

\$~44 & 45.

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

+ **W.P.(C) 8691/2020 and 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, CM APPL. 31934/2022, CM APPL. 32478/2022, CM APPL. 35858/2022, CM APPL. 5248/2023, CM APPL. 5249/2023, CM APPL. 5287/2023**

RAHUL MEHRA

..... Petitioner

Through: Petitioner in person with Mr. Chaitanya Gosain and Mr. Anand Thumbayil, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Chetan Sharma, ASG and Mr. R. Balasubramaniam, Sr. Adv., Mr. Anil Soni, CGSC, Mr. Vinayak Sharma, Mr. Amit Gupta, Mr. Vikramaditya Advs.  
Mr. Kirti Uppal, Sr. Adv. with Mr. Aditya Vikram Singh and Ms. Riya, Advs. for NRAI.  
Mr. Dilip Kr. Niranjana, Adv. for IOA.  
Mr. Ankur Goel, Adv. in C.M. No. 5248 & 5249/2023.

+ **W.P.(C) 17601/2022**

SANTOSH KUMAR TIWARI

..... Petitioner

Through:

versus

UNION OF INDIA AND ANR

..... Respondent

Through: Mr. Anil Soni, CGSC, Mr. Vedansh Anand, Adv.  
Mr. Aditya Vikram Singh, Adv. for NRAI.  
Mr. Dilip Kr. Niranjana, Adv. for IOA.

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**  
**25.04.2023**

%

1. The present Writ Petitions have been filed challenging certain decisions dated 03.10.2020, 06.10.2020, 09.10.2020, 19.10.2020 & 20.10.2020, passed by the Union of India, renewing the recognition of certain sports federations, which, according to the Petitioner herein, are in violation of National Sports Development Code of India, 2011 (*hereinafter referred to as the 'Sports Code'*) and various judgments passed by this Court.

2. This Court, in various orders passed in the present Writ Petitions, has time and again expressed that all is not well in various sports federations and they are being run contrary to the Sports Code. On 03.06.2022, this Court passed the following directions:

*“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.”*

3. CM APPL. 5287/2023 has been filed seeking modification of orders dated 02.06.2022, 03.06.2022 & 19.01.2023.

4. Pursuant to the Order of this Court, various affidavits have been filed by the Union of India stating that majority of the Sports Federations are in full compliance of the Sports Code, a contention which is vehemently opposed by Mr. Rahul Mehra, learned Sr. Advocate who appears in person.

5. On 20.07.2022, when faced with the fact that because of the Order

dated 03.06.2022, the participation of the Indian teams in various disciplines of Commonwealth Games will be difficult, this Court passed the following directions as to how the funds should be released:

*“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 Writ Petition has been taken up for hearing on various dates to ensure that the Sports Federations comply with the Sports Code and the judgments passed by this Court. On 13.04.2023, during the arguments, Mr. Mehra was requested to suggest some ways to deal with the various Sports Federations and to ensure that the Sports Code is complied by the Federations. An affidavit has been handed over in Court by Mr. Mehra on 20.04.2023. Question has also arisen regarding disbursement of funds to ensure proper participation of the Indian team in various disciplines in Asian Games which are to be held between 23.09.2023 to 08.10.2023 in Hangzhou, China. A copy of the affidavit filed by Ms. Mehra was given to the Union of India on 20.04.2023. The Union of India has also filed an

affidavit dated 25.04.2023. Relevant portions of the said affidavit dealing with the present mechanism of disbursement of funds reads as under:

*“28. That with regard to the release of funds to NSFs, it is submitted that all instructions and financial probity relating to the release of government funds are followed, which are required to be followed for the release of government money to any entity. There is a prescribed procedure for the release of funds to NSFs 21415/2020 and prescribed norms of assistance for various activities relating to training and competitions. Proposals of the NSFs for training and competitions are considered and deliberated upon in the meetings of the Annual Calendar of Training & Competitions (ACTCS), in which representatives of NSFs, Sports Authority of India and the Department of Sports take part and finalize the proposals. Meetings of ACTC are chaired by the Secretary of the Department of Sports. Funds are released in respect of only those proposals which have been approved under ACTC. If for some reason, some proposal is submitted subsequent to the finalization of ACTC; the same is examined on merits.*

