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

**Judgment reserved on: 03.10.2023**

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**Judgment delivered on: 08.11.2023**

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W.P.(C) 4452/2019 and CM APPL. 45957/2019

VIJAY KUMAR PANDEY AND ANR. .... Petitioners

Through: None.

versus

UNION OF INDIA AND ORS. .... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with  
Mr. Tarveen Singh, GP for R-1 & 2.  
Mr. Neeraj Shekhar and Dr. Sumit  
Kumar, Advocates for R-3.

Mr. Vierat K. Anand, Mr. Harish  
Nadda, Mr. Kumar Shashank,  
Mr. Vikalp Singh and Mr. Arun  
Yadav, Advocates with Mr. Harpreet  
Singh, AR for R-4 .

Mr. Gautam Narayan (Amicus  
Curiae), Advocate with Ms. Asmita  
Singh, Mr. Harshit Goel and  
Mr. Siddhant Singh, Advocates.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**J U D G M E N T**

**SATISH CHANDRA SHARMA, C.J.**

1. The present writ petition has been filed by the Petitioner as a Public Interest Litigation ('PIL') highlighting the irregularities in the functioning



of Respondent No. 4/Special Olympics Bharat (**‘SOB’**), a National Sports Federation recognized by Respondent No. 2/ Ministry of Sports & Youth Affairs (the **‘Ministry’**) and entrusted with the responsibility to select and provide appropriate training to sportspersons with intellectual disabilities for representation in Special Olympic World Games.

2. The issues raised by the Petitioner relate to alleged irregularities and favouritism in (i) the selection of sportspersons for Special Olympics World Games; and (ii) in the appointment of office-bearers of SOB, specifically the Chairman, CEO, National Sports Director and National Coach.

3. The facts of the case to the extent relevant are that SOB was recognised as a National Sports Federation *vide* letter dated 18<sup>th</sup> January, 2006 (the **‘Recognition Letter’**), issued by the Ministry. The letter specified that the recognition was conditional upon the continued observance of specific terms and conditions including the condition that the term of an office-bearer could not exceed 3 years at a time and that no person could hold office for more than 2 consecutive terms. It was further specified that SOB must abide by all the Guidelines issued by the Government of India from time to time.

4. It is pertinent to note that the Recognition Letter explicitly stated that SOB would play a role *only* in the development of sports for persons with mental retardation/intellectual disabilities. In this regard, it was specified that SOB would not receive any grants for events concerning deaf persons for whom the All India Sports Counsel for Deaf had already been recognised and for events concerning physically disabled persons for whom the Paralympic Committee of India had already been recognised.



5. Thereafter, on 7<sup>th</sup> April, 2006, in continuation of its recognition, SOB was granted 'Priority' status for availing central assistance under various schemes of the Ministry.

6. Thereafter, the Ministry issued Guidelines for more efficient management of coaching camps, selection of coaches and selection of athletes on 18<sup>th</sup> September, 2008. Subsequently, all the Guidelines issued by Respondent No. 2 from time to time were compiled into one comprehensive Code called the National Sports Development Code 2011 ('NSDC') which came into effect from 31<sup>st</sup> January, 2011, in supersession of all the Guidelines issued prior to it.

7. The Guidelines specified in the Code to the extent relevant for the present case are as follows:

(1) Limitations on the tenure of office-bearers:<sup>1</sup>

**"i. The President of any recognized National Sports Federation, including the Indian Olympic Association can hold the office for a maximum period of twelve years with or without break. it.**

*ii The Secretary (or by whatever other designation such as Secretary General or General Secretary by which he is referred to) and the Treasurer of any recognized National Sports Federation, including the Indian Olympic Association, may serve a maximum of two successive terms of four years each after which a minimum cooling off period of for years will apply to seek fresh election to either post.*

**iii. The President, the Secretary and the Treasurer of any recognized National Sports Federation, including the Indian**

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<sup>1</sup> Annexure XIII of NSDC, Para 9.



**Olympic Association, shall cease to hold that post on attaining the age of 70 years.**

iv. *The other provisions in respect of the tenure limit as contained in the letter of 1975 mentioned above shall remain as it is.*

v. *The above dispensation will come into operation with immediate effect.*

vi. *The conditions (i) to (v) above will be subject to the proviso that it shall not disturb the current tenure of any member, provided he/she has been properly elected to the post. In other words, the tenure condition will become operative for all future elections as they may be conducted in future in their normal course”.*

*(emphasis supplied)*

(2) Selection of National coaches:<sup>2</sup>

*“(i) The National Coach shall be selected by a selection committee with President of the NSF concerned as its Chairman, DG(SAI), ED(TEAMS), one ex-international player (preferably Arjuna Awardee or International medal winner), to be nominated by the Government, and the nominee of IOA from the panel prepared by SAI.*

