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

**Judgment pronounced on: 16.08.2024**

+ **W.P.(C) 3164/2024 and CM APPL.13051/2024**

BAJRANG PUNIA AND ORS.

..... Petitioners

Through: Mr. Rahul Mehra, Sr. Adv. alongwith  
Mr. Siddharth Nayak, Mr. Chaitanya  
Gosain and Mr. Raghav Khanna,  
Advvs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Jayant Mehta, Sr. Adv. along  
with Mr. Anil Soni, CGSC and Mr.  
Devvrat Yadav, Ms. Diva Saigal,  
Advvs. for R-1/UOI.

Mr. Dayan Krishnan, Sr. Adv. along  
with Mr. Hemant Phalpher, Mr.  
Sukrit Seth and Mr. Auritro  
Mukherjee, Advvs. for R-2/WFI.

Mr. Sagar Chaurasia and Mr. Vikas  
Singh, Advvs. for R-3/IOA.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**JUDGMENT**

**CM APPL. 18267/2024**

1. The instant application has been filed in the backdrop of the grievances raised in the present writ petition as regards the conduct of affairs of the respondent no.2 i.e. Wrestling Federation of India (hereafter WFI). The primary grievance, articulated in the writ petition, pertains to the alleged illegal action of the respondent no.2 (WFI) in seeking to conduct selection trials for Senior Asian Wrestling Championship 2024 and Asian Olympic



Games Qualifier Wrestling Tournament notified through circular dated 26.02.2024.

2. It has also been alleged in the writ petition that the respondent no.2 (WFI) is not compliant with the National Sports Development Code, 2011 (hereafter Sports Code) as interpreted by a Division Bench of this Court *vide* judgment dated 16.08.2022 in W.P(C) 195/2010. It is averred in the writ petition that the onus of ensuring that the respondent no.2 (WFI) alongwith its affiliated members are fully compliant with the Sports Code lies solely on the shoulders of respondent no.1 i.e. Ministry Youth Affairs and Sports (MYAS).

3. It has further been averred in the writ petition that although the respondent no. 1, having conferred with the responsibility of ensuring good governance in the respondent no. 2 (WFI) and adherence to the Sports Code, suspended the respondent no. 2 (WFI) *vide* order dates 24.12.2023 and simultaneously requested the Indian Olympic Association (IOA) to constitute an ad-hoc committee (respondent no. 3) to manage and control the affairs of respondent no.2 (WFI), in actual fact, the said ad-hoc committee failed to take appropriate steps to assume full control of the respondent no.2 (WFI) and/or to issue directions to ensure that the respondent no.2 (WFI) and its affiliated member units fall in line and comply with the mandatory requirements of the Sports Code.

4. The prayers sought in the writ petition reads as under:-

*A. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent no.3 be directed to adopt the road map, follow it within the time limit in order to bring the Respondent No.2/WFI in conformity with the Sports Code as interpreted by the Division Bench of this Hon'ble Court Vide judgment dated 16.08.2022 passed in W.P.(C) 195/2010*



*titled Rahul Mehra Vs. UOI or in the alternative declare the elections to be illegal and immediately de-recognize the Respondent No.2/WFI as it is not in conformity with the Sports Code as interpreted by the Division Bench of this Hon'ble Court vide judgment dated 16.08.2022 in W.P.(C) 195/2010 titled Rahul Mehra Vs. UOI.*

*B. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent no.2 to cease and desist as an NSF from undertaking any activity pertaining to the sports of wrestling against the directives and circulars issued by the Respondent No.1/MYAS and Respondent No.3/Ad-Hoc Committee for the reason that WFI is in blatant violation of the sports code as interpreted by the Judgment dated 16.08.2022 in W.P.(C) 195/2010.*

*C. To set aside and declare elections held by R2/WFI on 21.12.2023 as illegal and void ab-initio since the same has been held in blatant violation of the sports code as interpreted by the Judgment dated 16.08.2022 in W.P. (C) 195/2010.*

*D. Direct R3/Ad- hoc committee to continue administering the day-to-day affairs and management of R2/WFI or in the alternative Appoint an Administrator who is preferable a Retd. Judge of Hon'ble Supreme Court or a Retd. Judge of this Court to take over the affairs and management of the Respondent No.2/WFI to ensure that Respondent No.3 follows a time bound proposed road map as indicated in Paragraph no. 14 to restructure and reconstitute Respondent No.2 in terms of NSDC-2011 read with Judgment Dt. 16.08.2022 in WP (C) 195/2010*

*E. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING RESPONDENT 2 to handover peaceful possession and access to all resources and database including financial mandates , access to website, E-mails, and respective passwords, change in signatory authorisations etc. to Respondent No. 3/Ad hoc Committee and/or Court Appointed Administrator.*

*F. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING the existing officer bearers of Respondent No.2/WFI, to not to undertake and/or exchange any action and/or communication with international bodies including UWW without the prior written consent of the Ad-Hoc Committee/Court Appointed Administrator.*



*G. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING RESPONDENT NO 1 and RESPONDENT NO 3 to ensure that Petitioners interests are safeguarded and protected from biased or coercive steps taken by Respondent No.2/WFI.*

*H. Pass any other order / direction that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition.*

5. *Vide order dated 07.03.2024, this Court directed as under:-*

*“1. After some hearing, Mr. Dayan Krishnan, learned senior counsel who seeks to appear for respondent no.2 (through Mr. Sanjay Kumar Singh) submits, on instructions, that without prejudice to his rights and contentions, the circular dated 26.02.2024, filed as Annexure P-26 to the present petition, may be treated as withdrawn. It is directed accordingly.*

*2. Consequently, there shall be no parallel selection trials, as apprehended in the present application. The selection trials shall proceed as per the circular/ press release dated 09.02.2024, which reads as under:*

