

ITEM NO.59

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.14533/2022

(Arising out of impugned final judgment and order dated 16-08-2022 in WP(C) No.195/2010 passed by the High Court of Delhi at New Delhi)

INDIAN OLYMPIC ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With I.R. and IA No.118333/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.118350/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.119976/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.119945/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.118333/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.119944/2022 - INTERVENTION APPLICATION, IA No.119975/2022 - INTERVENTION/IMPLEADMENT, IA No.141334/2022 - INTERVENTION/IMPLEADMENT, IA No.118350/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.119939/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.138824/2022 - VACATING STAY)

WITH Diary No.27750/2022 (XIV)

(With IA No.132849/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.137590/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.133827/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.132847/2022 - PERMISSION TO FILE SLP)

Diary No.27967/2022 (XIV)

(With IA No.141604/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141982/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.141603/2022 - PERMISSION TO FILE SLP)

Diary No.30030/2022 (XIV)

(With IA No.141951/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.141984/2022 - PERMISSION TO APPEAR AND ARGUE IN

Diary No.30124/2022 (XIV)

S.L.P.(C) No.16507/2022 (XIV)

Date : 10-10-2022 These matters were called on for hearing today.

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

Mr. Hrishikesh Baruah, Adv.
Ms. Astha Sharma, AOR
Mr. Ravinder Singh, Adv.
Mr. Akshay Kumar, Adv.
Ms. Mantika Haryani, Adv.
Mr. Shreyas Awasthi, Adv.
Mr. Tushar Mandlekar, Adv.

Mr. P.V. Dinesh, Adv.
Mr. Zulfiker Ali P.S., AOR
Mr. Lakshmi Sree P., Adv.
Mr. Augustine Peter, Adv.

Mr. Debesh Panda, AOR

**Mr. Devadatt Kamat, Sr. Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, AOR
Mr. