

ITEM NO.4

COURT NO.3

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 19212/2022

(Arising out of impugned final judgment and order dated 25-05-2022 in WPC No. 5703/2020 passed by the High Court of Delhi at New Delhi)

RAJINDER SINGH

Petitioner(s)

VERSUS

ASLAM SHER KHAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.89249/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.89248/2022-PERMISSION TO FILE SLP and IA No.101872/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 19210/2022 (XIV)

(FOR ADMISSION and I.R. and IA No.89246/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.89244/2022-PERMISSION TO FILE SLP and IA No.89245/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-08-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Amit Sibal, Sr. Adv.
Ms. Mithu Jain, AOR
Mr. Akshay Kumar, Adv.
Mr. Lakshay Sharma, Adv.
Mr. Apoorve Karol, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Hrishikesh Baruah, Adv.
Ms. Astha Sharma, AOR
Ms. Mantika Haryani, Adv.
Mr. Ankit Jaglan, Adv.

For Respondent(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Natasha Dalmia, Adv.
Mr. Suchakshu Jain, Adv.
Ms. Jhanvi Dubey, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Permission to file the Special Leave Petitions granted.

- 2 A Division Bench of the High Court of Delhi, by its judgment dated 25 May 2022, held that the creation of the posts of Life President and Life member in the National Sports Federation (Hockey India) is illegal. Similarly, the post of CEO in the Managing Committee with voting rights has been held to be illegal. This conclusion is based on the finding that the creation of these posts is contrary to the provisions of the National Sports Code 2011, formulated by the Union Government. The High Court held that till such time that the Constitution of Hockey India is brought in conformity with the National Sports Code, its affairs should be placed under a Committee of Administrators¹. The CoA so appointed consists of a former Judge of this Court, a former Chief Election Commissioner, who has also served as Secretary in the Ministry of Youth Affairs and Sports and a former Olympian and captain of the Indian Hockey Team, who is also a Padmashri awardee. The High Court has directed the CoA to ensure that the Constitution of Hockey India is duly amended to bring it in conformity with the judgment, which in turn is based on the National Sports Code. The CoA was directed to hold elections and to hand over the affairs to a democratically elected body in terms of the Constitution which would be adopted preferably within a period of twenty weeks.

- 3 Following the judgment of the High Court, the International Hockey Federation² has communicated with the CoA. The communications of FIH dated 17 July 2022 and 20 July 2022 emphasize that the FIH Men's World Cup is scheduled to be

1 "CoA"

2 "FIH"

held from 13 to 29 January 2023 in Bhubaneswar and, hence, it is necessary that the elections are held expeditiously in terms of the new Constitution so that the newly constituted Executive Committee can continue to work pro-actively in preparation of the tournament.

- 4 The principal submission which has been urged on behalf of the petitioners by Mr Amit Sibal, learned senior counsel is that the gravamen of the challenge before the High Court was to the creation of three specific posts, namely, the posts of Life President, Life Member and a CEO with powers of the President and voting rights in the Executive Committee. Learned senior counsel submits that on 29 January 2021, the Constitution of Hockey India was duly amended so as to abolish the post of Life President; to remove the voting rights for the posts of Life Member; and likewise, in respect of the powers of the President and voting rights which were attached to the post of CEO. It was urged that the term of the existing Executive Committee commenced on 1 October 2018 following the holding of elections and would have ended on 1 October 2022. Hence, it was submitted that it was not necessary or appropriate for the High Court to place the affairs of Hockey India in the hands of the CoA by superseding the elected body when the only dispute pertained to the creation of the three posts.
- 5 The High Court has furnished valid reasons why it has considered it necessary to appoint the CEO. That apart, Mr Gopal Sankaranarayanan, learned senior counsel appearing on behalf of the first respondent, has placed on the record a First Information Report, which has been registered by the Central Bureau of Investigation on 14 July 2022 against:
 - (i) Narinder Dhruv Batra, President, IOA;
 - (ii) R K Srivastava, Executive Director, Hockey India;

- (iii) Rajinder Singh, the then President, Hockey India and Secretary General, Hockey India; and
- (iv) Mohd Mushtaque Ahmad, the then Secretary General, Hockey India, among other persons.

7 In view of the above developments which have taken place, we find that the judgment of the High Court appointing a CEO would not warrant interference in these proceedings under Article 136 of the Constitution.

8 At the same time, we take notice of the communications which have been issued by FIH on 17 July 2022 and 20 July 2022 to the CoA highlighting that FIH and the Asian Hockey Federation would be willing to cooperate with the CoA so as to bring the Constitution in line with the rules (the National Sports Code) laid down by the Union Government so that the elections to the Executive Committee of Hockey India can be held in accordance with new Constitution. The communications have also underscored the need for expeditious conclusion of the electoral process well in time for the FIH Men's World Cup which is scheduled between 13 and 29 January 2023. We would, therefore, underscore the importance of the CoA actively engaging with FIH so as to ensure that the process of amending the Constitution in conformity with the judgment of the High Court and the National Sports Code is concluded expeditiously and that the elections are also held on an expeditious footing well in time to allow the newly elected Executive Committee to put into place logistical arrangements for conducting the World Cup. The CoA shall take necessary steps in that regard.

8 Save and except for the aforesaid direction, the judgment of the High Court is not interfered with. The Special Leave Petitions are dismissed.

9 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
COURT MASTER