***“Press Release\****

*The ad-hoc committee will be organizing the selection trials for selecting the Indian wrestling team for the upcoming Olympic Qualifiers & Asian Championships on March 10-11, 2024. Earlier the trials were announced to be held on 27-29 February 2024. However, because of a delay in organizing the 2023 Senior National Championships due to unavoidable circumstances, the trials are being postponed.*

*The trials for Women Wrestlers will be held at NSNIS Patiala & while the trials for Greco Roman & Freestyle Wrestlers will be held at SAI Sonipat. The winner of the trials in the Olympic weight category will get to represent India in upcoming Olympic qualifiers like the Asian Olympic Qualifiers (19-21 April) & World Olympic Qualifiers (9-12 May).*

*While winner in non-Olympic weight categories will represent India in Senior Asian Championships (11-16 April). The runners up in Olympic weight categories at the trials will represent India at the Senior Asian Championships.*



*Antim (53kg WW) will be given direct entry to play at the 2024 Senior Asian Championships. India has so far secured Olympic quota in 53kg WW category by the virtue of Antim's Bronze win at the 2023 Senior World championships. Indian wrestlers can still grab 17 quotas on offer (5 in women Wrestling, 6 in Greco Roman and 6 in Freestyle).*

*sd/-*

*Bhupender Singh Bajwa*

*Chairman, Ad-hoc Committee- WFI"*

*3. Needless to say, the ad-hoc committee shall ensure that all athletes, which are found eligible, are permitted to participate in the trial.*

*4. List the present application, along with the main petition, for further consideration on 26.4.2024. In the meantime, let replies to the main petition be filed by the respondents within 4 weeks; rejoinder thereto, if any be filed by the petitioner within 2 weeks thereafter."*

6. In the aftermath of the aforesaid order, an office order dated 18.03.2024 came to be issued by the IOA whereby the ad-hoc committee appointed to manage the affairs of respondent no.2 (WFI) was dissolved with immediate effect. The said office order reads as under:-

*"IOA/WFI/I-28/2024/1622*

*18 March, 2024*

**OFFICE ORDER**

**DISSOLUTION OF ADHOC COMMITTEE FOR WRESTLING**

*1. Refer to this office Order No. IOA.WFI/I-28/2023/1560 dated 27 December, 2023, wherein an Adhoc Committee for Wrestling was appointed, it is hereby ordered that the said Adhoc Committee is dissolved with immediate effect.*

*2. The decision to dissolve the Adhoc Committee comes in light of the lifting of the ban on the Wrestling Federation of India (WFI) by the United World Wrestling (UWW) and the successful completion of Selection Trials by the Adhoc Committee appointed by the IOA as per the directives of the Hon'ble High Court of Delhi. Consequent upon the aforementioned developments, there is no further need for running the activities of the WFI through an Adhoc Committee.*



3. However, as instructed by the UWW, it is imperative that the WFI appoint a Safeguarding Committee/Officer at the earliest to address the concerns of abuse and harassment and to ensure adherence to all rules, regulations, and guidelines set forth by the UWW and other relevant authorities. Furthermore, the WFI is also directed to conduct the elections of the Athletes Commission in a time-bound manner, in accordance with the established procedures and guidelines. This step is essential to promote athlete representation and participation in the decision-making processes of the WFI.

4 The WFI is also instructed to repay the loan provided by the Indian Olympic Association (IOA) to the Adhoc Committee for managing WFI's operations.

5. All concerned are requested to take necessary actions to implement this office order effectively.

6. This is issued with the approval of President IOA.

Sd-  
(George Mathew)  
Director  
Indian Olympic Association”

7. It was in the backdrop of the aforesaid office order that the present application has been filed. The application proceeds on the apprehension that upon the dissolution of the ad-hoc committee, the respondent no.1 would proceed to revoke the suspension of the respondent no.2 (WFI). Hence, prayer (a) made in the present application seeks that the respondent no.1 be interdicted from revoking the said suspension during the pendency of this writ petition.

8. The remaining prayers essentially seek constitution of a “One-Man-Committee” to take over the management, control and administration of the respondent no.2 (WFI). Further, consequential directions are sought regarding the mandate of such “One-Man Committee”.



9. The application also seeks that the respondent no.1 be directed to file a detailed affidavit setting out the status of compliance on the part of respondent no.2 (WFI) and its state units, with the National Sports Development Code, 2011.

**SUBMISSION ON BEHALF OF THE APPLICANT:-**

10. Mr. Rahul Mehra, learned senior counsel for the applicant has argued at considerable length. He has broadly contended as under:-

(i) That the suspended management of the respondent no.2 (WFI) has influenced the International Federation i.e. United World Wrestling (UWW) and have managed to procure from UWW a communication/letter dated 08.03.2024. The said letter reads as under: -

*“On registration in international events in the UWW calendar*

*Dear President,*

*With this letter, I would like to remind some principles concerning the registration of athletes and delegations in international competitions.*

*From the outset, it is reminded here that, after the lifting of the suspension imposed by the UWW on your federation on February 13, 2024, UWW considers your federation as any other affiliated federation, duly functioning in compliance with the UWW regulations, and subject to all rights and obligations conferred by this status.*

*It is the responsibility of the national federations regularly affiliated to UWW to select and announce their teams for the Continental Championships, the World Championships, the Olympic Games Qualifying Tournaments as well as the Ranking Series and other international tournaments on the official calendar.*

*The registration can be made only by the UWW affiliated national federations, using the competition administration system ("Athena") exclusively, in accordance with the rules and deadlines provided by our regulations.*

*This is in line with the principles enshrined in our rules and regulations and no other entity may take this role on your behalf.*



*The UWW Administration remains available for any question and support concerning the above.*

