had improperly constituted ICs [2]. Specifically, five NSFs had no IC at all, four had ICs without the mandatory number of members, and six failed to appoint the requisite external members [2]. The WFI, for instance, combined its ethics committee and sexual harassment committee into a single entity — without appointing an external member — in violation of the POSH Act [3].

Against this backdrop, this commentary explores the ethical and legal ramifications of the allegations against Brij Bhushan Sharan Singh, examining the broader implications for the safety of female athletes, institutional accountability, and the urgent need for policy reforms to combat harassment in Indian sports.

Two elements constitute its central theme. *First*, sexual harassment is a pressing ethical concern in sport, a field that remains male-dominated and marked by stark power imbalances. Female athletes, often from marginalised backgrounds, overcome immense social and familial resistance to pursue careers in sports, making them particularly vulnerable to exploitation by older, influential male coaches and officials. The intense pressure to perform, coupled with the highly competitive nature of sports, frequently results in incidents of sexual harassment being overlooked or dismissed. The systemic lack of accountability, particularly among coaches and administrative officials, necessitates urgent scrutiny.

Second, India's sexual harassment laws prescribe the requirements for conducting an inquiry into allegations of sexual harassment, with the independence of the complaints committee being a fundamental requirement. The shoddy inquiry into the accusations against Brij Bhushan Singh not only violates the POSH Act but also raises serious ethical concerns about the lack of transparency and impartiality in sexual harassment inquiries in sports in India, as we will show in the following sections.

Sexual harassment: an ethical concern in sports

Sport is often seen as a domain that upholds values of fairness and mutual respect, with many organisations adopting Codes of Ethics to reinforce these ideals. For instance, Article 1 of the European Sports Charter seeks to protect the moral and ethical bases of sport and the human dignity and safety of sportspersons from exploitation for

political, commercial and financial gain, and abusive practices. Similarly, the International Olympic Committee's Code of Ethics mandates respect for human dignity and prohibits all forms of harassment and discrimination, be it based on race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Sports Authority of India (SAI) has also recognised the gravity of sexual harassment in sports. SAI issued a circular on June 15, 2022, recommending measures "to ensure a safe and positive environment by making all stakeholders aware that there is an expectation at all times, of appropriate behaviour, consistent with the core values of sportsmanship and appropriate moral conduct." The circular emphasised that women coaches should mandatorily be part of contingents with female athletes during domestic/international camps and that a core group comprising representatives from the SAI and NSFs should be constituted to formulate guidelines for prevention of sexual harassment in sport [4].

Earlier, the Indian Olympic Association (IOA) had approved a Safe Sport Policy on December 12, 2019 [5], defining harassment and abuse broadly, outlining reporting procedures, and mandating confidentiality. Its objectives included:

- (i) Raising awareness and clarifying what constitutes harassment and abuse, and
- (ii) Establishing a comprehensive framework for reporting and case management.

The policy applies to:

- (a) Athletes
- (b) Coaches, technical support staff, medical personnel and athlete entourages
- (c) IOA staff and consultants
- (d) IOA Executive Council and Commission members
- (e) Member organisations (including WFI)
- (f) All persons participating in IOA activities and programmes including representations of member National Sports Federations, State Olympic Associations and other units
- (g) Agency, vendors / supplier, etc.
- (h) Volunteers.

Furthermore, the International Olympic Committee (IOC) acknowledges that sexual harassment and abuse occur at all levels of sport:

...members of the athlete's entourage who are in positions of power and authority appear to be the primary perpetrators.

...There is always a power difference in an athlete's relationships with members of their entourage (coaches,

scientific and medical staff, administrators, etc.). This power difference, if misused, can lead to sexual harassment and abuse, and in particular, to exploitative sexual relationships with athletes. ...These relationships require that a significant amount of time be spent together in the emotionally intense environment of competitive sport. This situation has the potential to put the athlete at risk of isolation within a controlling relationship where his/her power and right to make decisions is undermined.

