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

**BEFORE**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

\+ **W.P.(C) 20/2021, CM APPL.60/2021 and CRM.APPL.46202/2022**

Between:

**YOGA FEDERATION OF INDIA, THROUGH ITS ZONAL SECRETARY YASH PARASHAR ,** 7th, SHATABDI PURAM, GHAZIABAD, UTTAR PRADESH-201001.

.....PETITIONER

*(Through: Mr. Rahul Mehra, Sr. Advocate with Mr. Devvrat Sharma, Mr. Chaitanya Gosain and Mr.Hanif Chimthanwala., Advocates.)*

Versus

**1. UNION OF INDIA**
THROUGH ITS SECRETARY , MINISTRY OF YOUTH AFFAIRS AND SPORTS, SHASTRI BHAWAN, C-WING, DR. RAJENDRA PRASAD ROAD, NEW DELHI- 110001

**2. MINISTRY OF AYURVEDA, YOGA & NATUROPATHY, UNANI, SIDDHA, AND HOMEOPATHY (AYUSH)**
THROUGH ITS SECRETARY GPO COMPLEX, AYUSH BHAWAN, B BLOCK, INA, NEW DELHI, DELHI -110023

**3. NATIONAL YOGASANA SPORTS FEDERATION**
THROUGH ITS SECRETARY, 68, ASHOKA ROAD, NEAR GOLE DAK KHANA, NEW DELHI- 110001.

.....RESPONDENTS

*(Through: Mr. Ripudaman Bhardawaj, CGSC with Mr. Udit Dedhiya, SPC with Ms. Apurva Sachdev, Mr. Preyansh Gupta, Mr. Kushagra Kumar, Mr. Amit Kumar Rana, Advocates for Respondent No.1.*
*Mr. Vishnu Sharma and Ms.Vanshika Sharma, Advocates.*
*Mr. Sameer Rohatgi, Mr, AkshitPardhan, Mr. Vishnu Sharma, Ms. Muskan Goyal, Mr. Anish Singh, Ms. Vanshika Sharma Advs. for Respondent No.3)*

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% Reserved on: 21.05.2026
Pronounced on: 09.07.2026

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"*The practice of sport is a human right. Every Individual must have access to the practice of sport, without discrimination of any kind.*"[1]

Yoga is among the oldest continuously practiced disciplines in human civilisation. The word first appears in the Rig Veda, the oldest of the four Vedas, and among the oldest surviving sacred texts in the world, derived from the Sanskrit root *yuj*, meaning to yoke or to unite. In its earliest Vedic usage, the term described the harnessing of a draft animal to a war chariot: an image of disciplined forces brought into purposeful alignment. Over three millennia, that single word travelled from the battlefield to the ashram, from the yoking of horses to the stilling of the mind. A journey that is not a coincidence of etymology but the record of a civilisation's deepest and most sustained inquiry into the nature of the human condition.

2. From the Rig Veda, the presence of yoga deepens and diversifies across the entire sweep of ancient Indian literature. The Atharva Veda, gave emphasis to the control of breath as a form of inner discipline. The Brahmanas, a body of Sanskrit prose texts attached to the four Vedas began the interiorisation of ritual that would prove foundational to later yoga; the shift from external ceremony toward internal transformation.

3. The Upanishads, over two hundred texts revolutionised Indian spiritual thought by centring the inquiry upon self-knowledge, consciousness, and liberation. The Katha Upanishad, among the earliest, employs the chariot metaphor that yoga teachers would invoke for centuries; the intellect as charioteer, the body as the chariot, the senses as horses, an

[1] Olympic Charter, Fundamental Principles of Olympism, Principle 4.

image for the practitioner's effort to bring the unruly forces of human experience under disciplined governance.

4. The Mahabharata, the great epic attributed to the sage Vyasa contains approximately nine hundred references to yoga across its narrative and philosophical expanse. Embedded within its sixth book, the Bhishma Parva, at chapters twentythree through forty, is the Bhagavad Gita, which describes three great paths of human striving: *karma yoga*, the yoga of selfless action performed without attachment to its fruits; *jnana yoga*, the yoga of knowledge and wisdom; and *bhakti yoga*, the yoga of loving devotion. In each of these paths, yoga is not a physical regimen. It is the disciplined orientation of the entire human personality, thought, will, feeling, and action toward a transcendent end.

5. The competitive discipline of Yogasana, as it is practised and administered today, awards points on the basis of balance, control, flexibility, and endurance demonstrated in standardised postures. The transformation from Patanjali's meditative instruction, *sthirasukham*, steadiness and ease, to the competitive arena is long and indirect. But the lineage is unbroken, and the civilisational root is the same. The State's decision to regulate and institutionalise this discipline is an exercise of power and authority over a domain that is simultaneously ancient in its origins and contemporary in its institutional expression.

6. Patanjali, composing his Yoga Sutras opened with a deceptively simple announcement, *atha yoga anushasanam* i.e., now begins the discipline of yoga. The word he chose, *anushasanam*, is not merely

instruction or teaching. It is governance: the governance of the self, the stilling of the mind's ceaseless fluctuations, the imposition of disciplined order upon the chaos of human experience.

7. Patanjali's word for the exposition of yoga, *anushasanam* carries within it the idea of governance: the disciplined ordering of the self toward a higher purpose. More than 2000 years after Patanjali composed his Sutras, the present petition invites this Court to examine a governance of a different kind, the governance of Yogasana as a competitive sport by the institutions the State has created for that purpose, and whether those institutions, in exercising the powers entrusted to them, followed the rules they themselves prescribed.

8. It is in this context, of a civilisational practice acquiring the legal infrastructure of a modern competitive sport, that this Court is called upon to examine whether the Ministry of Youth Affairs and Sports (hereinafter **"Sports Ministry"**), in granting recognition to the National Yogasana Sports Federation as the National Sports Federation for the sport of Yogasana *vide* letter dated 27.11.2020, acted in accordance with the very framework it had prescribed for that purpose.

## I. FACTUAL MATRIX

9. The Yoga Federation of India, the petitioner, claims to have been established in 1974 and has since administered the competitive practice of yoga in India. Over nearly five decades, the petitioner claims to have built an institutional presence that spans thirty-four State and Union Territory affiliations, forty-four consecutive National Championships conducted at

Senior, Junior, and Sub-Junior levels for both men and women, affiliation with the International Yoga Sports Federation since 1989 and with the Asian Yoga Federation since 2010, six World Championship victories, and the hosting of four World Championships on Indian soil.

10. In December 2019, the petitioner submitted a formal application to the Respondent No. 1- Sports Ministry for recognition as the National Sports Federation for the sport of yoga under the Sports Code. Over the following years, the Sports Ministry engaged with the petitioner through repeated correspondence, acknowledging the application and, as recently as July 2020, expressly assuring the petitioner vide letter dated 24.07.2020 that its application remained under active consideration. Four months after that assurance, the application remained undecided. Contents of the letter dated 24.07.2020 are reproduced as under:-

> *"I am directed to refer your representation No. YFI/16689 dated 16.12.2019 on the subject cited above and to intimate that your request has been noted for suitable action and future references as please."*

11. In November 2019, the International Yogasana Sports Federation was established. Less than nine months later, on 21.08.2020, the National Yogasana Sports Federation now Yogansana Bharat/Respondent No. 3 was constituted and registered on the recommendation of the International federation. Two months after its registration, Yogasana Bharat *vide* letter dated 21.10.2020 applied for recognition as the National Sports Federation (hereinafter "**NSF**") for the sport of Yogasana.

12. Eight days after Yogasana Bharat applied to be recognised as NSF, The Ministry of Ayurveda, Yoga and Naturopathy Unani, Siddha, Sowa

Rigpa and Homeopathy (hereinafter "**AYUSH**")/ Respondent No. 2 addressed an Official Letter dated 29.10.2020 to the Sports Ministry recommending that Yogasana Bharat be recognised as NSF. The letter dated 29.10.2020 is reproduced as under:-

> *" The National Board for Promotion and Development of Yoga and Naturopathy (NDPDYN) in its 5th meeting held on 11.07.2019 had recommended to include Yogasana as Sports to enhance its accessibility in the area of sports. Accordingly, Ministry of AYUSH and Ministry of Youth Affairs and Sports have been closely working to establish Yogasana as a competitive sport. Various meetings and deliberations in this regard have been held between these two Ministries.*
>
> *2. Further, I am happy to inform that in pursuance of your Ministry's advice to build necessary infrastructure for declaration of Yogasana as one of the Sports discipline, Ministry of AYUSH has been actively undertaken initiatives for propagation of Yoga in multifaceted way across the globe.*
>
> *3. An International Yogasana Sports Federation (IYSF) under Presidentship of Yogrishi Swami Ramdev Ji has been established on 08.11.2019. The Federation has since been working on formulation of Rules & Regulations, SOPs to facilitate the organisation of Yogasana competitions. Further, on the recommendation of IYSF, a National Yogasana Sports Federation (NYSF) under the Presidentship of Dr. I.V. Basavaraddi, was also constituted and registered on 21.08.2020 to look after the work at national level of Yogasana as a sport. More initiatives are on in bringing together other stake-holders at districts level to expedite this initiative.*
>
> *It is pertinent to note that Ministry of Youth Affairs and Sports has been playing a crucial role to reach out to the youth, and promote sports in India, with its flagship programme, like the National Youth Policy, RashtriyaYuvaSashakti Karan Karyakram, National Programme for Youth and Adolescent Development, National Young Leaders Programme, Khelo India, and Fit India Movement. I firmly believe that induction of Yogasana as a Sport will play an important role not only in the promotion of Yoga, but also achieving the mission of Fit India Movement. Yogasana as a Sport discipline will add glory to the Indian sports traditions globally.*
>
> *4. The efforts of IYSF and NYSF in bringing out associated chapters in coordination with States and other Federations are appreciable.* ***This Ministry recommends that the National Yogasana Sports Federation be recognized by the Ministry of Youth Affairs and Sports so that Yogasana***