*Yours sincerely,*

*Sd-  
Nenad Lalovic  
UWW President  
IOA Executive Board Member”*

(ii) The aforesaid letter states that the registration for the Continental Championship, World Championship, Olympic Games Qualifier Tournament and other International Tournaments can only be made by the UWW affiliated National Federations. The said letter also draws attention to the fact that the earlier suspension of the respondent no.2 (WFI) by the UWW has been lifted on 13.02.2024. It has been submitted that within few hours of this Court passing the order dated 07.03.2024, one Bholanath Singh, who has been alleged to be a close associate of Brij Bhushan Sharan Singh for more than 20 years, met the President of UWW at its headquarters in Switzerland. It is further submitted that the said meeting took place without any prior scheduled appointment. In order to substantiate the said averments, a screenshot of Bholanath Singh’s tweet on social media platform X has been furnished. It is alleged that Mr. Bholanath Singh met the President of UWW at the behest of his close associate and former WFI President, Brij Bhushan Sharan Singh and the current President, Sanjay Singh. It is averred that the said meeting purportedly resulted in the issuance of a letter by UWW on 08.03.2024, which, it is argued, is an attempt to make out a case for withdrawal of the action taken against the suspended respondent no. 2 (WFI), and also to influence the outcome of these proceedings. The applicant further claims that the top officials of the





respondent no. 2 (WFI), both present and former, procured yet another letter from UWW on 25.04.2024. This letter was allegedly obtained within 72 hours of an order passed by this court seeking certain clarifications from the respondent no. 2 (WFI). The timing and content of these letters, according to the applicant, were orchestrated to pre-empt specific issues raised by this Court, particularly regarding why a court-appointed Administrator or ad-hoc committee should not be established to oversee the operations of the suspended respondent no. 2 (WFI). It is submitted that the aforesaid attempts have been made by the suspended respondent no.2 (WFI) to prevent this Court from passing any adverse orders by invoking and relying upon the communications of UWW.

(iii) It is strenuously contended that given the state of affairs in the suspended WFI, and the situation created as a result of dissolution of the ad-hoc committee constituted by IOA for managing the affairs of the WFI, a “One-Man-Committee” be appointed by this Court to ensure good governance and adherence to the National Sports Development Code, 2011.

(iv) It has been emphasised that it is mandatory for the WFI or any other NSF to scrupulously comply with the National Sports Development Code, 2011. In this regard relevance is placed upon the judgment of the Division Bench of this Court dated 16.08.2022 in W.P. (C) 195/2010. It is contended that the insistence on the adherence of the National Sports Development Code, 2011, and appointment of a “One-Man Committee” by this Court for the said purpose, cannot be construed as interfering with the autonomy of the concerned NSF so as to incur any adverse action by the International Federation.

(v) Learned senior counsel for the applicant has strongly refuted the



suggestion in the reply filed on behalf of respondent no.1, that any interference with the autonomy of the respondent no.2 (WFI) will be viewed adversely by the UWW and will jeopardize the participation of Indian athletes in the international events.

(vi) It is contended that since the suspension of recognition of respondent no.2 (WFI) *vide* letter dated 24.12.2023 continues to subsist, it is incumbent on this Court to appoint an Administrator for respondent no.2 (WFI), preferably a retired judge of this Court or the Supreme Court.

(vii) It is contended that the possibility of the International Federation (UWW) taking precipitative action pursuant thereto is remote. It has been pointed out that despite UWW's earlier letter of suspension dated 27.03.2022, Indian athletes were permitted to participate in the Asian Games at Hangzhou, 2022 under the Indian National Flag.

(viii) Attention has been drawn to various facets of the constitution and functioning of respondent no. 2 (WFI) to demonstrate that respondent no. 2 (WFI) is not compliant with the Sports Code.

**AFFIDAVITS/SUBMISSIONS OF UNION OF INDIA:-**

11. In light of the dissolution of the ad-hoc committee appointed *vide* the order of IOA dated 27.12.2023, the respondent no. 1/MYAS was directed to file a reply to the present application and accordingly, an affidavit dated 28.03.2023 was filed on behalf of the MYAS.

12. In the said affidavit, it was stated that the decision to dissolve the ad-hoc committee was taken in light of lifting of suspension of the respondent no. 2 (WFI) by UWW.

13. However, this Court noticed that the said affidavit did not deal with



certain vital aspects of the matter and therefore directed the respondent no.1/MYAS, *vide* Order dated 02.04.2024, to file a clear affidavit disclosing its stand as to:

- (i) whether the suspension of the WFI *vide* the order/letter dated 24.12.2023 continues to subsist or not;
- (ii) the circumstances which impelled the ad-hoc body to be dissolved;
- (iii) who is in-charge of the affairs of the respondent no.2/WFI after the dissolution of the ad-hoc body constituted *vide* office order dated 27.12.2023.

14. Pursuant to the order dated 02.04.2024, the respondent no.1/MYAS filed another affidavit dated 16.04.2024. In the said affidavit it was clarified as under :-

- (i) The suspension of recognition of respondent no. 2 (WFI) *vide* letter dated 24.12.2023 continues to subsist.
- (ii) Queries (ii) and (iii) [ as framed in the aforesaid order dated 02.04.2024] are required to be answered by IOA.
- (iii) A bare reading of the International Federation Governing Wrestling Discipline, United World Wrestling (UWW)'s letters clarifies that any third-party interference may result in the suspension of recognition / affiliation of the WFI accorded by the UWW, the international federation governing the wrestling sport at world level.
- (iv) The Rules, Procedures and Criteria for participating in the competition of Olympic Games are established by the respective International Federations and are subject to final



selection of each National Olympic Committee (NOC).

- (v) International Olympic Committee (IOC) and UWW are quick to issue mandate/interdict/memo if they perceive any third party interference, not only this even government's interference is not taken kindly.
- (vi) The Ministry of Youth Affairs and Sports (MYAS) is bound to be cautious of any mandate/interdict/memo by International bodies under the aegis of which the Olympic Games were scheduled to be conducted in Paris.

