

## *Players Injury and Liability- Fixing the Responsibility*

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Labour legislations protect the rights of a workman. If a workman is injured in the course of his employment, the employer is liable to pay him compensation. When a footballer gets injured in a competition or during training, his right to get compensation is governed by the contract of employment between him and his club. But if the contract does not provide for adequate compensation, and the injury suffered by the player is career threatening then what are the remedies available to the injured player against the club? This essay analyses the law that can be used to provide help to an injured football player in India by fixing the liability of the employee club. The legislation that is relevant for the purpose is the Industrial Disputes Act, 1947 (hereinafter called ID Act) and the Workmen's Compensation Act, 1923 (hereinafter called the WC Act). It also argues that according to the triple test laid down by the Supreme Court in the Bangalore Water Supply case<sup>1</sup>, football clubs can be brought within the definition of industry given under section 2(j) of the ID Act, 1947 and hence the players will be covered by the definition of workman given in section 2(s) of the Act.

Players will however face a legal hurdle, even if they are covered by the definition of workman under the ID Act, 1947. The WC Act, 1923, provides a list of those who can be called workmen for the purpose of claiming compensation for injury ‘arising out of and in the course of his employment’. The list is exhaustive and only those workmen, who are covered under any one of these categories, can claim compensation. The football players are excluded from claiming this right. This essay argues in favour of an amendment of the 1923 Act, so that an injured football player can have the right to claim compensation, which will act as an effective remedy against the clubs, for the injuries suffered by the players in the course of their employment.

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<sup>i</sup> Bangalore Water Supply and Sewage Board v. A. Rajappa and others (1978) 2 Supreme Court Cases (hereinafter to be used as SCC) 213 (In this case the management of the Bangalore Water Supply and Sewerage Board, Bangalore, had taken a preliminary objection that the board being a statutory body, discharging the regal functions of the state, was not an ‘industry’. The labour court rejected the objection and the aggrieved management appealed to the Supreme Court. The three-judge bench which commenced the hearing felt it necessary to place it before the chief justice for consideration by a larger bench.)