*(ii) The National Coach shall be appointed by SAI, after careful consideration of the names recommended by this Selection Committee.*

*(iii) The Selection-Committee, in consultation with the National coach, shall choose other members of the coaching team.*

*(iv) The team of coaches, sport scientists, experts etc shall not normally be changed or modified, once chosen till the Asian/Olympic Games are over.*

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<sup>2</sup> Annexure XXI,NSDC, Para-2



(v) *While selecting the National Coach, Assistant Coach and other members of the coaching team, due care should be taken to ensure, that no person with tainted record is selected as a member of the coaching team.*

(vi) *While selecting the team for participation in any international event it shall be ensured, that only those coaches/supporting personnel are selected, who have been with the team during the coaching camp on continuous basis.”*

*(emphasis supplied)*

(3) Selection of athletes:<sup>3</sup>

*“(i) The selection of sportspersons for participation in major international events shall be the responsibility of National Sports Federations (NSF) concerned, and Government and the Sports Authority of India will not have direct involvement in the selection process, except to ensure that it is fair and transparent.*

*(ii) The selection criteria/norms shall be clearly communicated by the NSFs to all concerned viz, players, coaches, Government Observers etc well in advance and be put up on the website of the NSF concerned and also be forwarded to SAI and the Ministry to be put up on their respective websites.*

*(iii) In case of measurable event, the minimum qualifying norms may be fixed and announced along with the notice for Selection Trials and be put up on the website of the NSF concerned and also be forwarded to SAI and the Ministry to be put up on their respective websites.*

*(iv) The holding of the selection trials should be announced at least one month in advance of dates of the trials.*

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<sup>3</sup> Annexure XXI, NSDC, Para-3



(v) *In team events the Selection Trials should be held two months in advance and in the case of contact games, the selection trials should be held at least one month in advance of the competition event.*

(vi) *The selection shall be done by a Selection Committee, comprising of the President of the NSF as the chairman, the National coach and eminent ex sportspersons, preferably Arjuna awardees. There shall be no Government Observer/SAI nominee, as member, in the Selection Committee.*

(vii) *The NSFs shall send invitation to the Government Observer, for attending the selection trials, and the selection committee meetings, as an Observes, atleast 15 days in advance, which shall further be followed up on personal basis. The Government Observer must send his/her report, directly to SAI and the Ministry, without delay.*

(viii) *The national coach shall evaluate the progress and performance of each player on regular basis, and submit the report to the Selection Committee and Sports Authority of India.*

(ix) *The athletes who were not in the coaching camp organized prior to the Selection may be allowed to participate in the selection trials, only in exceptional cases with due justification.*

(x) *The proceedings of the Selection should spell out in detail, the selection criteria, the past performance of the players, and their performance in the selection trials.*

(xi) *The team once finalized for a particular event shall not be changed under any circumstances, unless warranted by unavoidable situations with due justification and the changes shall be informed to all concerned.*

(xii) *NSFs shall keep the performance of each athlete on its web site. This should be updated at least once a month along with rankings, if applicable.*



*(xiii) The athlete once selected for a team, shall be treated with utmost dignity. In case of any doubt arising, the athlete has to be taken into confidence. Proper appeal mechanism shall be put in place, to ensure proper and timely redressal of their grievances.*

*As specific provisions exist in the Scheme for preparation of Teams for Commonwealth Games 2010, matters connected with management of coaching camps, selection of coaches, selection of core probables would continue to be governed by the provisions of the scheme.”*

8. Within this regulatory context, the Petitioner has made the following allegations against SOB:

(a) For participation in the Special Olympics World Summer Games, 2019 held in Abu Dhabi, SOB selected sportspersons with hearing impairments who do not fall within the purview of persons with intellectual disabilities thereby violating the terms of recognition as a National Sports Federation.

(b) Respondent No. 5, the Chairman of SOB has continued in the post of Chairman for 22 years and has now attained the age of 90 years thereby violating the NSDC.

(c) Respondent No. 6 has been appointed as the National Sports Director and National Coach in violation of the selection guidelines specified in the NSDC as he does not possess the necessary credentials in the field of sports.