15. It has been emphasised and assured that the Ministry of Youth Affairs and Sports was providing full support to the athletes participating in Olympic qualifiers and Paris Olympic Games, 2024.

**SUBMISSIONS ON BEHALF OF RESPONDENT NO.2 (WFI):-**

16. Mr. Dayan Krishnan, learned senior counsel appearing for the respondent no. 2 (WFI) has contended that:

- (i) WFI is in compliance with the National Sports Development Code, 2011.
- (ii) It has been averred that without prejudice to the above, even if there is any mandate to bring the constitution of WFI in line with the judgment of the Division Bench of this Court dated 16.08.2022 in W.P.(C) No. 195/2010 titled as "*Rahul Mehra v. Union of India & Ors*", the same can be done by the elected body of WFI as has been directed in the judgement titled as "*Delhi Rowing Association v. Union of India & Ors.*" 23.02.2024 in W.P.(C) 2702/2024.
- (iii) It is emphasised that UWW lifted the suspension of the WFI on



account of the fact that proper elections has been held and an elected executive was in place. Attention has been drawn to the UWW's letter dated 25.04.2024, wherein it is reiterated that independence of the National Federation cannot be allowed to be interfered. It is argued that if any third party is designated to run the daily affairs of the WFI then UWW will have no other option but to re-impose a temporary suspension of the Federation. The said letter dated 25.04.2024 reads as under:-

*“Autonomy of the Wrestling Federation of India.*

*Dear President,*

*We have been informed that the Wrestling Federation of India is once again threatened by your Ministry of Sports with the imposition of an Ad-hoc Committee to oversee its affairs.*

*Besides our lassitude for this additional affair impacting your federation and its members, we would like to reiterate UWW's determination to uphold the principle of autonomy and independence of its national federations in accordance with the UWW Statutes and the Olympic Charter.*

*In case any decision or order should be made against your federation, and a third party be designated to run the daily affairs of our sports in India in violation of the UWW Statutes, UWW would have no other option than to re-impose a temporary suspension of your federation until further notice, and which, this time, could may be include your athletes.*

*This suspension would apply to the final Olympic Games Qualifying Tournament in May, and will certainly attract the attention of the IOC on this matter, who may also consider further action.*

*Please note that the UWW Bureau is informed of this situation and eventuality.*

*Your sincerely,*

*Sd-*

*Nenad Lalovic*

*UWW President*

*IOA Executive Board Member”*



(iv) It has further been submitted that appointment of an Administrator or a One Man Committee, will seriously jeopardise the participation of the players under the Indian flag.

(v) It has been refuted that the communications dated 08.03.2024 and 25.04.2024 have been procured by WFI through manipulation, as alleged by the petitioner.

### **SUBMISSIONS ON BEHALF OF THE IOA**

17. The respondent no. 3 (IOA) has made the following submissions pursuant to specific directions contained in the order dated 02.04.2024 whereby the IOA was directed to specifically indicate the circumstances in which the ad-hoc committee, which was constituted *vide* order dated 27.12.2023, was dissolved :-

- (i) After the earlier suspension of the WFI by the International body on 23.08.2023, the elections to WFI were held on 21.12.2023, pursuant to which UWW had lifted the suspension of WFI on 12.02.2024.
- (ii) It is submitted that by lifting the suspension, UWW recognised the elected body of WFI as the National Sports Federation for India in the sport of wrestling and handed over to it the passwords to the Competition Administration System (“Athena”) which was required for the purpose of sending athletes to participate in international tournaments through the WFI.
- (iii) It is submitted that as per the provisions of the IOA constitution, prior permission and/or approval from the



International Federation has to be taken by the IOA before appointment of any ad-hoc committee.

- (iv) It has been submitted that the IOA is not bound by MYAS direction to formulate an ad-hoc committee and that the sports code has no such provisions.
- (v) It has been submitted that *vide* letter dated 25.04.2024, UWW had issued a warning stating that if there will be any interference with the autonomy of WFI, UWW will impose a temporary suspension on WFI.

18. Attention is also drawn to the fact that various orders have been passed by the Supreme Court and by the Division Bench of this Court whereby the appointment of an Administrator in various Federations had been stayed.

19. It was strenuously emphasised that several international events are scheduled in the current year and that the participation of Indian Wrestlers in these events would be severely jeopardized if any “One Man Committee” or an Administrator were to be appointed by the court.

#### **ANALYSIS AND CONCLUSION:-**

20. At the outset, it is important to take note of the order dated 24.12.2023 whereby the respondent no. 1/MYAS instructed the newly elected executive committee of WFI to abstain from administering and managing the day-to-day activities of respondent no. 2/WFI with immediate effect until further orders. The reasons which impelled the respondent no. 1/MYAS to issue the said order have been set out in detail in the order itself. The said reasons are summarised as under:-

- (i) Non-adherence to the constitution of WFI, and taking of certain



unilateral decisions by the newly elected President of the WFI without convening a meeting of the executive committee; and without issuing any notice; cancellation of previous decisions by the earlier IOA appointed ad-hoc committee, indicating a void of governance.

(ii) Deviation from the established protocols of collective decision making and undermining of the principles of good governance as outlined by the International Olympic Committee (IOC) in the Olympic charter.

(iii) Violation of the provisions of the Constitution of the WFI and also the provisions of National Sports Development Code of India, 2011.

(iv) Lack of independent functioning of the elected executive body, and the control exercised by former office bearers, raising serious governance issues.

21. On the basis of the above, it was concluded that the situation raised serious concerns about the governance and integrity of the WFI, highlighting the need for immediate and stringent corrective measures to uphold the principles of good governance in sports organisations.