The IOC's Policy has laid down the following recommendations for sports organisations:

All sports organizations should:

1. *develop policies and procedures for the prevention of sexual harassment and abuse;*
2. *monitor the implementation of these policies and procedures;*
3. *evaluate the impact of these policies in identifying and reducing sexual harassment and abuse;*
4. *develop an education and training program on sexual harassment and abuse in their sport(s);*
5. *promote and exemplify equitable, respectful and ethical leadership;*
6. *foster strong partnerships with parents / carers in the prevention of sexual harassment and abuse; and*
7. *promote and support scientific research on these issues."*

However, despite "respect and fairness" being professed as values in sport, violence, intimidation, and indignity — particularly against women — remain widespread, exposing a deeply entrenched patriarchy sustained by silence and the abuse of authority. Sexual harassment in sport is a significant ethical concern, as it directly challenges the fundamental principles of respect, dignity, and fairness that sport claims to uphold.

Sexual harassment in sport is inherently tied to a matrix of power dynamics, with coaches exerting undue influence over athletes, including minor girls, often leading to sexual harassment of both adult women athletes and minor girls during training camps. Lacking the social, political, and financial resources to challenge authority, women tend to silently suffer the harassment and abuse out of fear of retaliation or stigma. Celia Brackenridge's work, *Spoilsports: Understanding and Preventing Sexual Exploitation in Sport*, published in 2001, outlined how power imbalances between coaches and athletes contribute to the perpetuation of sexual harassment and abuse in the field. She emphasised the ethical responsibility of sports organisations to create safe environments and eliminate the risk of exploitation [6]. Stirling and Kerr argued that coaching should prioritise athletes' well-being over performance outcomes [7]. They also noted that abusive

behaviour often goes unchecked because athletes are reluctant to speak out due to fear of retaliation, loss of position, or the coach's authority, thus enabling abusive practices to persist, especially when institutions fail to address complaints or lack adequate policies to deal decisively with them. The IOA's failure to disclose any action taken against perpetrators, despite acknowledging receipt of sexual harassment complaints from four NSFs is a case in point.

The creation of a hostile, intimidating, or offensive work environment, along with degrading treatment that adversely affects women's health and safety, constitutes discrimination — a principle repeatedly upheld by the Indian courts [8]. Yet, the field of sports lacks effective mechanisms to address sexual harassment, resulting in widespread trauma among women athletes, with many being forced to withdraw from sports, and even where mechanisms exist, they are breached with impunity. The persistence of sexual harassment in sports highlights the urgent need for a comprehensive, ethical overhaul of the interaction of coaches, athletes, and organisations within the sporting realm.

Allegations against Brij Bhushan Sharan Singh

Given the extreme power imbalance in Indian sports, it took immense courage for female athletes to publicly accuse the powerful and politically influential President of the Wrestling Federation of India, Brij Bhushan Sharan Singh, of sexual harassment. Singh, leveraging his political and financial power, had successfully insulated himself from accountability. Along with his role as a coach, Singh served as a Member of Parliament (MP) for the Bharatiya Janata Party, the ruling party at the Centre. Despite four criminal cases pending against him — ranging from alleged robbery to attempted murder, and his alleged involvement in the destruction of the Babri Masjid — he wielded significant influence [9].

As both an MP and WFI President, Singh maintained close ties with the Ministry of Youth Affairs and Sports (MYAS). It was therefore hardly surprising that, despite six adult women athletes and a minor coming forward with allegations of sexual harassment and abuse over the course of a decade, no action was taken. Singh and the other implicated coaches continued to hold on to their positions, maintaining control over athletes' participation in competitive events.

Against this backdrop, we examine below how the handling of serious allegations against Brij Bhushan Singh constitutes gross violation of the ethical principles of fairness, respect, responsibility, and integrity in sports. We also highlight the blatant disregard of Indian laws prohibiting workplace sexual harassment, including the POSH Act.

Concept of a 'hostile environment'

In 1993, India ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which requires States Parties to take steps to eliminate discrimination against women. CEDAW's core principle is that any attack on women's dignity violates their right to equality.