*29. That the funds released to NSFs are duly audited and certified by the CAG-empanelled Chartered Accountants. There are adequate checks and balances in place, including disbursal of funds through the Public Finance Management System (PFMS). So there is no chance of misappropriation and mis-utilization of Government funds. If there are specific instances of mis- utilization, then the same should be specifically pointed out with supporting documents. It is not fair to doubt the integrity of the institution of Chartered Accountants/Auditors. They are well respected, qualified professionals regulated by the Institute of Chartered Accountants of India (ICAI), which is a statutory body set up under an Act of the Parliament of India. The Chartered Accountants Act, 1949 provides*

*for addressing any misdemeanour on the part of the members of the ICAI. It is not proper and fair to paint and brand everybody as corrupt and dishonest and thus cast doubt on the very foundation of such a vast edifice of statutory accounts management.*

*30. That the agencies exist to investigate any complaint of misuse of public funds, and NSFs are no exceptions, and the petitioner, with special knowledge of wrongdoings, can always approach the concerned agencies to address his concerns.*

*31. That the Government is not giving any largesse to any NSF. Funds are provided for the training and competitions of sportspersons as per the norms prescribed. Participation in competitions, both domestic and international, are equally important for a sportsperson as training. It is also important to FUBLI 2220 host important international events as hosting international sporting events can have a significant positive impact on the NDIA host country, from promoting sports and physical activity to preparing a cadre of sports officials, support staff, and physical infrastructure, boosting the economy and tourism. The norms for assistance for various activities such as the conduct of national championships, the conduct of international tournaments, diet and supplement charges, boarding & lodging charges, out-of-pocket allowance, air travel, journey by train, remuneration for coaches, sports doctors, physiotherapists, masseurs, sports psychologists and mentors etc. are prescribed under the Scheme of Assistance to NSFs and grants are released strictly in accordance with these norms. In the first instalment, 75% of the grant is released, and the balance is released on submission of the utilization certificate for the previous grant. Utilization certificates and audited statements are duly certified by CAG-empowered Chartered Accountants.*

*32. That separately and more importantly, the CAG carries out the audit of the Ministry and SAI also, and all files and matters of financial grants handled in the Ministry and SAI are subjected to audit by CAG and if any violations are found audit objections are raised and further examined and acted upon as per procedure established by law. When there is an elaborate procedure for the release of grants and norms of assistance are fixed, there is no need or requirement for any third party to monitor the release of funds to NSFs”*

7. At present, the Committee which is overseeing the disbursement of funds to the various sports federations consists of Secretary, Department of Sports; Director General of Sports Authority of India and the Joint Secretary, Department of Sports. To ensure that sports personnel are also included in the process of disbursement of funds so that the funds released by the Government goes only for the purpose of betterment of sportsmen, their training and to ensure that a good team is sent to represent the country for the Asian Games, this Court deems it expedient to modify the Order dated 03.06.2022 by which this Court had directed that the Government monies should not be spent on any National Sports Federation. This Court also appoints Mr. Abhinav Bindra and Mr. M. M. Somaya as members of the Committee which is overseeing the disbursement of amounts, which, at present is being administered by Secretary, Department of Sports; Director General of Sports Authority of India and the Joint Secretary, Department of Sports. The Committee will, therefore, have five members and shall oversee the disbursement of funds to the various Sports Federations for the purpose of selecting Indian Teams for various disciplines to represent the country in

Asian Games which are to be held in Hangzhou, China from 23.09.2023 to 08.10.2023.

8. The Committee shall ensure that the money is spent only on the sportsmen, their training, etc. It is made clear that the Government money should be spent only on training and travel of sportsmen for their selection in Indian team, on arranging coaches for them and on other necessary equipments and services like on physiotherapists, trainers, etc. The Government money will not be spent on office bearers of the Sports Federations who are not concerned with the sports person.

9. List on 30.05.2023.

**SATISH CHANDRA SHARMA, CJ**

**SUBRAMONIUM PRASAD, J**

**APRIL 25, 2023**

*Rahul*