

\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8691/2020 & CM APPLs. 28033/2020, 28090/2020, 32616/2020, 33548/2020, 33549/2020, 757/2021, 2435/2021, 5435/2021, 7815/2022 & 7816/2022

RAHUL MEHRA

..... Petitioner

Through: Petitioner in person along with Mr Chaitanya Gosain and Mr Amanpreet Singh, Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Mr Anil Soni, CGSC for UOI with Mr L. S. Singh, Jt. Secretary, Ministry of Sports.
Mr Aditya Vikram Singh, Advocate for NRAI.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

03.06.2022

%

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. Today, the court has the benefit of assistance by Mr. L.S. Singh, Joint Secretary, Ministry of Youth Affairs and Sports. He has handed over a one page chart purporting to be a Status Report of 5 groups of National Sports Federations (NSFs) which have been granted extension of time by the said Ministry, for complying with the Sports Code. According to the compilation, 15 NSFs have complied with the Sports Code, 6 NSFs have been granted exemption from certain provisions of Sports Code, apropos 3

NSFs Administrators have been appointed through judicial orders, 5 NSFs need to carry on minor amendments in their respective constitutions and lastly 17 NSFs require extensive amendments.

2. The petitioner submits that the said chart does not reflect either the entire or correct facts. He disputes its veracity. Further moment, he has handed over a 15 page tabular compilation, showing that at least 24 NSFs, namely, Weightlifting, Pencak Silat, Swimming, Cycling, Wushu, Kudo, Rifle, Atya Patya, Kayaking and Canoeing, Roller Skating, Table Tennis, Athletics, Boxing, Golf, Softball, Billiards and Snooker, Roll Ball, Sepak Takraw, Cycle Polo, Yachting, Chess, Yogasana and Shooting Ball, have super numerary posts/persons in the management or otherwise, positions which are not contemplated in the Sports Code. The copy of his compilation has been handed over to the learned counsel for the UOI and the officer. An updated copy of the same may be furnished to them by this evening. It will be for the respondents to consider the same.
3. The petitioner further states that Wrestling Federation of India has not even submitted its constitution/Articles of Association to the Ministry, therefore it, like many other NSFs similarly placed, does not qualify for grant of any benefits or assistance or continuation of recognition as a NSF.
4. The court is informed by the respondent that the concerted efforts are underway to ensure that compliance is done by the end of this month.

5. Most importantly, none of the NSFs' have ensured the compliance with clause 3.20 of Annexure 2 of the Sports Code i.e., which stipulates that 25% of the management shall comprise prominent sportspersons of outstanding merits with voting rights. The merit of course will be in the order of the sports person having participated in (i) Olympics (ii) International Competitions; and (iii) National Level Games. The non-representation of sportspersons violates against the essential element and spirit of the regime of sports administration. The said stipulation, under the heading the "Guidelines for Recognition of National Sports Federations", reads, *inter alia* as under:

"...3.20 Inclusion of prominent sportspersons of outstanding merit as members of the respective sports federations on a tenure basis. The strength of such prominent sportspersons with voting rights should be a certain minimum percentage (say 25%) of the total members representing the federation and selection of such sportspersons should be in consultation with this Department...."

6. Evidently there is no clarity or conformation as to which of National Sports Federation (NSFs) are fully complied with the Sports Code. Therefore, in view of the previous orders dated 26.05.2022, 02.06.2022, it would be only logical, prudent, legal and just that the government monies be not expended on entities whose status in law is yet to be determined. Accordingly, no more monies will be expended nor any assistance be extended to any NSFs, till the next date.

7. The respondent shall ensure that monies, patronage and other facilities to NSFs will be resumed, in particular, only when the NSFs comply with Annexure 2 of the Sports Code, as well as in terms of the orders passed by the Supreme Court and by this court in cases, *inter alia*, listed below:-
- (i) AIFF vs. Rahul Mehra in SLP(C) 30748/17 on 18.05.2022.
 - (ii) Ravinder Dongre vs. Union of India & Ors. in LPA 362/2022.
 - (iii) Aslam Sher Khan vs. Union of India & Ors in W.P(C) 5703/2020.
 - (iv) Maharashtra Archery Association v. Rahul Mehra (2019) 18 SCC 287.
8. It is hoped that the entire exercise of ensuring compliance will be completed by the end of this month. In the interim, however, assistance provided to sportspersons through the Sports Authority of India will be ensured and wherever necessary, augmented. The non-compliant NSFs, shall be put to notice of suspension of their recognition.
9. List as part-heard on 20.07.2022.

NAJMI WAZIRI, J.

VIKAS MAHAJAN, J.

JUNE 3, 2022/dss/MK