

Legal liabilities of injuries occur in sports in Indian conditions

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■ **ABSTRACT**

The purpose of this study to survey legal liabilities of injuries occurs in sports in Indian conditions. Human body is most beautiful as well as the most complex thing nature created. If injury occurs to sports person that compel the sportsman to leave the sport. The liability of injuries that occur to sportsman on whom it lies. Nobody take the legal liability to treat the injuries and rehabilitate the players. The scholar made the survey about any rule to find out the legally responsibility. School and college, educational institutes were immune to law suits. Therefore the students of educational institutes were not getting compensation for injuries. It was also observed that 60 to 75 per cent injuries to boy and 40 to 50 per cent injuries occur on play field during physical education class.

■ **KEY WORDS** : Legal liability, Injury, Indian conditions, Sports

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An injury can be regarded as a inherent fact in the practice of sport which, in oneway or another, affects a great number of sportspeople. On most occasions, perhaps as a result of the increase of sports demands on high level and performance sportspeople (Bahr and Krosshaug, 2005; Buceta and Bueno, 1995; Ekstrand *et al.*, 2004), injuries provoke negative and stressful situations.

Sports injuries are commonly caused by overuse, direct impact, or the application of force that is greater than the body part can structurally withstand. There are two kinds of sports injuries: acute and chronic. An injury that occurs suddenly, such as a sprained ankle caused by an awkward landing, is known as an acute injury (Anderson and Williams, 1993).

One of the most remarkable perspectives of this study has been analysing how psychological factors

influence the vulnerability of sportspeople in the face of injuries (Udry and Andersen, 2002). Whereas the first studies centred on searching for a type of personality prone to injuries (Coddington and Troxel, 1980; Valliant, 1981), the most recent research has facused on the analysis specific aspects of the sportsperson's psychology and on how they are related to the risk of injury (Ali *et al.*, 2007; Diaz, 2001; Diaz *et al.*, 2004; Olmedilla *et al.*, 2006; Williams and Andersen, 1988 Williams and Roepke, 1993).

Chronic injuries are caused by repeated overuse of muscle groups or joints. Poor technique and structural abnormalities can also contribute to the development of chronic injuries. Medical investigation of any sports injury is important, because you may be hurt more severely than you think. For example, what seems like an ankle sprain may actually be a bone fracture.

Types of sports injuries :

Some of the more common sports injuries include:

- Ankle sprain – symptoms include pain, swelling and stiffness.
- Bruises – a blow can cause small bleeds into the skin.
- Concussion – mild reversible brain injury from a blow to the head, which may be associated with loss of consciousness. Symptoms include headache, dizziness and short term memory loss.
- Cuts and abrasions – are usually caused by falls. The knees and hands are particularly prone.
- Dehydration – losing too much fluid can lead to heat exhaustion and heat stroke.
- Dental damage – a blow to the jaw can crack, break or dislodge teeth.
- Groin strain – symptoms include pain and swelling.
- Hamstring strain – symptoms include pain, swelling and bruising.
- Knee joint injuries – symptoms include pain, swelling and stiffness. The ligaments, tendons or cartilage can be affected.
- Nose injuries – either blood nose or broken nose, are caused by a direct blow.
- Stress fractures – particularly in the lower limbs. The impact of repeated jumping or running on hard surfaces can eventually stress and crack bone.

The researcher selected survey of legal liabilities of injuries that occur in sports in Indian conditions. In India the people think that educational institution immune to court suits. Therefore, they do not think of asking of compensation for the injuries occurred to their wards on the school play grounds while participating in the sports and games during physical education programme. It is also observed that maximum injuries to boys and girls occur on school play field due to substandard surfaces, substandard equipments, lack of proper supervision, lack of proper coaching, lack of safety equipments, no first aid available on playfield etc.