***as a competitive sport can develop and take roots, not just in India but across the world.***

[Emphasis Supplied]

13. Within a period of one month, Sports Ministry *vide* letter dated 27.11.2020 granted Yogasana Bharat the status of NSF (hereinafter "**recognition letter**"). Conversely, the petitioner's application pending for years was not referred to, considered, or mentioned anywhere in the recognition letter. No comparative assessment or justification for keeping petitioner's application out of its sight was recorded. The recognition letter sets out the conditions subject to which recognition was granted and is reproduced as under: -

> *"Subject- Grant of Government recognition to National Yogasana Sports Federation as the National Sport Federation for promotion and development of Yogasana as a competitive sport in India"*
>
> *Sir, Reference is invited to National Yogasana Sports Federation's letter No. NYSF/01/2020-21/GA dated 21.10.2020 requesting therein for recognition of National Yogasana Sports Federation (NYSF) for promotion and development of Yogasana as a competitive sport in India.*
>
> *2. The matter for granting recognition to a national level sports body for the sport of Yogasana has been deliberated at length taking into account all the relevant factors including developing Yogasana as a competitive sport. On recommendation of the Ministry of AYUSH, it has been decided to recognize National Yogasana Sports Federation as a National Sports Federation with immediate effect for promotion and development of Yogasana as a competitive sport in the country. National Yogasana Sports Federation has affiliation of International Yogasana Sports Federation.*
>
> *3. The recognition of Government to National Yogasana Sports Federation is subject to continued observance of the following terms and conditions: -*
>
> *a) The office bearers of the Federation shall invariable be appointed by election as per the Model Election Guidelines issues by the Ministry. The various instructions issues by the Ministry from time to time, including the age and tenure criteria, for holding the elective offices of the Federation shall be scrupulously followed.*

*b) The federation shall give, at least two months advance notice to the Government for any change in its Constitution. The copy of the existing Constitution and the proposed changes should invariably be sent along with the notice.*

*c) The Federation must maintain its accounts as per the Mercantile System of accounting. The accounting year should be from 1st April to 31st March. The books of accounts shall always be open to inspection by authorized representatives of the Government.*

*d) The accounts of the Federation must be audited, by a Charted Accountant, Audited Statement of account should be sent to the Union Government within six months from the date of expiry of the accounting year.*

*e) The Federation must scrupulously abide by the guidelines of the Govt. issued from the time, for the conduct of national Championship, drawing of advance calendar for holding National Championships, players grievance system in the management of the federations, etc.*

***f) The Federation shall have corresponding State/UT bodies affiliated to it in all the Sate/UTs within two years from the date of this recognition.***

[Emphasis supplied]

*g) The Federation should also abide by the directions of the Government issued, if any, in the interest of promotion of Yogasana sport among its players or Public in general.*

*h) The recognition can be reviewed by the Govt., in case Memorandum of Association (MoA) of the Federation or its practices come into conflict with the Govt. Guidelines as amended from time to time.*

*i) The Ministry's Guidelines for selection procedure shall be followed by National Yogsana Sports Federation. The tournaments shall be held for Men & Women at all levels i.e., National, State, District level for Senior, Junior and Sub-Junior categories.*

*j) The Federation shall scrupulously follow the Ministry's guidelines on RTI applicability and suo-moto disclosure of information on its website and appointment of a Public Information Officer and an Appellate Authority.*

*k) The Federation shall ensure strict compliance of the Government guidelines to prevent unethical practices in sports such as age fraud,*

*prevention of sexual harassment of women in sports, Anti-doping, issuance of identity cases to sportspersons etc.*

*4.* ***National Yogasana Sports Federation is also required to make categorical affirmation of the provisions of the Sports Codeinits Constitution within 6 months so as to bring the same in line with the Sports Code.***

[Emphasis Supplied]

*5. The recognition may be withdrawn if:*

*a) any of the terms and conditions of the recognition are violated ;*
*b) its own Constitution is violated;*
*c) directions issued by Union Govt. are not complied with as required;*
*d) in the opinion of the Union Govt., the Federation is not functional properly;*
*e) the recognition has been obtained by submitting false information or by misrepresentation of fact;*
*f) the concerned international Federation cancels affiliation or derecognizes or dissatisfies the Federation.*

*6. A copy of the National Sports Development Code of India, 2011, currently in force is available on the website of this Ministry i.e., https://vas.nic.in*

*7. The reasons for financial assistance and clearance of proposals must be submitted in the prescribed manner. Assistance may be provided to the Federation subject to the availability of funds, submission of the relevant documents, fulfilment of the terms and conditions/guidelines etc. as may be prescribed from time to time.*

14. The conditions attached to the Recognition Letter are themselves a revelation that Yogasana Bharat's constitution and functioning thereupon does not align with the National Sports Development Code of India, 2011 (hereinafter "**Sports Code**") on the date of recognition and was granted time to fulfil the obligations that the Sports Code requires to be fulfilled before NSF recognition is granted i.e., adopting a process *de hors* the established principles enshrined under the sports code.

15. This Court *vide* order dated 22.04.2021, directed the Sports Ministry to hear both the petitioner and Yogasana Bharat and to pass appropriate orders in accordance with the Sports Code. The direction specifically included the requirement that the Sports Ministry should also consider whether Yogasana Bharat's recognition be continued or not. *Vide* further order dated 05.10.2021, this Court directed the Sports Ministry to pass a detailed speaking order. Excerpts of Order dated 22.04.2021 and 05.10.2021 is reproduced respectively as under: -

**Order dated 22.04.2021**

> *"4. The Petitioner has made representations to Respondent No. 1 - Ministry of Youth Affairs and Sports which have been placed on record. Considering that the appropriate authority for giving recognition to a body as a 'national sports federation', as per Paragraph 6.1(a) read with Paragraph 8.3 of the Sports Code, 2011, is the Ministry of Youth Affairs and Sports, it is directed that representation of the Petitioner be considered and decided by the appropriate authority in the Ministry of Youth Affairs and Sports within a period of 45 days of this order.* ***The said authority shall also hear both the parties i.e., the Petitioner and Respondent No. 3 and pass an appropriate order in accordance with the Sports Code, 2011.*** *Copy of the said order be placed on record before the next date of hearing. The question as to whether the recognition as a 'national sports federation' which has already been granted to Respondent No. 3 be continued or not, will be considered in the said order.*
>
> *5.The Ministry is permitted to hear any other stakeholders it deems appropriate.* ***Further, the decision in respect of the recognition of Respondent No. 3 shall be taken afresh without being influenced by the recognition already granted".***
>
> [Emphasis Supplied]

Order dated 05.10.2021

> *"2. Even though the respondent no.1 failed to pass any order within the period of 45 days as directed by this Court, it has finally, on 10.09.2021,passed an order rejecting the petitioner's representations, which has been placed on record along with an affidavit dated 04.10.2021.* ***A***

> ***perusal of the said order, whereby the petitioner's representations have been rejected, shows that the respondent no.1 has acted in a most mechanical manner and has not even dealt with any submissions made by the petitioner in its representations.*** *When confronted with this situation, Mr.Soni, who appears on behalf of respondent no.1, concedes that the order does not even refer to any of the grounds raised by the petitioner in its 'representations and therefore, prays that the respondent no.1 be granted an opportunity to pass a fresh order specifically dealing with the submissions made by the petitioner in its' representations. As prayed for ,the respondent no.1 is granted two weeks' time to pass a fresh order. It is expected that the fresh order will deal with all the submissions made by the petitioner, failing which, this Court will be constrained to take up thematter for adjudication on the next date."*
>
> [Emphasis Supplied]

16. The writ petition, as originally filed, challenged only the recognition letter dated 27.11.2020. Upon the speaking order dated 19.10.2021 coming to be passed, the petitioner sought leave of this Court, by way of amendment, to bring that order within the scope of challenge, on the ground that it was not an independent or self-standing decision but was directly traceable to, and infected by, the very illegality alleged against the recognition of 27.11.2020. This Court allowed the amendment. It is pursuant to this amendment that the speaking order dated 19.10.2021 came to be independently impugned before this Court.

