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

+ W.P.(C) 8691/2020, CM APPL. 28033/2020, CM APPL. 28090/2020, CM APPL. 32616/2020, CM APPL. 33548/2020, CM APPL. 33549/2020, CM APPL. 757/2021, CM APPL. 2435/2021, CM APPL. 5435/2021, CM APPL. 7815/2022, CM APPL. 7816/2022 & CM APPL. 29318/2022

RAHUL MEHRA

..... Petitioner

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

versus

UNION OF INDIA

..... Respondent

Through: Ms Aishwarya Bhati, ASG with Mr Anil Soni, CGSC, Mr Harish Vaidyanathan Shankar, CGSC, Mr Srish Kumar Mishra, Mr Sagar Mehlawat Alexander Mathai Paikanday, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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20.07.2022

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

1. An affidavit has been filed on behalf of the Union of India. Copy of the same has been supplied to the petitioner, who seeks and is granted time to file a reply thereto before the next date.
2. The learned ASG refers to para 4 of the affidavit dated 15.07.2022

and contends that 24 NSFs are fully compliant with the Sports Code. This statement by itself would not be sufficient. What were the elements of compliance examined by the UOI is not specified in the affidavit. Let details of the same be filed before the next date, along with records as may be available, including the constitution of each of the said “compliant NSFs”. Each mandatory aspect of the Sports Code has to be complied with, which can neither be diluted nor whittled-down. For example, the minimum 25% representation of eminent sportspersons in the Executive Committee has to be ensured. After all the NSFs are for the benefit of promotion of the sports and for the welfare of sportspersons. It is in this context that the Sports Code stipulates that there should be a minimum representation of 25% of eminent sportspersons in the decision making process. If the NSFs have so ensured and complied with the Sports Code, then such compliance should be placed on record. For continued recognition annual monitoring of compliance is contemplated under the Sports Code. At least one NSF should be shown to be compliant on all parameters for it to continue to receive government patronage, largesse and funds.

3. A check list of compliances envisaged under the Sports Code for grant of annual recognition to NSFs, as summarised by the petitioner, has been handed over by him to Mr Anil Soni, learned CGSC. Let response to the same be filed.
4. The monitoring and examination of due compliance of the Sports Code is being done in terms of this Court’s order dated 22.01.2021

and subsequent orders.

5. The Indian Team for Commonwealth Games has been selected. On a query put to the learned counsel for the government as to whether the Indian teams of various sports disciplines will be able to participate under the Indian National Flag in the upcoming Commonwealth Games, which is to start in about a week's time, the answer is in the affirmative. It is also not in dispute that travel expenses, accommodation, etc. for the Teams' participation in the Commonwealth Games will be funded by the government, under its supervision and management. In effect neither the Indian players nor the country are likely to suffer on account of non release of funds to the non-compliant NSFs. Public monies can be released only to entities which qualify for such funding. This is under examination. Relevant data is yet to be furnished.
6. The Asian Games are stated to have been deferred.
7. In view of the above, the interim orders dated 02.06.2022 and 03.06.2022 shall continue till further orders.
8. List for further proceedings on 26.07.2022.

NAJMI WAZIRI, J

VIKAS MAHAJAN, J

JULY 20, 2022/MK