■ METHODOLOGY

This study conducted in the field of sports by the researchers on the legal liabilities in sports in India researcher selected parents, physical education teachers coaches, directors of sports and scholars observations

and interviews as subjects for collection of data. The questionnaire and interview methods were used by the scholar to collect the data for this study. The purpose of the study was to find out whether the sports laws are available in India and the injured player aid sportsman are getting compensation for rehabilitation of injuries. Scholar prepared questionnaire for lawyers and players. Through the questionnaires the scholar collected data form 20 players and 20 lawyers.

■ OBSERVATIONS AND DISCUSSION

After analyzing the data the findings pertaining to different questions have been presented from Table 1 and 2.

Table 1 depicts the different opinion of player's percentage. It shows the percentage of "Injury occurred during training of practice", this are 80 per cent injury during training and 20 per cent during play. In question number 2 "Types of injury occurred" are 70 per cent injury ordinary type and 30 per cent serious type. In question number 3 "Medical aids available", are 30 per cent available and 70 per cent not available. In question number 4 "Presence of coach on play field" is 40 per cent present and 60 per cent absent. In question number 5 "Medical expenses paid or not by school/organizers" was asked on that we know 20 per cent paid and 80 per cent not paid. In question number 6 "Availability of standard play field" is 10 per cent available and 90 per cent not available. In question number 7 we ask "Standard quality equipments available or not" than we know 15 per cent available and 85 per cent not available. In question number 8 "Claim from compensation from manufacture paid or not?" are 5 per cent paid and 90 per cent not paid. In question number 9 "Type of compensation in the form of financial help medical expenses" for that 5 per cent financial help and 95 per cent medical expenses. When question number 10 ask "Use of safety equipments to avoid injuries" from that we come to know that 90 per cent use but 10 per cent not use. In question number 11 "Practice of skills before competition to avoid injuries" are 80 per cent practice to avoid injuries and 20 per cent not practice. In question number 12 "Injury happed due to violence of spectators/ player" are 80 per cent due to spectators and 20 per cent due to players. In question number 13 "Injury to official" is 90 per cent official and 10 per cent are not. In question number 14 "Accountability if official get

injured lies on” 10 per cent organizer and 90 per cent players. To know instruction to avoid the injury we ask question number 15 “Instruction to avoid injury by coach/manager before play record of injuries” on that we know 30 per cent are give but 70 per cent are not. In question number 16 “Maintain by coaches or not” 40 per cent maintain and 60 not maintain. In question number 17 “Medical fitness certificate compulsory or not” 50 per cent compulsory and 50 per cent not compulsory. In

question number 18 “Sports insurance to the players” when we know 90 per cent compulsory and 10 not compulsory.

The above table indicates the various reasons for players got injured and the compensation they get from the various sources but these help is not sufficient to rehabilitate the players fully.

A questionnaire was prepared by the scholar for lawyers to know the present position of sports laws in

Table 1 : Opinion of the players			
Sr. No.	Questions of questionnaire	Opinion of players %	
1.	Injury occurred during training of practice	During training 80%	During play 20%
2.	Types of injury occurred	Ordinary type 70%	Serious type 30%
3.	Medical aids available	Yes 30%	No 70%
4.	Presence of coach on play field	Yes 40%	No 60%
5.	Medical expenses paid or not by school/organizers	Paid 20%	Not paid 80%
6.	Availability of standard play field	Available 10%	Not available 90%
7.	Standard quality equipments available or not	Available 15%	Not available 85%
8.	Claim from compensation from manufacture paid or not?	Paid 5%	Not paid 95%
9.	Type of compensation in the form of financial help medical expenses	Financial help 5%	Medical expen. 95%
10.	Use of safety equipments to avoid injuries	Used 90%	Not used 10%
11.	Practice of skills before competition to avoid injuries	Practiced 80%	Not practice 20%
12.	Injury happed due to violence of spectators/player	Spectators 80%	Players 20%
13.	Injury to official	Yes 90%	No 10%
14.	Accountability if official get injured lies on	Organizer 10%	Players 90%
15.	Instruction to avoid injury by coach/manager before play record of injuries	Yes 30%	No 70%
16.	Maintain by coaches or not	Maintain 40%	Not maintain 60%
17.	Medical fitness certificate compulsory or not.	Compulsory 50%	Not compulsory 50%
18.	Sports insurance to the players	Compulsory 90%	Not compulsory 10%