9. After hearing Learned Counsel for the Petitioner, *vide* order dated 04.02.2020, this Court appointed Mr. Gautam Narayan as *Amicus Curiae* to assist the Court in the present matter. Accordingly, written submissions were



received from the Learned Amicus addressing the contentions raised by the Petitioner and the reply filed by SOB. The findings of the Learned *Amicus* are summarised as follows:

(a) Selection of Sportspersons:

SOB has admitted that the sportspersons selected for the Special Olympics World Summer Games, 2019 included persons with hearing impairments. In this regard, reference has been made to Article 2.01(c) of the Special Olympics Official General Rules which states:

*“Participation in Special Olympics training and competition is open to persons with intellectual disabilities who meet the age requirements of this Section 2.01, and whether or not that person also has other mental or physical disabilities, so long as that person registers to participate in Special Olympics as required by these General Rules.” (emphasis supplied)*

Therefore, SOB submits that the aforementioned Rules permit the participation of sportspersons who have any other disability *in addition* to intellectual disabilities. However, SOB has failed furnish any material to demonstrate that selection of sportspersons to represent the country in the Special Olympic World Games is generally undertaken in compliance with the guidelines prescribed in the NSDC.

(b) Tenure of office-bearers of SOB:

Respondent No. 5 has continued in the post of Chairperson since the constitution of SOB in 2002 and has now attained the age of 90 years. Clause 9(iii) of Annexure XIII of the NSDC (as afore-



extracted) states that the Chairperson of any recognised National Sports Federation shall cease to hold the post on attaining the age of 70 years. Therefore, the continuation of Respondent No. 5 as Chairperson of SOB is a violation of the NSDC.

(c) Selection of National Coach:

SOB has failed to produce any evidence to demonstrate that Respondent No. 6 was appointed as National Coach by a selection committee constituted in accordance with the Guidelines prescribed in Annexure XXI of NSDC.

10. In response to the findings of the Learned Amicus, SOB has filed an affidavit before this Court. On the issue of selection of sportspersons for participation in the World Olympic Special Games, SOB submits that it has formulated guidelines for selection as per Annexure-XXI of the NSDC. Accordingly, SOB has placed on record its Selection Guidelines for Special Olympics Bharat, 2018. On a perusal of the Selection Guidelines, this Court is of the opinion that it has been formulated in accordance with the requirements of the NSDC.

11. On the issue of tenures of its office-bearers, SOB submits that after the NSDC came into effect, the trust deed of SOB was amended on 14<sup>th</sup> May, 2013 to incorporate the conditions prescribed in the NSDC. Accordingly, it is submitted that the following changes have been made *vis a vis* the tenure of office-bearers:

*“(i) The Chairperson can hold the office for a period of 12 years with or without break.*

*(ii) The tenure of all other trustees for an initial term of three years, a second term of three years and under extenuating circumstances for three terms was retained. It*



*was further provided that no trustee can have a tenure of more than 9 consecutive years.*

*iii) The Chairperson, Vice Chairperson and Treasurer were to demit office on attaining the age of 70 years.”*

12. The afore-extracted amendments are in compliance with the limitations on the tenure of office-bearers prescribed under Annexure- XIII of the NSDC. SOB has also submitted that Respondent No. 5 demitted the post of Chairman on 10<sup>th</sup> May, 2019 and, accordingly, a new person has been appointed to the post of Chairman.

13. On the issue of appointment of National Coaches, SOB has submitted a list of National coaches selected for various sports for the 16<sup>th</sup> Special Olympic World Games held in Berlin from the 17<sup>th</sup>- 25<sup>th</sup> of June, 2023. SOB has submitted that all the coaches were appointed by the selection committee constituted in accordance with the Guidelines prescribed in Annexure XXI of NSDC. On a perusal of the list, it appears that Respondent No. 6, Mr. Victor R Vaj no longer serves as a National Coach for SOB.

14. In light of these positive developments that have taken place during the pendency of these proceedings, this Court is of the opinion that the issues raised by the Petitioner in the present PIL have been substantively resolved by SOB.

15. At this stage, this Court also places on record appreciation for the incredible accomplishments of the athletes that represented India in the Special Olympics World Games, 2023 held in Berlin under the able and commendable guidance of SOB. The athletes representing India finished their campaign with 200 medals (77 gold, 71 silver and 52 bronze). While the respect and appreciation accorded to Olympic medallists is abundant and



deservedly so, the accomplishments of athletes with intellectual disabilities and the efforts of bodies like SOB that dedicatedly work towards their goals are sadly, often forgotten.

16. It is needless to mention SOB must continue to ensure strict compliance with the NSDC for all the upcoming elections of office-bearers at the national and state level and for the selection of sportspersons and national coaches for the upcoming Special Olympic World Games, 2025.

15. Therefore, the present PIL is allowed and is disposed of in the aforementioned terms. We place on record our unreserved gratitude for the able assistance provided to this Court by the Learned Amicus.

**(SATISH CHANDRA SHARMA)**  
**CHIEF JUSTICE**

**(SANJEEV NARULA)**  
**JUDGE**

**NOVEMBER 08, 2023**