Building on this, the Supreme Court's landmark *Vishaka* judgment recognised sexual harassment at the workplace as a violation of women's fundamental rights under Articles 14, 19(1)(g), and 21 of the Constitution. The Court also provided a broad definition of "sexual harassment," including unwelcome "sexually determined" behaviour which creates a "hostile work environment" [1].

This understanding was later codified in the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act). The Statement of Objects and Reasons of the POSH Act emphasises the creation of a "safe, secure, and enabling environment" where women can work with dignity, free from all forms of sexual harassment, thus promoting their participation in the workforce. The POSH Act defines sexual harassment broadly, covering physical advances, demands for sexual favours, and sexually charged remarks, while focusing on the complainant's perspective to assess unwelcome conduct. This approach aligns with the United States (US) Supreme Court's observation in *Ellison v Brady* [10] regarding the impact on the complainant, not the intent of the accused:

We believe that in evaluating the severity and pervasiveness of sexual harassment, we should focus on the perspective of the victim. Courts should consider the victim's perspective and not stereotyped notions of acceptable behavior. If we only examined whether a reasonable person would engage in allegedly harassing conduct, we would run the risk of reinforcing the prevailing level of discrimination. Harassers could continue to harass merely because a particular discriminatory practice was common, and victims of harassment would have no remedy.

We therefore prefer to analyze harassment from the victim's perspective. A complete understanding of the victim's view requires, among other things, an analysis of the different perspectives of men and women. Conduct that many men consider unobjectionable may offend many women. A male supervisor might believe, for example, that it is legitimate for him to tell a female subordinate that she has a 'great figure' or 'nice legs.' The female subordinate, however, may find such comments offensive. Men tend to view some forms of sexual harassment as "harmless social interactions to which only overly-sensitive women would object". The characteristically male view depicts sexual harassment as comparatively harmless amusement.

...Women who are victims of mild forms of sexual harassment may understandably worry whether a harasser's conduct is merely a prelude to violent sexual assault. Men, who are rarely victims of sexual assault, may view sexual conduct in a vacuum without a full appreciation of the social setting or the underlying threat of violence that a woman may perceive.[10]

The Indian courts have consistently emphasised this principle, with *Dr Punita K Sodhi v Union of India* serving as a notable example [11].

Internationally, sexual harassment has been broadly defined. For instance, Section 247.1 of the Canadian Labour Code defines sexual harassment as

"...any conduct, comment, gesture or contact of a sexual nature (a) that is likely to cause offence or humiliation to any employee; or (b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment on any opportunity for training or promotion." [12]

Similarly, section 28A (1) of the Australian Commonwealth Sex Discrimination Act, 1984 includes within the definition of sexual harassment

"...an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed" or (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed in circumstances in which a reasonable person, having regard to all the circumstances would have anticipated that the person harassed would be offended, humiliated or intimidated." [13]

The focus is on the *complainant's experience and the impact of the act on the complainant*, not on the intent of the accused.

Brij Bhushan Singh, in response to the allegations, claimed his actions were innocent and harmless, which the committee investigating the complaint believed. But intent is irrelevant. The key factor is the subjective experience of the victim, and even a single incident can create a hostile environment.

Sexual harassment is also intrinsically linked to sexual discrimination and infringes on the right to equality under Article 14, Constitution of India) [14], and constitutes discrimination on the grounds of sex (Article 15, Constitution of India). Since it often compels victims to withdraw from the workplace, it also infringes upon the right to practise any profession or occupation (Article 19) and impacts the right to work in a dignified workplace, thus violating the right to life and personal liberty (Article 21, Constitution of India) [14].

Breach of independence of the Complaints Committees

The POSH Act, specifically Section 4 (1), mandates the setting up of an IC by every employer of a workplace, consisting of a minimum of four members, half of whom shall be women, including a woman employed at a senior level at the workplace as the Presiding Officer, at least two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge, and one external member belonging to a woman's organisation, which should necessarily be independent from the influence of the harasser/employer [15]. This is the bare minimum requirement prescribed under the law for the formation of an IC where the complaint is not against the employer, and/or there are not less than 10 employees.

The Supreme Court, in *Punjab Sind Bank & Ors vs Durgesh Kunwar* [16], underscored this requirement, emphasising the

importance of an independent external member in the IC. The Court noted, *"Clause (c) of Section 4(2) (of the act) indicates that one member of the ICC has to be drawn from amongst a non-governmental organization or association committed to the cause of women or a person familiar with issues relating to sexual harassment. The purpose of having such a member is to ensure the presence of an independent person who can aid, advise and assist the Committee."*

Section 2 (o) (iv) of the POSH Act defines a "workplace" as including "any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto" [15]. Despite this, the WFI failed to establish an IC. Instead, its website referred to an "Ethics Committee" tasked with investigating "ethical practices and fair play in sports including elimination of doping practices, match fixing, and fraud of age and sexual harassment of women in sports" [emphasis added].

Further, contrary to the POSH Act, the WFI's Ethics Committee was led by its male Secretary-General, VN Prasood, not a woman, and lacked any external member. The committee had only one woman member, failing the statutory requirement of 50% being women. The absence of an IC within WFI is a clear violation of the POSH Act, and responsibility for this non-compliance lies with the Sports Ministry. Adding to this failure, Brij Bhushan Singh claimed, during the oversight committee's inquiry, that he was unaware of the POSH Act until the proceedings began — an admission that was evidence of the farcical inquiry that would subsequently be conducted. Despite these glaring shortcomings, the inquiry continued with an improperly constituted committee. Since the sexual harassment complaints were against the head of the WFI, it was essential that they be investigated by a Local Complaints Committee (LCC), entirely independent of the WFI office bearers or any sports body. However, in this case, the committee was formed by the IOA, an umbrella organisation under the aegis of the Sports Ministry, to which the WFI is affiliated, and comprised members from both the IOA and the NSFs.

Local Complaints Committee

Section 6 of the POSH Act mandates the establishment of a Local Complaints Committee, which is a completely independent body, by the District Officer. This committee is to be constituted in cases where a complaint of sexual harassment is against the employer personally, or a person in a position of authority, or where an IC has not been formed due to the organisation having fewer than ten members [15]. The LCC must include a Chairperson nominated from amongst eminent women social workers committed to the cause of women, a member nominated from amongst women in the area, and two members, of whom at least one shall be from such NGOs /associations committed to the cause of women or familiar with issues relating to sexual harassment. At least one of the members should preferably have a law background, and at least one nominee should be a woman belonging to a minority community, such as the

Scheduled Castes, Scheduled Tribes, or Other Backward Classes, as notified by the Central Government from time to time. The jurisdiction of the LCC extends to the entire area within the geographical boundary where it is constituted.

Investigation unethical and in clear contravention of the law

As the President of the WFI, which is the governing body of wrestling in India, Brij Bhushan Singh was an “employer” or a person in authority as defined under the POSH Act. Consequently, it was imperative that the inquiry into the sexual harassment allegations against him be conducted free from his influence, and by an independent, autonomous, and impartial LCC consisting of individuals with no connections to the WFI, its affiliated sports organisations, or the Sports Ministry under which the WFI functions. However, as outlined below, this mandate was not adhered to.

Negligent probe by the IOA and Sports Ministry-appointed committees

A seven-member committee was formed by the IOA to investigate the charges, led by boxer MC Mary Kom, a former member of the Rajya Sabha. The committee also included two IOA office-bearers and two representatives from National Sports Federations. The objectives of the committee were shrouded in secrecy and the manner in which it conducted the inquiry was grossly unethical [17]. Even before the committee could begin the investigation, the WFI released a statement declaring that the allegations against Brij Bhushan Singh were false. It was only after protests from the women athletes against the secretive nature of the inquiry that the Sports Ministry intervened and set up an oversight committee on January 21, 2023, which was once again led by MC Mary Kom. This new committee included members from (i) the IOA, (ii) the Mission Olympic Cell (a body assisting athletes under the Target Olympic Podium Scheme of the Director General of SAI), (iii) the Target Olympic Podium Scheme (an initiative of the Sports Ministry), and (iv) the SAI. Not only were the oversight committee members either associated with or subordinates to Brij Bhushan Singh, it also lacked any representatives from women’s organisations. As a result, the oversight committee, too, failed to comply with the requirements of the POSH Act [17].

