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

+ W.P.(C) 3088/2022 & CM APPL. 8937/2022 (Stay)
CM APPL. 12813/2022 (Investigating Bona Fide Members)
CM APPL. 17356/2022 (Stay),
CM APPL. 20365/2022(Interim Direction)

HARYANA STATE JUDO ASSOCIATION Petitioner
Through: Appearance not given.

versus

JUDO FEDERATION OF INDIA & ORS. Respondents
Through: Mr.Aadil Singh Boparai, Mr.Gurlabh
S. Bhaika Sidhu and Mr.Harsh
Andani, Advs. for R-1.
Mr.Akshay Ringe, Mr.Paresh B. Lal
and Ms.Megha Mukerjee, Advs. for
R-2, 4 to 12, 14 & 15.
Mr.Anil Soni, CGSC for UOI.
Mr.Pathak Rakesh Kaushik and
Mr.Vikas, Advs. for R-3.
Mr.Abhimanyu Walia, Adv. for R-13.

21

+ W.P.(C) 3165/2022 & CM APPL. 9192/2022(Stay)
CM APPL. 20434/2022 (Amending Writ Petition)

KARNATAKA JUDO ASSOCIATION AND ANR. Petitioners
Through: Mr.Akshay Ringe, Mr.Paresh B. Lal
and Ms.Megha Mukerjee, Advs.

versus

JUDO FEDERATION OF INDIA AND ORS. Respondents
Through: Mr.Aadil Singh Boparai, Mr.Gurlabh
S. Bhaika Sidhu and Mr.Harsh
Andani, Advs. for R-1.
Mr.Ruchir Mishra and Mr.M. K.

Tiwari, Advs. for UOI.

22

+ W.P.(C) 3307/2022 & CM APPL. 9641/2022(Stay)

BOMBAY JUDO ASSOCIATION Petitioner
Through: Ms.Nina R. Nariman, Mr.Abhishek
Gupta, Mr.Kapil Raghav and
Mr.Dishant Bhati, Advs.

versus

JUDO FEDERATION OF INDIA & ANR. Respondents
Through: Mr.Aadil Singh Boparai, Mr.Gurlabh
S. Bhaika Sidhu and Mr.Harsh
Andani, Advs. for R-1.
Mr.Anil Soni, CGSC for UOI.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER
02.06.2022

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1. These batch of writ petitions had brought to the fore a serious dispute in the Judo Federation of India amongst its office bearers. Rival sets of parties appear to have initiated steps for the purposes of elections leading to the filing of the present writ petitions. Before the Court it is admitted that the term of the erstwhile Executive Body has come to an end and that the office bearers have consequently been rendered *functus officio*. The Court, in terms of its earlier order had granted the prayer for early hearing bearing in mind the imperative necessity of emergent steps being taken keeping in mind the impending Commonwealth Games. It was in the aforesaid backdrop that learned counsels for respective parties have mooted the suggestion for an Administrator being appointed to take over the affairs of

the Federation, conduct and look after its day to day affairs so that the interest of athletes, which necessarily must be kept paramount, is not adversely impacted. Learned counsels for respective parties have in this regard also drawn the attention of the Court to the order passed by the Supreme Court in **All India Football Federation vs. Rahul Mehra**¹, [Special Leave Petition (C) 30748-30749/2017] in terms of which a Committee of Administrators had been appointed to look after the affairs of that Federation as well as to bring its constitution in consonance with the National Sports Code and the Model Guidelines. The attention of the Court was also drawn to a detailed decision rendered by a Division Bench of this Court in **Aslam Sher Khan vs. Union of India**² [W.P.(C) 5703/2020].

2. In **Aslam Sher Khan** the Division Bench noted as follows:

“30. In *Narinder Batra vs UOI* [ILR (2009) 4 Del 280] this court has emphasized the primary obligation of NSFs towards players in contradistinction to the perks enjoyed by the Office Bearers of the NSFs. It has observed as under:

“...Today sports is no more something that can be dealt with in a meeting over a five star meal. It requires technical knowledge of both the game, the equipment and the training. Every aspect from the aerodynamics in equipment, even of the clothes worn by an athlete to shoes of a hockey/football/basket player; hair cut of the swimmer to 'weight and material of the equipment used is governed by scientific details and principles. In times of expertise, sports management experts are as important to a good sports programme just as experienced competent players or ex-players in decision and policy making areas who would ensure that the sports persons got the same, if not better residential/hotel and other facilities as the office bearers at national and international competition venues; who understood how important good treatment is for the self esteem and confidence of the teams and sports persons, especially when their opponents get the best; where real expenditure is incurred on and energy is devoted to sports persons rather than on

¹ Rahul Mehra

² Aslam Sher Khan

maintenance of the office bearers or squabbles over elections. Only then could it be said that the sporting credentials or the tenure of the controlling board is immaterial for the interest of the sport....”

31. It is hoped that monies shall be expended largely on sports persons, their training, equipment, healthy diet and the best of travel facilities and accommodation. The expenses incurred on the NSF’s MC or its officials should not be extravagant, disproportionate or unnecessary.

Conclusions and Directions:

32. The 1975 Circular, the 2001 Guidelines, the Sports Code and the judgement of the Courts, govern sports administration in India. They collectively constitute the law on the subject. They have held sway over 57 years. They are here to stay. No variation of the same, to the detriment of sports-persons or to sports administration, is permissible.