17. Between the conclusion of hearing and passing of the speaking order, Right to Information ("**RTI**") Application was preferred by Yogasana Bharat pertaining to the petitioner's registration status under the Haryana Registration Act, 2005. The RTI response so received was submitted by Yogasana Bharat through Ministry of AYUSH to the Sports Ministry on 14.10.2021, five days before the speaking order came to be passed. This response was never disclosed or shared with the petitioner, who was

thereupon afforded no opportunity to respond to it. The speaking order dated 19.10.2021 nonetheless relied upon this very document to record the specific finding that "*the petitioner had not fulfilled the requirements under the Haryana Registration Act, 2005*." This reliance stands confirmed by the Sports Ministry's own Additional Affidavit dated 05.05.2026.

18. The speaking order dated 19.10.2021 rejected the petitioner's claim to recognition on the grounds, *inter alia*, that its claimed international affiliations were found to be inaccurate upon website verification, and that its legal status was under doubt on account of two societies registered under the same name, one in Haryana and one in Ranchi, Jharkhand. The order upheld the recognition of Yogasana Bharat. It recorded no examination of whether Yogasana Bharat had satisfied the mandatory eligibility criteria of the Sports Code at the time when recognition was granted, i.e., on 27.11.2020. The direction of this Court dated 22.04.2021 to consider *"whether R3's recognition be continued or not"* received no substantive response in the speaking order.

19. Sports Ministry *vide* letter dated 01.02.2021 introduced Clause 16 into the Sports Code. That clause, styled as the Relaxation Clause, conferred upon the Government the power to relax the provisions of the Sports Code as a special exemption, subject to two mandatory conditions: that the reasons for such relaxation be recorded in writing, and that the power vest personally with the Minister-in-charge of the Sports Ministry. Clause 16 reads as under:-

> *"Government shall have the power to relax any of the provisions of the National Sports Development Code of India, 2011 and other instructions*

> *issued with regard to recognition of National Sports Federations (NSFs)...as a special exemption where considered necessary and expedient for the promotion of sports, sportspersons or to remove difficulties in giving true effect to that particular provision of the Sports Code, always being guided by and not inconsistent with the overarching spirit of good governance and ethical conduct enshrined in the Sports Code 2011. The reasons for such relaxation shall be recorded in writing. Power to relax the provision will vest with Minister In-charge of the Ministry of Youth Affairs & Sports."*

20. This clause came into existence after the recognition of Yogasana Bharat had already been granted. It was therefore not available to the Sports Ministry on 27.11.2020, date on which Yogasana Bharat was declared NSF for Sports of Yogasana. Thereafter, annual renewal letters were issued to Yogasana Bharat for the years 2022, 2023, 2024, and 2025, letters that were issued in the period during which the Relaxation Clause was in existence and available for invocation. Yet not one of these renewal letters makes any reference to the Relaxation Clause, records any reasons for relaxing a mandatory criterion, or bears evidence of personal Ministerial approval for any such relaxation.

21. The renewal letter dated 07.02.2022, the first of the annual renewals, opens with the words "*I am directed to refer to this Department's letter of even number dated 27.11.2020 vide which recognition to National Yogasana Sports Federation was granted...".*It then renews recognition "beyond 27.11.2020 upto 31.12.2021 and for year 2022 upto 31.12.2022", i.e., retroactively for a period that had already elapsed at the time the letter was issued. The same letter, at paragraph 4, still requires Yogasana Bharat to *"amend its constitution and bye-laws in line with the provisions of the Sports Code"* and to *"ensure that the State/UT units are constituted within 6*

*months"*, requirements identical to those imposed in Conditions (f) and (l) of the original recognition letter of 27.11.2020, which had themselves required compliance within six months and two years respectively. Fourteen months after the original recognition, neither had been fulfilled.

22. From the annual recognition letter for the year 2023, issued on 22.01.2024, onwards, a further qualification was introduced. Each subsequent renewal was granted not unconditionally but explicitly *"subject to the final outcome of the relevant court case(s).*The same condition appears *verbatim* in the renewal letters for 2024 issued on 02.01.2025 and for 2025 issued on 15.10.2025. It is upon this factual foundation that the issues for adjudication arise.

## II. SUBMISSIONS OF THE PARTIES

### A. PETITIONER

23. Mr. Rahul Mehra, learned senior counsel for the petitioner submits that the recognition granted to Yogasana Bharat *vide* letter dated 27.11.2020 was illegal from its inception and must be quashed. The foundational submission advanced by Mr. Mehra is that Yogasana Bharat was admittedly ineligible for recognition under the mandatory eligibility criteria of the Sports Code on the date it applied and on the date recognition was granted.

24. Mr. Mehra submits that Yogasana Bharat had existed barely for three months on 27.11.2020, falling short of the three year existence requirement by 33 months. It had no State or Union Territory affiliations, a deficit confessed in Condition (f) of the recognition letter itself. It had no audited

accounts, having existed for only three months. It had conducted no national championships at any level, Senior, Junior, or Sub-Junior, for any year preceding its application, let alone three consecutive years. And it was structurally incapable of satisfying the autonomy requirement, having been constituted on the recommendation of a body that was itself promoted by the Ministry of AYUSH, under whose institutional aegis it operated from the moment of its formation.

25. Learned Senior Counsel submits that these are not technical procedural deficiencies susceptible to waiver or subsequent cure. They are substantive conditions precedent to the exercise of the power of recognition. Their absence on 27.11.2020 rendered the recognition *void ab initio*. He further submits that both respondents' counsel, in the course of oral arguments before this Court, candidly admitted that the mandatory criteria of the Sports Code had not been satisfied at the time recognition was granted, an admission that learned senior counsel submits is conclusive on this aspect of the case.

26. The petitioner has raised concerns over the involvement of Ministry of AYUSH and the complete absence of independent examination by the Sports Ministry. He submits that the entire decision to recognise Yogasana Bharat was driven exclusively by the recommendation of the Ministry of AYUSH, a fact that the Sports Ministry itself admitted in unambiguous terms in its Counter Affidavit.

27. It is submitted that the power to recognise National Sports Federations is vested exclusively in the Ministry of Youth Affairs and Sports under the

Allocation of Business Rules, 1961. It is not a power that may be delegated to or exercised at the dictation of another Ministry. It was impermissible for the Sports Ministry to treat the recommendation of the Ministry of AYUSH as the beginning and end of its inquiry, without independently examining whether Yogasana Bharat satisfied the mandatory criteria of the Sports Code. The Ministry did not examine those criteria. It did not examine the petitioner's competing credentials and even failed to conduct a comparative assessment of the two applicants. It received a recommendation and merely acted upon it.

28. The petitioner submits that the recognition decision was tainted by a structural conflict of interest. The Ministry of AYUSH, which recommended Yogasana Bharat, had itself promoted the creation of the International Yogasana Sports Federation in November 2019.Yogasana Bharat's President headed the Morarji Desai National Institute of Yoga, an institution under the very Ministry that recommended Yogasana Bharat. The recognition chain, from the international body's creation to the national body's formation to the inter-ministerial recommendation to the grant of recognition, was a single continuous governmental act dressed in the clothes of independent sporting governance, and violates Clause 3.17 of the Sports Code and Article 27.6 of the Olympic Charter, which mandates that sports bodies must preserve their autonomy and resist all pressures of any kind, including but not limited to political, legal, religious or economic pressures.

29. Learned senior counsel for the petitioner additionally submits that the Sports Ministry is not expected to act as a rubber stamp for inter-ministerial recommendations any more than it is expected to act as a rubber stamp for

international federation recommendations, and that independent examination of the mandatory criteria is not a discretionary exercise but a statutory obligation.

30. He submits that the speaking order dated 19.10.2021 was passed in violation of the principles of natural justice. A RTI response submitted by Yogasana Bharat through the Ministry of AYUSH on 14.10.2021 was relied upon to make adverse findings against the petitioner without ever being disclosed to them or affording the petitioner an opportunity to respond. Additionally, the speaking order comprehensively examined why the petitioner should not be recognised but never examined whether Yogasana Bharat met the mandatory criteria. In non-compliance with this Court's direction of 22.04.2021 which explicitly required consideration of whether Yogasana Bharat's recognition be continued or not.

31. On the annual renewals, the petitioner submits they are consequential and derivative orders, the first of which expressly refers to and derives from the parent recognition of 27.11.2020.

**B. RESPONDET NO.1 (MINISTRY OF YOUTH AFFAIRS AND SPORTS)**

32. Mr. Udit Dedhiya, learned counsel for Sports Ministry submits that the recognition granted to Yogasana Bharat was a lawful exercise of their discretionary power under the Sports Code and does not warrant any interference.

33. He submits that the recognition of NSF is not a matter of right. Clause 5.1 of Annexure-II of the Sports Code places the grant of recognition purely within the discretion of the Government of India, subject to terms and conditions as it deems appropriate. The petitioner therefore cannot claim that any statutory right has been infringed by the Ministry's decision to recognise Yogasana Bharat and accordingly petitioner lacks *locus standi* to sustain the present proceedings.