22. Simultaneously, with the issuance of the said order, a communication was also addressed to the IOA by the respondent no.1/MYAS whereby the IOA was requested to constitute an ad-hoc committee to manage and control the affairs of respondent no.2/WFI as per the defined rules of NSFs in the National Sports Development Code of India, 2011. Pursuant to the same, the IOA, vide Order dated 27.12.2023, appointed an ad-hoc committee for overseeing and taking over all the activities and management of Respondent No. 2. The said office order dated 27.12.2023 reads as under:

“OFFICE ORDER





IOA/WFI/I-28/2023/1560

27/December 2023

1. Refer to IOA letter No.IOA/WFI/I-28/2023/1306 dated 03 May 2023.
2. Elections to the Wrestling Federation of India (WFI) were held on 21 December 2023, in which Shri Sanjay Kumar Singh was elected as President and Shri Prem Chand Lochab as Secretary General amongst other office bearers of the Executive Committee of Wrestling Federation of India (WFI). The Indian Olympic Association (IOA) has recently become aware that the recently appointed President and officials of WFI have made arbitrary decisions in violation of their own constitutional provisions and against the principles of good governance espoused by IOC and further without following due process overturned the rulings of the IOA-appointed Ad hoc Committee. This not only highlights a governance gap within the Federation but also signifies a noticeable departure from established norms.
3. Since the IOA considers adherence to governance norms as vital for ensuring fair play, transparency, and accountability and to safeguard the interests of the sportspersons as espoused by IOC and to ensure continuity, it has been decided to appoint an Ad hoc committee comprising of following with immediate effect.
  - (a) Mr. Bhupinder Singh Bajwa, IOA EC Member – Chairman
  - (b) Mr. M.M. Somaya – Member
  - (c) Ms. Manjusha Kanwar – Member
4. The Ad hoc Committee is tasked with overseeing and supervising WFI's operations, which include athlete selection, submitting entries for athletes to participate in international events, organizing sports activities, handling bank accounts, managing the website, and other related responsibilities.

sd /-

Dr. P.T. Usha  
President"

23. It is also pertinent to note the tenor and content of the communication dated 24.12.2023, addressed by the Respondent no.1 / MYAS to the IOA,



pursuant to which the IOA appointed the ad-hoc committee in the first place.

The same reads as under :

*“No.51-2/2023-SP-III  
Government of India  
Ministry of Youth Affairs & Sports  
Department of Sports*

*Shastri Bhawan, New Delhi*

*Dated: 24<sup>th</sup> December, 2023*

To

*The President,  
Indian Olympic Association,  
Olympic Bhawan,  
B-29, Qutub Institutional Area,  
New Delhi-110067.*

***Sub: Wrestling Federation of India (WFI) – reg.***

*Madam,*

*I am directed to refer to this Ministry’s order of even number dated 24.12.2023 abstaining the newly elected Executive Committee of the WFI from administering and managing the day-to-day activities of the Federation (copy enclosed).*

*2. Since Wrestling is an Olympic sport and WFI is an affiliate member of the Indian Olympic Association (IOA) and taking note of the compelling current situation arising out of the influence and control of the WFI’s former office bearers, serious concerns have arisen about the governance and integrity of the WFI. This requires for immediate and stringent corrective measure to uphold the principles of good governance in sports organizations, and thus, now it becomes incumbent on the part of IOA to make suitable arrangements for the interim period for managing the affairs of WFI so that sportspersons of wrestling discipline do not suffer in any manner and the principle of good governance in the sports body do not get jeopardized.*

*3. In view of the above, it is requested that an Ad-Hoc Committee may be constituted by the IOA to manage and control the affairs of WFI, as per the defined role of NSFs in the National Sports Development Code of India-2011, including the selection of athletes, making entries for the participation of sportspersons in international*



*events, holding of sporting activities, etc. with immediate effect, until further orders.*

*This issues with the approval of the Competent Authority.*

*Yours faithfully,*

*Sd-*

**(Tarun Pareek)**

**Under Secretary to the Government of India”**

24. Subsequently, however, the ad-hoc body constituted by the IOA pursuant to the request of the MYAS was dissolved *vide* communication dated 18.03.2024 issued by the IOA. The said communication is reproduced hereinbelow:

“IOA/WFI/I-28/2024/1622

18 March, 2024

**OFFICE ORDER**

**DISSOLUTION OF ADHOC COMMITTEE FOR WRESTLING**

1. Refer to this office Order No. IOA.WFI/I-28/2023/1560 dated 27 December, 2023, wherein an Adhoc Committee for Wrestling was appointed, it is hereby ordered that the said Adhoc Committee is dissolved with immediate effect.

2. The decision to dissolve the Adhoc Committee comes in light of the lifting of the ban on the Wrestling Federation of India (WFI) by the United World Wrestling (UWW) and the successful completion of Selection Trials by the Adhoc Committee appointed by the IOA as per the directives of the Hon'ble High Court of Delhi. Consequent upon the aforementioned developments, there is no further need for running the activities of the WFI through an Adhoc Committee.

3. However, as Instructed by the UWW, it is imperative that the WFI appoint a Safeguarding Committee/Officer at the earliest to address the concerns of abuse and harassment and to ensure adherence to all rules, regulations, and guidelines set forth by the UWW and other relevant authorities. Furthermore, the WFI is also directed to conduct the elections of the Athletes Commission in a time-bound manner, in accordance with the established procedures and guidelines. This step



*is essential to promote athlete representation and participation in the decision-making processes of the WFI.*

*4. The WFI is also instructed to repay the loan provided by the Indian Olympic Association (IOA) to the Adhoc Committee for managing WFI's operations.*

*5. All concerned are requested to take necessary actions to implement this office order effectively.*

*6. This is issued with the approval of President IOA.*

*Sd-  
(George Mathew)  
Director  
Indian Olympic Association”*

25. In the said Office Order dated 18.03.2024, it has been stated that the decision to dissolve the ad-hoc Committee was in light of lifting of the ban of WFI by the UWW and the successful completion of selection trials by the ad-hoc committee appointed by the IOA as per the directives of this Court, consequent to which “there is no further need for running the activities of the WFI through an ad-hoc committee”.The said Office Order also proceeds to instruct the WFI to appoint a safeguarding committee/officer to address the concerns of abuse and harassment and to ensure adherence to all rules, regulations and guidelines set-forth by UWW. Further, WFI was directed to conduct the elections of the Athletes Commission in a time-bound manner, in accordance with established procedures and guidelines.