The five-member oversight committee was directed to complete its inquiry within four weeks. Unfortunately, the committee hurried through the investigation with the apparent intent of exonerating the accused. The recording of statements from the women complainants began on February 6, 2023, but during the process, the video recording was abruptly halted, and the complainants were not provided with copies of the transcripts or documents [17]. The committee members frequently interrupted the proceedings, suggesting that Brij Bhushan Singh’s actions were “an act of innocence done in good faith” [18]. Throughout the inquiry, the SAI issued press statements subtly clearing Brij Bhushan Singh of any wrongdoing. One of the committee members even leaked

sensitive information, revealing the identities of the complainants, including that of a minor, thus violating confidentiality [19].

Far from being survivor-friendly or complainant-centric, the committee’s approach was biased and aimed at exonerating the accused. It insisted on corroborative evidence, even though the sole testimony of a sexual harassment complainant is sufficient to support a case, and is acceptable even in criminal trials. In fact, the High Court of Uttarakhand in *Bhuvan Chandra Pandey vs Union of India and Ors* held that:

...the nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult, and of full understanding, the Court is entitled to base a conviction, in a criminal proceeding, on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances, appearing on the record of the case, disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the Court should, ordinarily, have no hesitation in accepting her evidence. [20].

It is noteworthy that under the Indian Evidence Act, 1872 (now known as the Bharatiya Sakshya Adhiniyam, 2023), the victim’s evidence does not need corroboration to be admissible. Section 118 of the Indian Evidence Act, 1872, makes it clear that a survivor is a competent and reliable witness, and her evidence is sufficient to take action against the person charged. Thus, these procedural lapses are serious and contravene the spirit of the POSH Act, highlighting the unethical and biased nature of the investigation against Brij Bhushan Singh. The oversight committee failed to handle this case with the required sensitivity, further traumatising the complainants. Even after this farcical inquiry, the committee’s report remains unpublished, and Brij Bhushan Singh continued to hold the position of President of WFI, presiding over sports events till fresh elections were held.

Biased handling and conflict of interest among various Sports Federations in India

The biased handling of complaints against Brij Bhushan Singh is also indicative of the interconnectedness of various sports organisations in India and the Sports Ministry, highlighting their complicity in covering up sexual harassment of women in sport. For example, the WFI, with 27 affiliated State Associations/Units, is recognised by the Government of India and affiliated to the IOA, which, in turn, is recognised by the Sports Ministry. A representative from the WFI is also a member of the IOA, which is responsible for selecting athletes to represent India at the Olympic Games, Asian Games, and other international events, as well as managing Indian teams at these competitions. Additionally, 37 sports federations are members of the IOA, which is affiliated to the International Olympic Committee (IOC).

SAI was established by a Resolution issued by the Department of Sports, Government of India. SAI trains elite athletes, including minor girls and women wrestlers, at its various training centres and funds the salaries of staff in various NSFs, including the WFI. Consequently, the WFI, IOA, and SAI are all under the control of the Sports Ministry, and each organisation is interlinked with the others. Therefore, to have IOA members and members from other sports bodies as members to investigate sexual harassment complaints against the President of WFI was highly partisan and contrary to the principles of a fair hearing.

A fundamental ethical principle in inquiries is impartiality, which requires the authority conducting the inquiry to have no vested interest in the case or prior knowledge of the parties involved. Not only should actual impartiality be ensured, but the appearance of impartiality must also be maintained as a guiding standard. However, the interconnectedness among various sports bodies suggests that they work closely together. The collective power wielded by these entities enables those in positions of authority to exploit power dynamics and harass women with impunity, thus deterring women from reporting such incidents. Efforts should therefore have been made to ensure that the committee members were fair, independent, and impartial.