34. Justifying Ministry of AYUSH's involvement Mr. Dedhiya places reliance on Government of India (Allocation of Business) Rules, 1961 (hereinafter "**1961 Rules**") and submits that Rule 4 of 1961 Rules provides for concurrence of all concerned ministries, where the subject matter concerns more than one ministry. The Ministry of AYUSH's letter dated 29.10.2020 was precisely such a concurrence, i.e., a communication from the Ministry responsible for yoga informing the Ministry responsible for sports of the existence of a body suited to govern Yogasana as a competitive sport.

35. Sports Ministry submits to have duly considered the application of Yogasana Bharat, weighed the recommendation of Ministry of AYUSH, and exercised its discretion in granting recognition to Yogasana Bharat. Learned counsel further submits that the mere fact that Ministry of AYUSH promoted the establishment of Yogasana as a sport and endorsed Yogasana Bharat does not lead to the conclusion that the autonomy of Yogasana Bharat is compromised, since Ministry of AYUSH was discharging its own domain responsibilities and has no role in the management or day-to-day functioning of Yogasana Bharat.

36. Learned counsel submits that Yogasana as a competitive sporting discipline cannot be equated with traditional well-established sports. It lays emphasis only on the physical side of yoga, where points are awarded on the basis of balance, control, flexibility, and endurance. The sport was first introduced through the efforts of the Ministry of AYUSH and, thereafter, supported by the Ministry of Youth Affairs and Sports.

37. The provisions of the Sports Code are flexible in certain situations and cannot be read divorced from the context of a particular sport or its stage of development. The recognition of Yogasana Bharat was granted keeping in view the nascent nature of Yogasana as a sport and the need to have a National Sports Federation that would promote and develop it. Mr. Dedhiya submits that the Sports Code cannot be mechanically applied to nascent and emerging sports and that the Sports Ministry retains the power to grant relaxations to newly created bodies governing new and emerging disciplines.

38. Learned counsel submits that Yogasana Bharat has received annual recognition for five successive years, 2021, 2022, 2023, 2024, and 2025, having submitted the requisite documentation under the annual recognition system for each year. Each annual recognition constitutes an independent fresh grant by the Sports Ministry upon satisfaction of compliance at the relevant time. The grant of five successive annual recognitions is itself evidence that the Sports Ministry was satisfied on each occasion that Yogasana Bharat had met the legal and regulatory requirements applicable at the time. The latest recognition of 15.10.2025 is the operative recognition today and holds full force.

## C. RESPONDENT NO. 3 (YOGASANA BHARAT)

39. Mr. Sameer Rohatgi, learned counsel for Yogasana Bharat submits that the recognition dated 27.11.2020 was validly granted, and that they since recognition have achieved full compliance with the Sports Code and, therefore, the present writ is not maintainable.

40. He submits that Yogasana Bharat, was not, in any meaningful sense, a newly created body at the time of recognition. It was formed as a consequence of the coming together of several long-standing yoga societies and organisations from across India, including bodies registered under the Societies Registration Act for decades. Learned counsel submits that the institutional depth of these constituent bodies must be reckoned with when assessing Yogasana Bharat's experience and track record, and that the three month old registration is not the true measure of the body's institutional vintage.

41. It is their version that the sport of Yogasana as developed and administered by Yogasana Bharat is an entirely new and novel sporting discipline, distinct from the general practice of yoga in which the petitioner has been engaged. Learned counsel submits that Yogasana Bharat has invented an entirely new competitive form by curating an original curriculum, syllabus, point systems, judging standards, and intellectual property framework. Conversely, the petitioner conducts competitions in the general discipline of yoga, which, he submits, had not taken the form of a competitive sport before Yogasana Bharat's intervention. Since the petitioner does not conduct the sport of Yogasana as curated by Yogasana

Bharat, it cannot, even if recognised, replace the present recognised NSF for the sport of Yogasana as the administrator of that sport.

42. Mr. Rohatgi further submits that the petitioner's own constitution is not compliant with the Sports Code, it lacks tenure restrictions for office bearers, age limits, provision for inclusion of twenty-five percent prominent sportspersons, and a clearly constituted executive body. A body that itself violates the governing law has no *locus* to challenge the recognition of a third party in proceedings under Article 226 of the Constitution. He submits that where the petitioner body itself violates the Sports Code, the appropriate course is to treat the petition as a public interest litigation, not a writ petition by an aggrieved party.

## III. ANALYSIS

### A. ILLEGALITY OF ORIGINAL RECOGNITION

43. Yogasana Bharat and Sports Ministry have raised two preliminary contentions that fall for disposal at the threshold. The first is that the petitioner lacks *locus standi* to maintain the present petition, inasmuch, as recognition of a National Sports Federation is a matter of pure executive discretion and no body/organisation has a vested right to it. The second is that the petitioner's own alleged non-compliance with the Sports Code disentitles it from questioning the recognition granted to a third party.

44. On the first contention: it is undoubtedly correct, and the petitioner does not dispute, that Clause 5.1 of Annexure II of the Sports Code stipulates that recognition of a National Sports Federation is not a matter of

right and shall be purely at the discretion of the Government of India. The absence of a vested right to receive recognition, however, is an entirely different proposition from the right to challenge an illegal exercise of executive power. These two rights occupy different legal terrains and must not be conflated. The right to receive recognition is a creature of executive grace, granted at the Government's discretion.

45. The right to challenge an illegal executive act is a constitutional guarantee, flowing from Article 226 of the Constitution. In ***Ramana Dayaram Shetty v. International Airport Authority of India***[2], the Supreme Court recognised that *locus standi* in an Article 226 petition exists not only where a contractual right is denied but also where a person complains of denial of equal opportunity, the very gravamen of the petitioner's case here.

46. The petitioner, throughout the pendency of its application, was never told it was ineligible. It was given an assurance as latest as July 2020 that its application was under active consideration. When, four months later, a three-month-old body was recognised without even a mention of the petitioner's application, the petitioner was denied the equal opportunity to which it was entitled. The petitioner may not possess a vested right to recognition itself, the right to fair consideration of its application is a basic facet of Article 14 of the Constitution of India. Any infraction of that right, thereto, is capable of being adjudicated by the constitutional court.

[2](1979) 3 SCC 489.

47. That denial is sufficient to vest *locus standi*. The Supreme Court in ***Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed &Ors***.[3] held that the expression "*aggrieved person*" is an elastic concept that cannot be confined within rigid bounds, and that a person who has a particular interest beyond that of the general public and who suffers prejudice as a direct consequence of an illegal administrative action has *locus standi* to invoke the Court's certiorari jurisdiction, irrespective of whether a vested right to the benefit in question exists in that person's favour.

48. The petitioner, having applied for recognition years before Yogasana Bharat was registered and having had its application ignored without even a mention in the impugned recognition letter, has precisely such a particular interest. To hold otherwise would be to permit illegal administrative action to clothe itself in immunity by the simple device of characterising the subject matter as discretionary.

49. The second contention, that the petitioner's own alleged non-compliance with the Sports Code disentitles it from challenging the recognition granted to Yogasana Bharat equally merits rejection. The inquiry before this Court is directed at the legality of what the Ministry of Youth Affairs and Sports did in November 2020. That inquiry is neither enlarged nor diminished by the worthiness or unworthiness of the petitioner as a competing claimant.

50. The question of the petitioner's compliance with the Sports Code is a matter appropriately examined in the recognition process itself, to be

[3](1976) 1 SCC 671.

conducted fairly and in accordance with law. The respondents' contention, if accepted, would produce a result that the law has consistently refused to countenance: that an illegal executive act can insulate itself from judicial challenge by pointing to the alleged deficiencies of the challenger. The Supreme Court in ***Directorate of Film Festivals &Ors. v. Gaurav Ashwin Jain & Ors.***[4] drew a clear distinction between (i) a challenge to the legality of a benefit unlawfully conferred upon another person, which is maintainable under Article 14, and (ii) a claim seeking extension of that very illegality to oneself on grounds of parity, which Article 14 does not permit. Equality before law cannot be invoked to perpetuate or replicate an illegal benefit.

51. The Supreme Court drew a distinction between a party who challenges the illegal grant of a benefit to another, which is permissible, and a party who seeks a similar illegal benefit for itself by relying on that illegality, which is not permissible. The petitioner unambiguously occupies the former position. It does not seek recognition for itself on the ground that Yogasana Bharat was recognised despite non-compliance. It challenges the illegality of that recognition. That challenge is maintainable in law.

52. The Supreme Court in ***Ajay Hasia v. Khalid Khalid Mujib Sehravardi,***[5] laid down through a Constitutional Bench that non-arbitrariness pervades the entire constitutional scheme and Article 14 strikes at arbitrariness in all State action, whether legislative or executive. Para 16 of the judgment is extracted hereinunder:-

[4](2007) 4 SCC 737.
[5]AIR 1981 SC 487.