26. A bare perusal of the aforesaid office order dated 18.03.2024 makes it evident that:

- (i) The same does not even purport to address the governance and integrity issues highlighted by the Respondent no. 1/ MYAS while making the request to constitute the ad-hoc committee, and on the



basis of which the ad-hoc committee came to be appointed in the first place;

- (ii) The communication dated 24.12.2023 addressed by the Respondent No. 1 to the IOA, requested for constitution of an ad-hoc committee to manage and control the affairs of the WFI, including selection of athletes, making entries for the participation of sportspersons in international events, holding of sporting activities etc. with **“immediate effect, until further orders”**.
- (iii) No communication was issued by the Respondent No. 1/ MYAS to the IOA, withdrawing its request for constitution of an ad-hoc committee; the dissolution of the ad-hoc committee by the IOA was without any express approval of the Respondent No. 1/ MYAS. In fact, in the present case, this Court (*vide* order dated 02.04.2024) directed the Respondent No. 1/ MYAS to file an affidavit taking a clear stand, *inter alia*, on the following issue - “the circumstances which impelled the ad-hoc committee to be dissolved”. In the affidavit that came to be filed on behalf of the UOI on 16.04.2024, it was clearly brought out that the aforesaid issue is required to be answered by the IOA. The respondent no.1 was even not able to elucidate the circumstances which impelled the dissolution of the ad-hoc committee.
- (iv) The reasons cited in the communication dated 18.03.2024 for dissolution of the ad-hoc committee viz. lifting on the ban on the WFI by the UWW and the successful completion of the selection trials as per the directives of this Court, had no bearing or connection with the governance issues highlighted in the



suspension order dated 24.12.2023, which impelled constitution of the ad-hoc committee in the first place.

- (v) The suspension of the WFI by the UWW, *vide* communication dated 23.8.2023, was on account of not holding elections and postponement of the “elective general assembly”. The lifting of the ban by the UWW by communication dated 12.02.2024, was unconnected with the circumstances set out in the suspension order dated 24.12.2023, and the consequent formation of the ad-hoc committee by the IOA.

27. Pertinently also, even in the present proceedings, the stand of the Respondent No.1/ MYAS is that the suspension order dated 24.12.2023 still continues to subsist. In this regard, reference is apposite to para 8 of the affidavit dated 16.04.2024 filed by the respondent no.1/MYAS which states as under:-

*“As regards query (i), it is submitted that the suspension of recognition of the WFI vide the letter dated 24.12.2023 continues to subsist alongwith order dated 07.01.2024, intimating WFI and its States/UT affiliates that any national championships or competitions organized by the current elected executive committee of WFI will be treated as unsanctioned and unrecognized competitions. The Ministry will neither recognise nor provide any support to any activity of WFI”.*

28. Dissolution of the ad-hoc committee is thus incongruous and incompatible with continuation of the order dated 24.12.2023 whereby the newly elected Executive Committee of the WFI has been instructed to abstain from administering and managing the day-to-day activities of the Federation with immediate effect.

29. It is noted that the MYAS did not express any reservation or protest,



when the ad-hoc committee was dissolved by the IOA on 18.03.2024. It does appear that the dissolution of the ad-hoc committee enjoyed the tacit approval of the respondent no.1/MYAS. This is also evident from the submissions of learned senior counsel for the Respondent no.1/MYAS in these proceedings that India's participation in international events including Paris Olympics, 2024 would be jeopardized if an ad-hoc committee continues to be in place. In this regard, reference may also be made to the following portions of the affidavit dated 16.04.2024 filed on behalf of the respondent no. 1/MYAS:

*“8. ....It is further submitted that as per UWW Regulations, only UWW affiliated national federation is authorized to upload the entries using the competition administration system (“Athena”), in accordance with the rules and deadlines provided by UWW. No other option of participation of Indian players in events recognized by the UWW, Olympic qualification pathways or Olympic can be exercised*

xxx

xxx

xxx

*11.2. It is respectfully submitted that in less than 100 days herefrom the Paris Olympic 2024 are slated. The country can ill afford to brook any mandate/interdict/memo of any kind by either the international Olympic Committee (IOC) or the United World Wrestling (UWW).*

*11.3 It is respectfully and humbly urged that the international bodies mentioned in para (11.2) supra are quick to issue mandate/interdict/memo if they perceive any third party interference in the purity of sports administration so much so that the governmental interference too is not taken kindly.*

*11.4 The Answering respondent therefore is bound to tread on cautious ground to avoid any overt mandate/interdict/memo by the international bodies under whose aegis the Olympic Games and Paris Olympics 2024 is being held.*

*11.5 The Answering respondent's cautious approach is tempered by a striking precedent in August, 2022 when under similar/analogous circumstances, FIFA, the international controlling body of football discipline suspended All India Football Federation, which resulted in suspending FIFA under 17 Women's World Cup in India and non*