Complainants' attempts to file FIRs

Denied justice through the internal inquiry process, the complainants were forced to take steps to register First Information Reports (FIR) against Brij Bhushan Singh. Unfortunately, this process was marred by significant delays [21]. The complainants were made to wait for over three hours while the police, instead of promptly registering the FIRs, took their photographs, which were later circulated, further endangering the complainants' privacy and safety [22]. The women's complaints to the police graphically detailed several instances of sexual harassment, including stalking, groping, unwanted touching of their breasts and stomachs, and unwanted hugging, which occurred at various public places, including the WFI office, from 2012 to 2022. Since the FIRs were not being registered, three women athletes were forced to petition the Supreme Court, demanding the registration of FIRs. It was only then that two FIRs were finally registered on April 28, 2023: FIR No. 77/2023 under Sections 354, 354A, 354D, and 34 of the Indian Penal Code, 1860 (IPC), and FIR No. 78/2023 under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), under which the punishment for aggravated sexual assault by a person in authority is imprisonment for 5 to 7 years [23]. The statement of the minor's complainant was recorded on April 29, 2023, under Section 161 of the Criminal Procedure Code, 1973 (CrPC), and the statements of the three adult complainants were recorded on May 3, 2023. However, the complainants continued to receive threatening calls from unknown persons, warning them of dire consequences if they did not withdraw the FIRs [24].

Meanwhile, in response to non-compliance with the POSH Act by the NSFs, the National Human Rights Commission (NHRC) issued notices to the Sports Ministry and 16 NSFs, requesting a report within 4 weeks [25]. However, there has been no further progress since May 11, 2023.

Brij Bhushan Singh and Vinod Tomar granted bail

On May 12, 2023, the Delhi Police formed a Special Investigation Team (SIT) to probe sexual harassment allegations against Brij Bhushan Singh. The purpose of an SIT remained unclear, especially when two earlier committees had yielded no results. The investigation process again proved traumatic for the complainants — four of the six women wrestlers were given just 24 hours to submit audio-visual evidence. The unrealistic time frame led to the police claiming that *"substantial evidence had not been produced"*.

The investigation was clearly biased, placing the burden of proof on the complainants rather than thoroughly questioning the accused. In fact, one complainant was taken to the site of the offence to "recreate" the sequence of events. Under duress from constant threats, the minor complainant and her family withdrew their FIR [26].

The chargesheet was filed on June 15, 2023, under Sections 354, 354A, and 354D of the IPC, which prescribe punishments of less than five years' imprisonment. None of these sections warranted the immediate arrest of Brij Bhushan Singh. A POCSO cancellation report was also filed after the minor retracted her statement before the Magistrate. As a result, both Brij Bhushan Singh and WFI Assistant Secretary, Vinod Tomar, remained free despite serious allegations against them of sexual harassment and financial misconduct.

The chargesheet included Brij Bhushan Singh's testimony before the oversight committee, [27], in which he defended his actions by citing yoga to justify "monitoring women athletes' breathing", referenced scriptures to support gender segregation in training camps, claimed ignorance of sexual harassment laws, and argued that the lack of a complaints committee in the WFI was acceptable since no formal complaints had been received [25].

After the chargesheet was filed, Brij Bhushan Singh and Vinod Tomar's regular bail applications were heard, and both were granted bail on July 20, 2023. Despite the FIR being filed on April 28, 2023, neither was arrested, since they had already been given interim bail for two days on July 18, 2023 [28]. The Additional Public Prosecutor did not oppose the bail, and effectively supported their bail applications, only suggesting conditions to prevent evidence tampering or influencing of witnesses.

From the time the complaints became public till the FIRs were filed, the accused moved about freely and attended public events, while the complainants, including a minor,

were forced into hiding due to constant threats to their safety, despite a Supreme Court order providing them protection.