> *"16. Wherever therefore there is arbitrariness in State action whether it be of the legislature or of the executive or of an 'authority' under Article 12, Article 14 immediately springs into action and strikes down such State action. In fact, the concept of reasonableness and non-arbitrariness pervades the entire constitutional scheme and is a golden thread which runs through the whole of the fabric of the Constitution."*

53. Similarly, in ***Kumari Shrilekha Vidyarthi v. State of U.P.***,[6] the Supreme Court reinforced that State action in every domain, including executive action, must be non-arbitrary and must not be guided by extraneous or irrelevant considerations. Para 13 of the judgment is extracted hereinunder:-

> *"13. It can no longer be doubted at this point of time that Article 14 of the Constitution of India applies also to matters of governmental policy and if the policy or any action of the Government, even in contractual matters, fails to satisfy the test of reasonableness, it would be unconstitutional..."*

54. Annexure II of the Sports Code prescribes the eligibility criteria for recognition of a National Sports Federation. The criteria directly applicable to this case are Clauses 3.3, 3.4, and 3.8,. Clause 3.3 mandates three years of active existence. Yogasana Bharat was registered on 21.08.2020. The recognition letter is dated 27.11.2020. The body had existed for approximately three months. The shortfall is thirty-three months, not a marginal technical deficit but a yawning chasm between the requirement and the body's reality.

55. Clause 3.4, provides for a precondition of affiliated units in at least two-thirds of States and Union Territories: Yogasana Bharat had no State or Union Territory affiliations on the date of recognition. The recognition letter

[6](1991) 1 SCC 212.

at Condition (f) granted Yogasana Bharat two years to constitute State and UT units, units whose prior existence is a mandatory precondition for recognition, not a consequence of it. A condition directing future compliance with a precondition that should already have been met is not a cure for the present absence of that condition. It is a confession.

56. Clause 3.8, dictates the requirement of three consecutive National Championships at Senior, Junior, and Sub-Junior levels for both men and women for three years preceding the year of recognition: Yogasana Bharat had conducted no National Championship of any kind before it was recognised. The deficit is total.

57. The recognition of 27.11.2020 is therefore, on the face of the record and on the respondents own admissions, the recognition of a body that was ineligible on every one of three mandatory criteria. This is not a case of technical non-compliance or procedural irregularity susceptible to condonation. This is a case of the complete absence of the substantive qualifications that the law demands as conditions precedent to the lawful exercise of the power of recognition. The word mandatory has a specific and settled meaning. As where the legislature or the rule-making authority has prescribed conditions as conditions precedent to the exercise of a power, those conditions must be fulfilled before the power is exercised. Their non-fulfilment renders the exercise of power not merely voidable but void.

58. In ***Ramana Dayaram Shetty*** (supra), the Supreme Court held that where a tender notice creates a mandatory eligibility condition, deviation from it renders the award illegal. It laid down that the mandatory conditions

precedent to the exercise of a statutory or executive power must be satisfied before the power is exercised. Paragraph 6 of the judgment is extracted hereinunder:-

> *"6…The 1st respondent, being a State within the meaning of Art. 12 of the Constitution or in any event a public authority,* ***was bound to give effect to the condition of eligibility set up by it and was not entitled to depart from it at its own sweet will without rational justification****...this was a condition of eligibility to be satisfied by every person submitting a tender and if in case of any person, this condition was not satisfied, his tender was ineligible for being considered."*
>
> [Emphasis Supplied]

59. Respondents defence against this apparently incontrovertible position of relying on Clause 5.1, which provides for recognition being a discretionary process, is unfounded. The discretion is whether to grant recognition to a body that has satisfied all the mandatory criteria. It is not a discretion to grant recognition to a body that has satisfied none. To hold otherwise would render the mandatory conditions of Annexure II of the Sports Code entirely illusory, i.e., suggestions in the garb of conditions, standards in the garb of requirements. The entire framework of the Sports Code would collapse into an instrument of executive convenience rather than a charter of good governance.

60. Paragraph 2 of the Recognition letter, is the Sports Ministry's own account of why Yogasana Bharat was recognised. It reads as an admission rather than a justification. The recognition is attributed, in its entirety, to the recommendation of the Ministry of AYUSH. No examination of Yogasana Bharat's eligibility against the mandatory criteria of the Sports Code is disclosed. No comparative assessment of the three pending applicants is recorded or special circumstances warranting departure from the eligibility

framework are identified. Paragraph 2 of the Recognition letter is reproduced as under:-

> *"2. The matter for granting recognition to a national level sports body for the sport of Yogasana has been deliberated at length taking into account all the relevant factors including developing Yogasana as a competitive sport.* ***On recommendation of the Ministry of AYUSH, it has been' decided to recognize National Yogasana Sports Federation as a National Sports Federation with immediate effect for promotion and development of Yogasana as a competitive sport in the country.*** *National Yogasana Sports Federation has affiliation of International Yogasana Sports Federation."*
>
> [Emphasis Supplied]

61. The recognition letter reveals, with a candour that is perhaps unintended, is not the exercise of a discretion but the abdication of one. The Sports Ministry, vested with the exclusive power to recognise National Sports Federations, reduced itself to the role of an instrument for implementing the recommendation of a Ministry whose domain is wellness and not sport. The decision to recognise was of Ministry of AYUSH. That disjunction between the repository of power and the source of decision is the core illegality in this case.

62. The position would certainly have been otherwise had the Sports Ministry independently examined Yogasana Bharat's eligibility against the mandatory criteria of the Sports Code and arrived at its own conclusion, with the Ministry of AYUSH's recommendation serving as one input among several rather than as the sole basis for the decision. This Court does not hold that the recommendation itself was impermissible, the involvement of the Ministry of AYUSH was constitutionally grounded and the subject matter genuinely engaged the domain of both Ministries. What concerns this

Court is the manner in which that recommendation was acted upon. A recommendation, however legitimately rendered, cannot substitute for the independent application of mind that the law requires of the authority vested with the power to decide. The exercise of that power must remain free from influence and must be subjected to the Sports Ministry's own independent adjudication, tested against the criteria the Sports Code itself prescribes.

63. In ***Purtabpore Co. Ltd. v. Cane Commissioner of Bihar,***[7] the Supreme Court held that where a statutory authority exercises its power at the dictation of another authority, it amounts to abdication of its statutory function, and the exercise of power is bad. Para 42 and 43 of the judgment reads as under:-

> *"42. The power exercisable by the Cane Commissioner under cl. 6(1) is a statutory power. He alone could have exercised that power. While exercising that power he cannot abdicate his responsibility in favour of anyone--not even in favour of the State Government or the Chief Minister. It was not proper for the Chief Minister to have interfered with the functions of the Cane Commissioner. In this case what has happened is that the power of the Cane Commissioner has been exercised by the Chief Minister, an authority not recognised by cl. (6) read with cl. (11) but the responsibility for making those orders was asked to be taken by the Cane Commissioner.*
>
> ***43.The executive officers entrusted with statutory discretions may in some cases be obliged to take into account considerations of public policy and in some context the policy of a Minister or the Government as a whole when it is a relevant factor in weighing the policy but this will not absolve them from their duty to exercise their personal judgment in individual cases unless explicit statutory provision has been made for them to be given binding instructions by a superior."***
>
> [Emphasis Supplied]

[7](1969) 1 SCC 308.

64. The power to recognise National Sports Federations is vested under the Allocation of Business Rules exclusively with the Sports Ministry. It is a statutory, indeed a constitutional, power that must be exercised by the Sports Ministry alone, applying the mandatory criteria of the Sports Code. Yet the Sports Ministry implemented the Ministry of AYUSH's recommendation without independent examination. It acted, as the mouthpiece of the recommending Ministry. That is abdication and an abdicated power is no power at all.

65. This Court in ***Taekwondo Federation of India v. Union of India &Ors.***,[8] stated the applicable standard with precision:

> *"Clearly, recognition of an NSF cannot be at the dictates/whims/directives of any International Federation. The MYAS is not expected to act as a mere rubber stamp and grant recognition to whichever body/entity is handpicked by the International Federation irrespective of antecedents/track record/conflict of interest issues afflicting such body."*

66. What was said of international federations applies with force equal to, and indeed greater than, inter-ministerial recommendations. The recognition of a National Sports Federation is the Sports Ministry's exclusive domain. When Sports Ministry received the Ministry of AYUSH's recommendation and treated it as the beginning and end of its inquiry, it did not exercise discretion; rather, it surrendered to it. The distinction between consultation and delegation, and also between weighing a recommendation and being governed by it, is elementary and fundamental. The Government of India (Transaction of Business) Rules, 1961, relied on by the respondents,

[8] 2025:DHC:10148.

contemplate inter-ministerial concurrence; they do not contemplate inter-ministerial abdication.

67. The *lis* in the present case requires precision on the involvement of Ministry of AYUSH. The involvement of the Ministry of AYUSH was not, in itself, constitutionally impermissible. Yoga and Yogasana engage the functions of the Ministry of AYUSH, which is responsible for the development and propagation of yoga, and the Sports Ministry, which is responsible for the administration of sports and the recognition of National Sports Federations.

68. Rule 4 of the Government of India (Transaction of Business) Rules, 1961 provides that where a subject engages more than one Department, the matter is to be dealt with in concurrence with all concerned Departments. An inter-ministerial recommendation in that context is not merely permissible, it is expected. What is not permissible is Sports Ministry's treatment of that recommendation as determinative: as the sole and sufficient basis for the recognition decision, displacing all independent examination of the mandatory criteria of the Sports Code.