*participation of Indian Teams/Clubs in any international event, when Hon'ble Supreme Court had appointed Committee of Administrators (CoA) for managing the affairs of AIFF, apart from preparing amended constitution of AIFF and conduct elections of Executive Committee of AIFF. On directions of Hon'ble Supreme Court, the answering Ministry got in touch with FIFA, which made it categorically clear that CoA for AIFF has to be terminated before FIFA could consider to lift the suspension of AIFF. Answering Ministry apprised the Hon'ble Supreme Court of FIFA's stand. Hon'ble Supreme Court vide its order dated 22.08.2022 is SLP No. 30748-30749/2017 directed, inter alia, to terminate CoA. Subsequently, FIFA lifted suspension of AIFF on 26.08.2022. Copy of Supreme Court's Order dated 18 May 2022 in SLP No. 30748-30749/2017 is annexed and marked as Annexure-R1/1. Copy of Supreme Court's order dated 03.08.2022 in SLP No. 30748-30749/2017 is annexed and marked as Aneexure-R1/2. Copy of FIFA's letter dated 15.8.2022 suspending AIFF is annexed and marked as Aneexure R1/3. Supreme Court's Order dated 17.08.2022 asking Union of India to take a proactive role in the matter so that holding under 17 FIFA World Cup and lifting the suspension of AIFF, in order to achieve that object, is duly facilitated, is annexed and marked as Aneexure R1/4. Copy of the Hon'ble Supreme Court's Order dated 22.08.2022 is annexed and marked as Annexure R5. Copy of the FIFA's letter dated 26.8.2022 lifting the suspension of AIFF is annexed and marked as Aneexure-R1/6.*

*11.6 It is in these exceptional and trying circumstances that the Answering respondent, keeping in paramount view the national interest and the order and the spirit of the Hon'ble Supreme Court, is doing its utmost to avoid any adverse interference by the international body which could have the effect of the national athletes being unable to participate under the National Flag resulting in a calculated deprivation of expected and anticipated medals and glory in the prestigious Olympic in wrestling discipline.”*

30. During the arguments held on 24.05.2024, it was also contended by learned senior counsel appearing on behalf of the respondent No. 1/ MYAS that there has been an improvement in the manner in which the affairs of the respondent no.2/WFI are being conducted. In this regard, three developments were cited namely (a) change of official address of R2/WFI's office to another site, (b) constitution of an Internal Complaint Committee





allegedly at the behest of UWW and (c) election of 6 Wrestlers in the WFI's Athlete Commission nominated by Office Bearers of its State Member Association.

31. Notwithstanding the above, considering that the order dated 24.12.2023 issued by the Respondent No. 1/ MYAS qua the WFI continues to be in place and considering that there is nothing on the record of this Court to conclude that the concerns which impelled the issuance of the said order in the first place, stands allayed or resolved, the dissolution of the ad-hoc committee is held to be unwarranted.

32. During the course of arguments, learned senior counsel for the Petitioner has referred to Clause 8.5 of the National Sports Development Code of India, 2011, which provides that the respondent no.1 reserves the right to suspend or withdraw the recognition of any NSFs in the event of serious irregularity being detected in their internal functioning. Annexure-3 of the NSDCI, 2011 expressly provides consequence of suspension/ withdrawal. In the present case, the order dated 24.12.2023 does not go so far as to suspend the recognition of the WFI (which would have far reaching implications). It only interdicts the newly elected Executive Committee of the WFI from administering and managing the day-to-day activities of the Federation. There is, thus, all the more reason for putting in place an effective mechanism to administer and manage the Federation (WFI).

33. In the aforesaid circumstances, this Court finds that till the suspension order dated 24.12.2023 is revisited/reviewed/recalled, it is necessary for an ad-hoc committee to manage the affairs of respondent no.2/WFI.

34. This Court also finds that the possibility of reprisal/ disapproval by the International body (UWW) cannot afford any valid justification for not



implementing the order dated 24.12.2023 or in constituting an Ad-hoc committee in terms of the request made by the MYAS to the IOA. Considering that it is the stand of the MYAS itself that the order dated 24.12.2023, and the consequential request for constituting an ad-hoc committee, has been validly and justifiably made in accordance with law, there is no reason for the MYAS to adopt a passive approach which undermines its own orders/ decisions. The remote possibility of the UWW taking umbrage ought never prevent the MYAS from doing what it must to implement good governance practices consistent with the NSDCI, 2011, and the law of the land.

35. It has also been rightly pointed out that in the past, in the context of some other NSFs, similar apprehensions of adverse action on account of perceived “governmental interference” or “third party interference”, could be allayed through a process of co-operative and interactive engagement with the concerned international federations.

36. It is well settled that adherence to good governance practices, as duly incorporated in the regime of the NSDCI, 2011, is part of the law of the land. In this regard, reference may be made to the observations of a Division Bench of this Court in *Indian Olympic Association vs. Union of India*, 2014 SCC OnLine Del 2967 wherein it has been held as under:

*“72. An added reason why the petitioners’ argument has to fail is that even otherwise, the laws of the land – as well as norms which are binding upon citizens and entities such as the petitioners when they engage with the state or seek its aid or assistance – must prevail in a uniform and non-arbitrary manner. Surely, neither IOA nor any NSF can complain that the operation of provisions of law, which affect their functioning, such as grant of tax exemptions, state policies enabling them to claim access to resources, labour and employment laws and a host of general laws applicable to all others would apply. The argument of governance autonomy in such cases cannot prevail over those*



*principles and provisions of law or norms uniformly made applicable to all, who might access those very resources. The ruling in The Ahmedabad St. Xaviers College Society v. State of Gujarat, AIR 1974 S. C. 1389 is, in this context, instructive as well as significant. The Supreme Court held that the seemingly absolute nature of a linguistic or religious minority community to establish and administer an educational institution of its choice, under Article 30 of the Constitution of India, does not extend to an entitlement to claim affiliation without fulfilling the prescribed conditions, or immunity from observation of general laws or policies which have to be applied.*