The Magistrate granted bail on the reasoning that the investigating agency had not arrested the accused and that liberty could not be denied merely on the presumption that they might tamper with witnesses. Ironically, the police failure to arrest was used to justify the right of the accused to remain out on bail.

Gaps in the implementation of the POSH Act in sports and continued impunity

In response to the complaints against Brij Bhushan Singh and Vinod Tomar, the Sports Ministry issued circulars reiterating that the POSH Act applies to all NSFs and directed the IOA and NSFs to align their policies accordingly. Such directives to comply with the *Vishakha* guidelines had already been issued as early as August 12, 2010, but to no avail [29].

In May 2023, the Delhi Police initiated an investigation into the allegations. But despite the ongoing controversy, in July 2023, Sanjay Singh, a close aide and business associate of Brij Bhushan Singh, was elected the new WFI President, conveying a message of impunity to those violating the law. Sanjay Singh's panel, endorsed by Brij Bhushan Singh, defeated the panel led by Anita Sheoran, a Commonwealth Games gold medallist supported by the country's top wrestlers, including the complainants. This led one of the complainants — among the finest wrestlers in the nation — to quit the sport in despair.

The Sports Ministry also raised concerns that the newly-elected body was “under the complete control” of its previous office-bearers and noted with alarm that the WFI office was still operating from Brij Bhushan Singh's residence [30]. Thus, meaningful progress has remained elusive. However, the Ministry suspended the newly-elected Executive Committee of the WFI three days after its election, for violating its Constitution, including announcing the Nationals without sufficient notice to wrestlers. The suspension did not address the body's nexus with the former President, against whom an inquiry was still pending.

In September 2023, the Delhi Police completed their investigation into the sexual harassment charges and submitted a report to the court. In May 2024, with the Olympics fast approaching and over a year after FIRs were registered, a Delhi court framed charges against Brij Bhushan Sharan Singh for sexual harassment, intimidation, and outraging the modesty of women. The court observed that there was sufficient material to proceed to trial. Singh pleaded not guilty, and the case is currently awaiting a final ruling. In October 2024, Singh approached the Delhi High Court, seeking an expedited hearing. After several delays, the Delhi court resumed recording witness statements on November 4, 2024. Subsequently, on November 14, the statement of one of the six complainants was recorded during in-camera proceedings. The Delhi Police, subsequently,

concluded their arguments on the charges against Singh, asserting that the alleged incidents of sexual harassment, both within and outside the country, were part of a continuous pattern. They emphasised that the intent of the accused is irrelevant. The prosecution also highlighted that the delay in filing complaints was due to the complainants' fear of jeopardising their wrestling careers. Throughout this process, the complainants have continued to express their distress, with some of them giving up sport for good, due to the ongoing trauma.

Despite several directives from the Sports Ministry, including one in 2023, to review organisational structures and policies to ensure compliance with the POSH Act, little has changed within the sports federations. As the legal proceedings continue, the mental and emotional toll on the athletes has become evident. Wrestlers have openly discussed how the harassment, coupled with the lack of institutional support, affected their careers. Vinesh Phogat, for instance, had to withdraw from the 2024 Paris Olympics after a weight-related disqualification. This reflects the broader impact of harassment, where athletes not only face personal harm but also experience significant career setbacks due to the toxic culture within Indian sports. The Sports Ministry, for its part, has consistently prioritised shielding the accused over safeguarding justice, and recently restored the WFI's status as an NSF. Brij Bhushan Singh continues to play an important role by way of a proxy within the WFI [31].

By undermining the POSH Act and perpetuating a hostile environment for the complainants — even after FIRs were registered — the Ministry has effectively driven these women out of competitive sports. Meanwhile, the criminal case is proceeding at a snail's pace. The POSH Act arose from growing concerns about sexual harassment at workplaces, with an urgent need for measures to “provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment”. It was never intended to stigmatise or traumatise women as was done to the wrestlers who complained against Brij Bhushan Singh. Therefore, a just, comprehensive ethical framework is urgently required to preserve the integrity of sport and to guarantee the safety and dignity of female athletes.

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