69. A recommendation received from Ministry of AYUSH was one input to be weighed, and weighed against the mandatory criteria of the Sports Code, not a directive to be implemented. Sports Ministry had the authority and the constitutional duty to examine Yogasana Bharat's application independently. It did not do so. The entire record before this Court discloses no document, no file noting, no internal assessment, no comparative analysis in which Sports Ministry independently examined whether Yogasana Bharat

satisfied the mandatory criteria. The recognition was, in the Sports Ministry's own words, the product of AYUSH's recommendation alone.

70. As the Supreme Court in ***A.K. Kraipak v. Union of India***[9] further held, in a passage of lasting significance, that even the possibility of bias is sufficient to vitiate a decision, and that the mere presence of a conflicted participant must be taken to have influenced the decision of others. In the present case, the Ministry of AYUSH was not merely a participant in the recognition process, it was the architect of the entity whose recognition it recommended. The conflict between interest and duty could not have been more complete.

71. Paragraph 8.3 of the Sports Code prescribes eleven guiding factors for the recognition decision, including the recognition by the relevant international and Asian federations, the undisputed status as apex body in India, all-India spread through State affiliations, role and contribution in promoting the sport, and conduct of national championships.

72. The petitioner had international federation affiliation since 1989, Asian federation affiliation since 2010, thirty-four State and UT affiliations, forty-four consecutive National Championships, and six World Championship victories. Yogasana Bharat had existed for three months. Not a single line in the recognition letter, shows that the Sports Ministry applied the para 8.3 factors to either applicant, let alone to both. The petitioner's application was not mentioned. It was, for all practical purposes, invisible to the authority that was constitutionally obligated to consider it.

[9](1969) 2 SCC 262.

73. This is a violation not merely of the Sports Code but of the equality guarantee of Article 14 of the Constitution of India. The Supreme Court in ***Kumari Shrilekha Vidyarthi*** (supra) held that State action must not be guided by extraneous or irrelevant considerations, and that the basic requirement of Article 14 is fairness in action by the State. The grant of recognition to a three-month-old body, on the basis of an inter-ministerial recommendation alone, without comparative assessment of a competing pending application, without application of the mandatory criteria of the governing code, and without even acknowledging the competing claimant's existence, is not a fair action. It is an arbitrary action. It violates the golden thread of non-arbitrariness that runs, in the words of his Lordship then, in ***Ajay Hasia*** (supra), through the whole of the fabric of the Constitution.

**B. APPLICABILITY OF RELAXATION CLAUSE**

74. The Roman legal tradition preserved a maxim of deceptive simplicity: *nova constitution futuris formam imponeredebet, non praeteritis* , a new law ought to regulate what is to follow, not the past. The Supreme Court observed in ***Commissioner of Income Tax (Central)-I, New Delhi v. Vatika Township Private Limited***,[10] a foundational rule of construction, indeed, a foundational rule of fairness, that legislative and executive instruments operate prospectively unless a contrary intention is expressed clearly and beyond doubt.

75. The respondents in the present case urge this Court to set aside that principle, to reach back across the two months and five days that separate

[10](2015) 1 SCC 1

the recognition letter of 27.11.2020 from the relaxation clause of 01.02.2021, and to validate by a subsequent instrument what was illegal when it was done. That invitation is declined. A power that did not exist on the date of exercise cannot be discovered to have existed through the retrospective operation of an instrument that was not in force. The Constitution Bench of the Supreme Court in ***Vatika Township*** (supra) held at paragraph 32:-

> *"32. The obvious basis of the principle against retrospectivity is the principle of 'fairness', which must be the basis of every legal rule. Legislations which modify accrued rights or which impose obligations or impose new duties or attach a new disability have to be treated as prospective unless the legislative intent is clearly to give the enactment a retrospective effect…."*

76. The relaxation clause was introduced and operates from 01.02.2021. It cannot reach back to 27.11.2020. This is not a technical objection susceptible to equitable override. It is the elementary rule of temporal operation of law. To hold, otherwise, would mean that any illegal recognition can be validated at any future date by introducing a power of relaxation, a conclusion that would reduce the entire mandatory framework of the Sports Code to an exercise in retrospective cure. The law does not permit the executive to write its own amnesty.

77. The Sports Code requires, as conditions precedent, that the applicant body have existed for three years, have affiliations in two-thirds of States and Union Territories, have audited accounts, and have conducted consecutive national championships before recognition is granted. These are not procedural requirements governing the form of the recognition decision.

They are substantive conditions precedent to the grant of recognition. Their purpose is to ensure that the body being invested with the exclusive authority to govern a competitive discipline at the national level has demonstrated the institutional depth, democratic representativeness, and administrative capacity that such governance demands, before it receives that authority.

78. Yogasana Bharat in its reply has submitted that the Sports Code is not a statute but a compilation of executive orders and circulars issued in exercise of the executive power of the Union under Article 73 of the Constitution; the executive power that created those orders inherently includes the power to depart from them; the relaxation clause of 01.02.2021 merely gave explicit form to what was always implicit in the executive's sovereign power; and therefore, the recognition of 27.11.2020 was a valid exercise of an implied executive power to relax mandatory requirements. Para 15 (f) of respondent No.3's reply dated 05.05.2026 is reproduced as under:-

> *"In so far as the exemption clause introduced vide letter dated01.02.2021 is concerned, it is submitted that the letter dated01.02.2021 only makes explicit what was implicit. It is submitted that the power to exempt a nascent sporting body from the rigours of the Sports Code was always a part of the discretionary powers of the UOI under the provisions of the Sports Code. It is pertinent to note that the Sports Code is not a statute, but is only a compilation of various orders, notifications, circulars, etc., issued by the Ministry of Sports from time to time.* ***Thus, it does not carry the force of a statute. Thus, the authority to grant any exemption or waiver from such orders, notifications, circulars, etc. is inherently embedded in the very executive power under which these orders, notifications, and circulars were issued. This reasoning clearly algins with the well-accepted and well-established 'doctrine of implied powers' of the government. This doctrine envisages that the apart from the powers which areexpressly enumerated in the statutes/policy documents,***

> ***the government also possesses powers which are necessary andproper toexecute its functions effectively. It is thus submitted that the letter dated 01.02.2021 was only a clarificatory letter and did not introduce a new power which the UOI did not already possess."***
>
> [Emphasis Supplied]

79. The executive power of the Union, as vested by Article 73 of the Constitution, extends to all matters with respect to which Parliament has power to make laws. The executive's capacity to issue and modify executive guidelines is inherent in that power. This much is not in dispute. What the Yogasana Bharat's argument overlooks, and what destroys it, is that the executive power, like all governmental power is not a license to act arbitrarily. The executive power may be plenary in its extent, but it must be exercised consistently with the norms and conditions that the executive has itself prescribed.

80. The implied power argument, therefore, proves too much. Taken to its logical conclusion, it dissolves the mandatory character of every provision of the Sports Code. If the executive power inherently includes the power to depart from any of the Sports Code's conditions at any time, then no condition is genuinely mandatory, each is optional, exercisable at the Sports Ministry's pleasure, with the implied power to depart from it available as a perennial escape. That reading would convert the Sports Code from a governance framework into a ceremonial declaration.

81. Even if an implied power to relax existed before 01.02.2021, which is denied for the reasons stated above, that implied power would be no broader than and would be circumscribed by the same conditions that govern the explicit relaxation clause that was eventually introduced to formalise it. The

explicit Clause 16 prescribes two specific conditions: reasons for the relaxation must be recorded in writing, and the power must be exercised by the Minister in charge personally. These are not incidental procedural formalities. They are essential safeguards against arbitrary use of the relaxation power, accountability mechanisms ensuring that departures from the mandatory framework are deliberate, reasoned, and personally authorised by the appropriate authority. An implied power, if it exists, carries no lesser burden. The formalisation of a power does not enlarge it, it defines it. If the explicit power requires reasons in writing and Ministerial approval, the implied power can demand no less.

82. This Court in ***Rajasthan Equestrian Association v. Union of India,***[11]while upholding the validity of the relaxation clause as an executive mechanism, emphasised that the power to relax must be exercised judiciously, with adequate reasoning, and in a manner guided by principles of accountability and transparency. The requirement of adequate reasoning, therefore, is not a verbal flourish, it is the substantive condition that distinguishes a lawful exercise of the relaxation power from an arbitrary departure from mandatory criteria.

83. The nascent sport doctrine, the proposition that the Sports Code cannot be mechanically applied to new and emerging sports, has found expression in ***All India Pickleball Association v. Union of India &Anr.,***[12]. The ***Pickleball*** case recognised that insisting on mechanical and uniform application of the Sports Code to nascent disciplines would be

[11]2025 SCC OnLine Del 14.
[12]2026:DHC:836.

"*fundamentally flawed and tantamount to treating unequals as equals*." This Court, with respect to the coordinate Bench, does not quarrel with that principle in the abstract. However, the Pickleball case does not assist Yogasana Bharat, and its application here is distinguished on three grounds that are not matters of nuance but of elementary legal difference.