Table 2 : Opinions of the lawyers on the questionnaire			
Sr. No.	Questions of questionnaire	Percentage of opinion	
1.	Law regarding injury occurred on play field.	No 100%	Yes 0%
2.	Can player file law suit against educational institute?	No 100%	Yes 0%
3.	Have you handled such law suits against educational institution?	No 10%	Yes 90%
4.	What was the result of the suit?	Accepted 5%	Rejected 95%
5.	Injured player got compensation or not?	Yes 5%	No 95%
6.	Who paid the compensation?	Edu. institution 5%	Not paid 95%
7.	Type of law suit on Education institution you filed?	Fracture injury 10%	Rehabilitation injury 90%
8.	Is there any provision in sports laws for insurance of sports injury?	Yes 0%	No 100%
9.	How many law suits you handled?	Caseshandled 10%	Not handled 90%
10.	What is your view about the provision of sports laws in India?	Essential 100%	Not essential 0%
11.	If serious injury occurs to the players on school play field who will be responsible for full rehabilitation of players injured.	Schoolauthority 100%	Any other agency 0%



India. Opinion of the 20 lawyers on the questionnaire prepared by the scholar is given in Table 2.

Table 2 depicts the different opinion of lawyer's percentage. It shows the percentage of "Law regarding injury occurred on play field" this are 100 per cent not occurred. In question number 2 we ask "Can player file law suit against educational institute?" then we know this are 100 per cent suit. In question number 3 we ask to lawyer "Have you handled such law suits against educational institution?" the answer is 10 per cent no and 90 per cent yes. The 4th question ask which is "What was the result of the suit?" on that answer is 5 per cent accepted and 90 per cent not accepted. In question number 5 "Injured player got compensation or not?" from that we know 5 per cent got compensation and 95 per cent are not. Then we ask question number 6 "Who paid the compensation?" and we know 5 per cent Educational institution and 90 per cent not paid. Question number 7 is "Type of law suit on Education institution you filed?" are 10 per cent fracture injures and 90 per cent rehabilitation injury. Question number 8 "Is there any provision in sports laws for insurance of sports injury?" are 100 per cent no provision. Question number 9 "How many law suits you handled?" this are 10 per cent Cases handled and 90 per cent not handled. In question number 10 we ask "What is your view about the provision of sports laws in India?" than we know 100 per cent essential to provision of sports law. Question number 11 "If serious injury occurs to the players on school play field who will be responsible for full rehabilitation of players injured" are 100 per cent school authority.

From the above questionnaire is observed that in India, the parents don't file law suits for injuries occurred to their wards on the play fields of educational institutes and they have to pay the expenses for the rehabilitation of injuries. Even because of this thinking the lawyers do not get the law suits cases about the injuries and there is no provision of sports laws in Indian legislation which is most needed. All the lawyers agreed that there must be provision of sports laws which will direct the legal liabilities of sports injuries. Similar work related to the present investigation was also conducted by Anderson and William (1993); Balrmwell (1993); Brasher (1959); Anshel *et al.* (1998); Cartoni *et al.* (2005); Fuller (2005); Anderson and Williams (1988); Brewer *et al.* (1991 and 1995); Evans and Hardy (1995); Fisher *et al.* (1993);

Smith (1996); Andre (1996) and Smith *et al.* (1990).

Conclusion :

- There must be sports laws for injuries of the players while playing in competition.
- There must be provision of putting the liabilities of injuries occurred to students while participating in the physical education programme.
- If injuries occur on play fields of school while participating in sports and physical education programme the full rehabilitation expenses must be paid by schools and educational institutions.
- The sports laws must be prepared by the Govt. of India and it must be included in legislation.
- Legal liabilities must be fixed by the Government of India for sports injuries.

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