33. Sports does not merely infuse a spirit of healthy competition among players, spectators and enthusiasts, it also gives people a unifying cause to rally behind, of course, with much passion and fun. Often the heart-beat of a nation is hinged on that subtle nick to the ball into the goal-post, in the last moments of a game. But, above all, it teaches discipline and respect for rules and to acknowledge the legitimate winner. It is a sublimation of physical energies and mental alacrity in a fair competition, to acknowledge a clear winner. It is a celebration of fair play. There can be no clandestine ways to win, as that would not be sport. Fairness on the play-field, admirable skills of players, unity of purpose, team-work and coordination, etc. are qualities and values which any sport, played fairly, imparts and instills in society.

34. Indeed, it is this spirit which is manifested in the Objective of the Sports Code. It reads inter alia:

“.....1.1 Sports development is a national priority, as it promotes active lifestyle, child and youth development, social inclusiveness, employment opportunities, peace and development, and above all a sense of belongingness and national pride...” ”

3. Bearing in mind the above, learned counsels for respective parties have consented to the appointment of an Administrator who may be charged with undertaking a review of the constitution of the Federation, suggest amendments which may be warranted in order to bring it in line with the National Sports Code and the Model Guidelines, take over the day to day administration of the Federation and to further initiate preparatory steps for holding of elections for the constitution of the Executive Committee.

4. The Court may additionally take note of the contentions addressed by the Bombay Judo Association [W.P.(C) 3307/2022] which contends that in terms of the order of 09 April 2018 passed by this Court in **Yashpal Solanki vs. Union of India**³ as well as the principles laid down by the Supreme Court in **BCCI vs. Cricket Association of Bihar**⁴, bearing in mind the immense historical contribution made by that Association to propagate the sport of Judo, it is entitled to be conferred the status of an ordinary member as opposed to an associate member and thus also be granted voting rights. The Court notes that the issue of whether Bombay Judo Association would be entitled to become a voting member in the Federation is a question which would merit further consideration. Regard must be had to the fact that presently as the constitution stands, it has not been conferred the status of a voting member. The definition of ordinary and associate members would also not enable it to be conferred with voting rights. The claim as raised by the Bombay Judo Association would thus have to be independently considered by the Court bearing in mind the orders passed in **Yashpal Solanki** and the decision of the Supreme Court in **BCCI**. The aforesaid issue shall be considered by the Court at an appropriate stage. Presently the exigencies of the situation would warrant the following interim directions being framed.

5. Accordingly and in light of the consent as expressed, the following directions are framed:

(a) The Court hereby appoints Mr. Justice Pankaj Naqvi, a former Judge of the Allahabad High Court to be appointed the Administrator of the

³ W.P.(C) 10353/2017

⁴ (2018) 9 SCC 624

Federation. The erstwhile Committee shall forthwith hand over charge to the Administrator who shall administer the day-to-day affairs of the Federation subject to further orders being passed on the present writ petitions.

- (b) The Court further directs the erstwhile President, General Secretary and Treasurer to extend all cooperation to the Administrator in conducting the affairs of the Federation in the interim. The Administrator shall be authorized to make appropriate arrangements for the governance of the Federation until elections are held.
- (c) The Administrator shall also act as the signing authority for operation of all bank accounts of the Federation as also the authority for issuance of all financial instruments/cheques on behalf of the Federation and which may be required for the conduct of its day to day affairs, payment of salaries and meeting other expenses.
- (d) All pleadings, affidavits that may have to be tendered for and on behalf of the Federation in any pending or future litigation shall be submitted only with the prior approval of the Administrator through a competent person to be identified by him.
- (e) Upon taking over the affairs of the Federation, the Administrator shall firstly undertake a review of the existing constitution of the Federation and prepare a draft amended constitution which would be in conformity with the National Sports Code and the Model Guidelines. The draft constitution that may be drawn may be duly publicized and provided to all constituents and members of the Federation so that their views are elicited and obtained by the Administrator. The draft constitution that may be drawn and finalized

at the end of the aforesaid process may be placed before this Court for approval and consideration.

- (f) The Administrator shall also draw up a detailed plan for all preparatory steps that may be required to be undertaken bearing in mind the upcoming Commonwealth Games. The Court leaves it open to the Administrator to prioritise pending issues other than those noticed above as per his assessment and judgment.
- (g) The Administrator may submit its first interim report within a period of six weeks from today.
- (h) The Administrator shall further undertake steps to facilitate the holding of elections and ultimately handing over the affairs of the Federation to a democratically elected body.
- (i) No further steps shall be taken by the erstwhile office bearers of the Federation to hold elections till the time the Administrator reviews the status of membership of all constituents of the Federation and submits a report to this Court.
- (j) Any steps taken by the erstwhile management of the Federation in regard to elections and which forms subject matter of challenge in these writ petitions shall also not be proceeded with subject to further orders of the Court.
- (k) The Administrator shall be entitled to draw a monthly remuneration of Rs.2 lakhs. The details of the Administrator are set out hereinbelow:

Mr. Justice Pankaj Naqvi,
Former Judge Allahabad High Court
H-95, Ground Floor, Block- H,
Sector-41, Noida-201303,
Uttar Pradesh.

Mobile Nos. 9415236770, 6265909012.
Email: officeofpankajnaqvi@gmail.com

6. The issues raised by the Bombay Judo Association shall be taken up for consideration once the Court receives the draft constitution from the Administrator.
7. Parties are permitted to contact and apprise the Administrator of the passing of this order.
8. List on 05.08.2022.
9. The date 12.07.2022 already fixed in W.P.(C) 3088/2022 and W.P.(C) 3165/2022 stands cancelled.

YASHWANT VARMA, J.

JUNE 2, 2022

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