84. ***First,*** and most fundamental ground is that the ***Pickleball case*** (supra) was decided on 02.02.2026, under the post-01.02.2021 regime in which the relaxation clause was a formal, operative instrument of the Sports Code. The challenged recognition in the present case was granted on 27.11.2020, two months and five days before the relaxation clause came into existence. One cannot apply to a November 2020 decision the legal regime that began in February 2021. The applicable law must be assessed as it stood at the time the challenged action was taken, a principle settled beyond argument and restated by the Supreme Court in ***Vatika Township*** (supra) when it held that instruments that impose new obligations or attach new disabilities operate prospectively. The Pickleball regime and the 27.11.2020 recognition inhabit different legal worlds, separated by the date of 01.02.2021.

85. ***Second,*** in ***Pickleball*** (supra), the relaxation clause was formally invoked. The Ministry of Youth Affairs and Sports passed a specific order exercising the power under Clause 16, recording reasons for the relaxation in terms of ***Pickleball's*** (supra) nascent status and the Ministry's assessment of comparative compliance, and granting limited and specified exemptions from two identified criteria, Clauses 3.3 and 3.10. ***Pickleball*** (supra) at paragraph 23 records this expressly: "*the relaxations were granted in furtherance of the objective of promoting an emerging sport and in view of*

*IPA's otherwise substantial compliance with the Code. Relaxations were granted...in exercise of the Powers laid down under Clause 16 of the Sports Code.*" In the present case, no such invocation, reasons, or ministerial order exists, and no identified criteria are being relaxed. The procedural rigour that distinguished the ***Pickleball*** (supra) recognition as lawful is entirely absent from the recognition of 27.11.2020.

86. ***Third,*** that he Sports Code does not create a category called nascent sport. The classification at Annexure XXXVIII of the Sports Code divides sports into three categories, Priority Sports, General Category Sports, and Others. There is no "nascent sport" category. The concept of nascent sport as a stand-alone justification for departure from mandatory eligibility criteria is a judicial gloss, however well-intentioned, that finds no textual support in the Sports Code itself. Where a code is silent on a category, Courts must be cautious about reading that category into existence. ***Pickleball*** (supra) recognition of the nascent sport doctrine is a matter of continuing judicial debate, particularly given the pending Division Bench's examination of this Court in LPA Nos. 212 and 224 of 2026. This Court need not take a definitive position on that doctrine in the abstract, because the three grounds of distinction outlined above mean that even if the nascent sport doctrine were accepted in full, it would not save the recognition of 27.11.2020.

## C. VALIDITY OF THE SPEAKING ORDER

87. The ancient maxim *audi alteram partem*, hear the other side, is one of the oldest principles of administered justice known to any legal system. Its roots run deeper than statute and precedent. The story goes that God himself,

before pronouncing judgment in the Garden of Eden, first asked Adam: "Where were you, and what have you done?" The proceduralist might observe that divine justice, too, began with a hearing. Whatever the theological precision of that reading, the principle it illustrates has been indispensable to justice in every era: no person shall be condemned without being heard, and, equally important, no person shall be condemned on the basis of material that was never placed before them.

88. It meant that the Sports Ministry while passing the speaking order of 19.10.2021 pursuant to this Court's specific directions was bound by the principle of *audi alteram partem* no less than a formal tribunal. The principle was not a procedural grace that the Ministry could choose to extend or withhold. As the Supreme Court in ***Mohinder Singh Gill v. Chief Election Commissioner***[13], identified the principle at its most fundamental by holding that *"The soul of the rule is fair play in action."*

89. Sports Ministry after the conclusion of hearings, and specifically on 14.10.2021, five days before the speaking order was passed on 19.10.2021, received an RTI response pertaining to the petitioner's registration status under the Haryana Registration Act, 2005. This document had been obtained by Yogasana Bharat and submitted through the Ministry of AYUSH. It was not disclosed to the petitioner. The petitioner was not given any opportunity to respond to it. Additional Affidavit of Sports Ministry filed pursuant to this Court's order of 02.04.2026 confirms that the speaking order relied upon this RTI document to record the specific adverse finding that the

[13]AIR 1978 SC 851.

petitioner *"had not fulfilled the requirements under the Haryana Registration Act, 2005."*

90. The speaking order, thus, made an adverse finding against the petitioner on the basis of a document obtained after the hearing was concluded, transmitted through a third-party channel, the Ministry of AYUSH, and never disclosed to the petitioner. In effect, the petitioner was condemned on evidence it never saw and never had the opportunity to explain or contradict.

91. The RTI document was received by the Sports Ministry on 14.10.2021. The speaking order was passed on 19.10.2021. There were five days between the receipt of the adverse material and the passing of the order, ample time, to give a short, reasonable opportunity to the petitioner to explain the adverse finding. That opportunity was not given. The order was passed on the basis of undisclosed material amounting to a textbook violation of *audi alteram partem.*

92. Yogasana Bharat submits that the dual-registration finding was based on independent verification of publicly available information from official government websites, and that the petitioner cannot claim a violation of its right to be heard on facts that were publicly verifiable. This submission does not cure the violation. The right of an authority to conduct independent verification is not disputed. What is impermissible is the reliance upon the specific RTI document submitted through the Ministry of AYUSH in making the specific adverse finding, without disclosing that document to the petitioner. The question to be dealt with is not whether the information was

theoretically available in the public domain. Rather, if the petitioner was allowed to address the specific material that was relied upon.

93. Theoretical public availability does not substitute for actual disclosure and actual opportunity to respond. In ***Deepak Ananda Patil v. State of Maharashtra,***[14] the Supreme Court held that an adjudicatory body cannot base its decision on any material unless the person against whom it is sought to be utilised has been apprised of it and given an opportunity to respond to it. Relevant Paragraph 17 is reproduced as under:-

> *"17. It is a well-established principle of administrative law that an adjudicatory body cannot base its decision on any material unless the person against whom it is sought to be utilized has been apprised of it and given an opportunity to respond to it. Surveying the precedents extensively, MP Jain & SN Jain's treatise on Principles of Administrative Law1 notes that:*
>
> > ***"If the adjudicatory body is going to rely on any material, evidence or document for its decision against a party, then the same must be brought to his notice and he be given an opportunity to rebut it or comment thereon. It is regarded as a fundamental principle of natural justice that no material ought to be relied on against a party without giving him an opportunity to respond to the same. The right of being heard may be of little value if the individual is kept in the dark as to the evidence against him and is not given an opportunity to deal with it.*** *The right to know the material on which the authority is going to base its decision is an element of the right to defend oneself.* ***If without disclosing any evidence to the party, the authority takes it into its consideration, and decides the matter against the party, then the decision is vitiated for it amounts to denial of a real and effective opportunity to the party to meet the case against him.*** *The principle can be seen operating in several judicial pronouncements where non-disclosure of materials to the affected party has been held fatal to the validity of the hearing proceedings."*

[Emphasis Supplied]

[14](2023) 11 SCC 130.

94. Additionally, this Court's order dated 22.04.2021 directed Sports Ministry to pass appropriate orders *"in accordance with the Sports Code, 2011 and to also consider whether R3's recognition be continued or not."* The direction is in explicit terms and has two components. The first is to pass appropriate orders in accordance with the Sports Code. The second, and critically important, is to consider whether Yogasana Bharat's recognition should be continued.

95. The duty to give reasons for administrative decisions affecting rights is itself a principle of natural justice, established and explained by the Supreme Court in ***Siemens Engineering & Manufacturing Co. of India Ltd. v. Union of India***,[15] where it was held that:-

> *"If courts of law are to be replaced by administrative authorities and tribunals, as indeed, in some kinds of cases, with the proliferation of Administrative law, they may have to be so replaced, it is essential that administrative authorities and tribunals should accord fair and proper hearing to the persons sought to be affected by their orders and give sufficiently clear and explicit reasons in support of the orders made by them.* ***The rule requiring reasons to be given in support of an order is like the principle of audi alteram partem, a basic principle of natural justice which must inform every quasi-judicial process and this rule must be observed in its proper spirit and mere pretence of compliance with it would not satisfy the requirement of law."***
>
> [Emphasis Supplied]

96. The speaking order of 19.10.2021 comprehensively examined why the petitioner was ineligible for recognition, finding its international affiliations inaccurate and its legal status uncertain on account of dual registration. Whatever the merits of those findings, on which this Court expresses no opinion for the purposes of this challenge, the order then proceeded to

[15] AIR 1976 SC 1785

uphold Yogasana Bharat's recognition in a single conclusion, without once asking, did Yogasana Bharat satisfy the mandatory eligibility criteria of enshrined under Annexure II of the Sports Code on 27.11.2020. The order is entirely and inexplicably silent on that question. The question most relevant to whether Yogasana Bharat's recognition should be continued or not, which is the very question this Court directed the Sports Ministry to address, receives no answer.