*73. State or social concern in regard to regulation of sports can be achieved, inter alia, through the method of requiring certain definitive policies to be followed by the NSFs and the IOA to ensure its representative character, aimed at the larger common good in the world of sport and to avoid development of cliques or cabals in sporting federations or bodies. Such cabals beget not only concentration of power, but thrive in opaqueness in all their dealings-functioning, finances and most importantly selection of sportspersons to represent the country in the concerned field of sport. The overriding concern of the Central Government in ensuring that the decision making are by bodies which such cabals operate, is sought to be achieved by such tenure restrictions. So long as the Central Government has the authority to recognize the national sporting federations and the IOA, even for the purpose of funding and declaring which of them is entitled to use the national emblem or use the term “India”, insistence on such regulations, is legitimate. The important aspect here is that the Central Government, through the Code is not saying that absent such compliance, there would be any deprivation of an existing right; all that it suggests is that if recognition and funding for various purposes is sought (towards travel, boarding and lodging, coaching facilities, tax exemptions, etc) the NSF has to comply with these guidelines. In other words, it is not as if the violation of such norms leads to any adverse consequence, in the form of a penal sanction, or blacklisting. The body simply cannot claim to select a team that represents “India” or hold itself out as “Team India”. The Petitioners’ argument that Sports Code provisions are unenforceable, as they are not “law” therefore, is without merit.”*

37. As such, insistence on compliance with the law of the land (which includes NSDCI, 2011) cannot be construed as “governmental interference” or “third party interference” so as to invite any adverse action from the



international body.

38. It is also relevant to note that every international federation which is managing and administering an Olympic discipline has a mandatory pre-requisite eligibility criteria for affiliation, that the concerned national federation has to be a duly affiliated member of the concerned National Olympic Committee (NOC) i.e. Indian Olympics Association (IOA) in case of India.

39. In the instant case, the respondent no. 2/WFI being an NSF for the sport of wrestling in India is a duly affiliated member of the Indian Olympic Association (IOA). A perusal of the Constitution of IOA reveals that it contains the following provisions:

*“25.2 The Indian Olympic Association shall be governed in accordance with the IOA Constitution, the Olympic Charter and the law of land.”*

40. As such, adherence to the “law of land” (which includes NSDCI, 2011 and other provisions of Indian law) is mandated on account of the Constitution of the National Olympic Committee (IOA) itself. Also, Article 26.1.5 of the Constitution of IOA recognizes that an NSF may have to suffer loss of recognition due to non-adherence with the “international or national sports code”. The said stipulation reads as under:-

*“26.1. The I.O.A General Assembly, either directly or through the IOA Executive Council, is entitled to consider disaffiliation/de-recognition/suspension of the National Sports Federation/State Olympic Associations on one or more of the under mentioned grounds, after ensuring that a Show Cause Notice has been served and an explanation has been obtained and considered from the organization recommended for disaffiliation/ de-recognition/ suspension.*

*26.1.1 Non-observance of directives issued by the Indian Olympic Association from time to time.*



*26.1.2 Not holding elections after the completion of the normal tenure for which the officer bearers are elected.*

*26.1.3. Not submitting annual audited statement of accounts, annual report and list of current officer-bearers within the stipulated time period.*

*26.1.4 Disaffiliation/De-recognition by the International Federation of the Sports.*

*26.1.5 Loss of recognition due to non-adherence under the international or national sports code.*

41. For all the above reasons, any apprehension of action/reprisal by the international body, need not deter the MYAS from enforcing its order dated 24.12.2023, if so warranted (unless the said order dated 24.12.2023 is itself recalled or reviewed). Also, in any event, since the Paris Olympic Games 2024 is already over, there is no reason why the respondent no.1 should feel constrained in taking / implementing requisite decision/s as to whether the suspension qua respondent no.2 is required to continue or not and/or whether there needs to be an ad-hoc committee for managing the affairs of respondent no.2.

42. It is also pertinent to note that Article 6.1 of the Constitution of UWW itself makes it mandatory that the concerned NSF must be recognized by the National Olympic Committee (IOA). As noticed, the IOA Constitution itself insists on rigorous adherence to the Sports Code and the law of land.

43. Since this Court has concluded that the dissolution of the ad-hoc committee was unwarranted, it restores the mandate of the ad-hoc committee appointed by the IOA *vide* order dated 27.12.2023. However, it shall be open to IOA to reconstitute the ad-hoc committee so as to ensure that the same is a multi-member body comprising of eminent sportsperson/s and/or



experts who are well-versed in dealing with the International Federations, so as to allay any concerns that the UWW might have as regards the steps taken qua the WFI.

44. Further, it is clarified that the ad-hoc committee shall continue to act as such, only till such time as the order dated 24.12.2023 issued by the Respondent No.1/MYAS is in force. It shall be open to the Respondent No. 1 to withdraw/review the said order, if circumstances so warrant. This order shall not be construed as imposing any limitations or constraints in this regard.

45. Further, at the present stage, this Court is not inclined to accept the prayer of the petitioner to the effect that any retired judge of this Court or the Supreme Court be appointed as the administrator. It is deemed apposite to have a multi-member ad-hoc committee (as mentioned aforesaid) to manage and control the affairs of the respondent no. 2.

46. It is further made clear that the mandate of the ad-hoc committee shall be as set out in paragraph 3 of the Communication (No.51-2/2023-SP-III) dated 24.12.2023 issued by Respondent No.1/ MYAS to the IOA, viz. “ *to manage and control the affairs of the WFI, as per the defined role of NSFs in the National Sports Development Code of India-2011, including the selection of athletes, making entries for the participation of sportspersons in international events, holding of sporting activities, etc.*”

47. As regards the contention that the constitution of respondent no.2 and its affiliated units is not in accordance with the NSDCI, 2011 and a roadmap is required to be put in place to ensure compliance with the NSDCI, 2011, the same shall necessarily be considered at the stage of final disposal of the writ petition, after comprehensively hearing all the concerned parties on this



aspect.

48. It is made clear that the above directions are subject to further order/s that may be passed in the writ petition; further, this interim order shall not be construed as a final expression of opinion on the merits of the contentions of the parties.

49. With the aforesaid directions, the present application is disposed of.

**SACHIN DATTA, J**

**AUGUST 16, 2024**

*at, dn, sv*