97. The pattern of this selective examination is deeply troubling. The speaking order treated the exercise as one of determining whether the challenger was meritorious, not whether the incumbent was lawfully recognised. It proceeded as though this Court's direction of 22.04.2021 was a mandate to adjudicate petitioner's claim to recognition, not a mandate to re-examine the legality of Yogasana Bharat's existing recognition. That is not a permissible construction of the direction. The words "*also consider whether R3's recognition be continued or not*" admit of no narrow reading. They required the Sports Ministry to test Yogasana Bharat's recognition against the standards of the Sports Code, specifically, to ask whether Yogasana Bhrat met the mandatory eligibility criteria, and to record reasoned conclusions on that specific question.

98. This Court in ***Taekwondo Federation of India v. Union of India,***[16] observed that Sports Ministry is expected to independently examine the antecedents and track record of a body whose recognition it is being asked to consider. In the present case, the Sports Ministry was not merely being asked to consider recognition in the abstract, it was directed by this Court to

[16]2025:DHC:10148

consider specifically whether Yogasana Bharat's existing recognition should be continued. That specific direction required specific examination and specific findings which in no vein were provided. This Court's directions dated 22.04.2021 and 05.10.2021 required the Sports Ministry to conduct a hearing and pass an order specifically addressing whether Yogasana Bharat's recognition ought to be continued. The speaking order dated 19.10.2021, while detailed on every aspect of the petitioner's case, said nothing, whatsoever, about Yogasana Bharat's eligibility against the mandatory criteria of the Sports Code. An order that examines only the challenger and is silent on the very question it was directed to answer does not discharge the mandate that occasioned its passing, it merely wears the appearance of compliance while leaving the substance of the direction unaddressed.

**D. CAN THE ANNUAL RENEWAL LETTERS SURVIVE THE FALL OF PARENT RECOGNITION**

99. A spring that is poisoned at its source distributes that poison throughout its course, into every tributary it feeds, every valley it waters, every pool it fills. One may travel a great distance downstream and find the water flowing apparently clear and fresh. But unless the source itself is addressed, the poison travels with the water, and the outward appearance of purity downstream does not alter the contamination at the source. This is not to say that a defect at the source can never be cured; through fresh and independent application of mind, one can regularise what was earlier infirm. But that cure must come from an act of genuine reassessment, not from the passive accumulation of time or the repetition of a flawed exercise. The

annual renewal letters in the present case are not such an act. They are the tributaries of this case, and their source, the recognition of 27.11.2020, was never revisited, never independently reassessed, and never cured by any fresh exercise of the Sports Ministry's discretion. The maxim *vitium originis non sanatur processu temporis*, a defect of origin is not healed merely by the passage of time, captures the principle in its proper, qualified form: time alone does not cure illegality; only a genuine and independent correction can. However many years the recognition has run, and however many renewals have been issued without that correction, the foundational illegality that attended its birth continues to attend it.

100. Yoganasa Bharat here has placed reliance on Clause 8.2 of the Sports Code and the Sports Ministry's letter dated 02.12.2009 (Annexure XV to the Sports Code), which states that the system of annual recognition is akin to a fresh recognition. This Court accepts that, as a prospective matter, the annual recognition system operates independently: a body eligible in year one may become ineligible in year two, and vice versa. But this prospective independence has a necessary precondition, i.e., the existence of a validly recognised body at the outset. The annual recognition system presupposes a foundational recognition. Where that foundational recognition is *void ab initio*, there is no valid substrate upon which the annual renewal process can operate. The principle of *nemo dat quod non habet* applies: the Sports Ministry cannot give through annual renewal what it never validly gave through original recognition. A body that was never lawfully recognised cannot become lawfully recognised through the annual renewal of its unlawful recognition.

101. The renewal letters themselves betray their derivative character. The first renewal letter dated 07.02.2022 opens with the words: "*I am directed to refer to this Department's letter of even number dated 27.11.2020 vide which recognition to National Yogasana Sports Federation was granted*." It then renews recognition retroactively beyond 27.11.2020 upto 31.12.2021 and for year 2022 upto 31.12.2022. A retroactive renewal for a period that had already expired, a mechanism unknown to and not contemplated by the Sports Code, which speaks only of prospective annual recognition. A renewal letter that identifies its parent letter by file number and date, and that grants recognition for a period already elapsed, is not an independent grant. It is an act of continuation dressed as a fresh exercise. Remove the parent letter, and the renewal letter has no anchor and no meaning.

102. Furthermore, from the 2023 renewal onwards, each renewal was explicitly "subject to the final outcome of the relevant court case(s)", the present writ petition. A recognition granted conditionally upon the outcome of pending litigation does not acquire the character of an independent, unconditional grant. It is, on its own terms, provisional. The Ministry, by inserting this condition, acknowledged that the recognition of Yogasana Bharat was the subject of pending judicial scrutiny and that its continuation beyond the period of the recognition letter was contingent on the outcome of these proceedings.

103. The image that best captures this situation is that of a building constructed floor by floor above a foundation laid in violation of the building code. The first floor is the recognition of 27.11.2020. Each subsequent floor is an annual renewal. The building now has five storeys.

Athletes train in it. Championships are held within its halls. From the outside, it looks sturdy and well-appointed. But the engineer who approved the foundation plan did not follow the rules, and at no stage thereafter did any engineer return to inspect that foundation, test its adequacy, or certify it afresh. Each certificate of occupancy issued for the floors above simply assumed the foundation's soundness; none independently verified it. Had even one such certificate involved a genuine re-examination of the foundation itself, the position may well have been different. In the absence of any such independent verification, however, the defect at the base remains exactly what it was on the day the first floor was laid, and it continues to compromise everything built above it.

## IV. CONCLUSION

104. Yogasana Bharat has, since 2020, built a substantial institutional edifice: 33 State and UT affiliations, five National Championships at three levels and two genders, inclusion in the National Games and Khelo India Games, and most significantly the recognition of Asian Yogasana by the Olympic Council of Asia, making Yogasana Bharat the only body through which Indian athletes can presently compete in Asian-level Yogasana events. The 1st World Yogasana Sports Championship conducted at Ahmedabad in June 2026, with participation from over 45 countries is duly taken note of.

105. This Court is alive to all of these considerations. But equitable considerations, however compelling, cannot provide retrospective legal validity to an executive action that was illegal when it was taken. What they

can and must do is inform the manner in which relief is crafted. It is settled beyond doubt that the law's remedy must not be worse than the disease it cures. A surgical quashing, accompanied by carefully designed transitional provisions, can vindicate the law without destroying what innocent third parties, particularly the athletes, have built in reliance upon it.

106. The above discussion demands a recognition process to be conducted properly, independently, and in accordance with the law. This Court does want to crown a winner, but to repair the broken process

**V. ORDER**

107. The recognition letter dated 27.11.2020 issued by the Ministry of Youth Affairs and Sports in favour of Yogasana Bharat as the National Sports Federation for the sport of Yogasana and the speaking order dated 19.10.2021 passed pursuant to the directions of this Court are hereby quashed and set aside.

108. The annual renewal letters issued to Yogasana Bharat for the years 2022 (letter dated 07.02.2022), 2023 (letter dated 22.01.2024), 2024 (letter dated 02.01.2025), and 2025 (letter dated 15.10.2025) are hereby quashed as consequential and derivative orders that cannot survive the quashing of the foundational recognition of 27.11.2020.

109. Notwithstanding the quashing of the recognition letter dated 27.11.2020, the speaking order dated 19.10.2021, and the annual renewal letters for the years 2022 to 2025, all certificates, titles, medals, rankings, selections, and other recognitions conferred upon athletes, coaches, officials,

or any other individual participants in competitions, championships, and selection trials conducted under the aegis of Yogasana Bharat during the period such recognition was operative, shall remain valid and undisturbed. The quashing directed by this judgment shall operate prospectively in its effect upon such third-party beneficiaries and shall not be construed so as to divest any athlete or individual of any achievement, honour, or selection conferred in good faith during the subsistence of the impugned recognition.

110. The Ministry of Youth Affairs and Sports, is directed to issue a public notice within 60 days of the date of pronouncement of this judgment inviting applications from all eligible bodies for recognition as the National Sports Federation for the sport of Yoga/Yogasana. The recognition exercise shall be completed with due expedition in accordance with law.

111. The petitioner, Yoga Federation of India, is not declared to be the National Sports Federation for the sport of Yoga/Yogasana. That determination lies exclusively within the domain of the Sports Ministry and shall be made in the fresh recognition exercise conducted in accordance with this order. It is further clarified that the quashing and setting aside of the recognition letter dated 27.11.2020 and the speaking order dated 19.10.2021, together with the retrospective protection granted under this judgment, are intended solely to rectify the impugned process and to safeguard the interests of athletes and other stakeholders. They shall not confer, create, or be treated as conferring any right, legitimate expectation, preference, equity, or other advantage in favour of the petitioner, nor shall they be relied upon by the petitioner in support of any application or claim for recognition or any other consequential benefit.

112. The Writ Petition stands disposed of in the above terms. All pending applications stand disposed of accordingly.

**PURUSHAINDRA KUMAR KAURAV, J**

**JULY 09, 2026**
***NK***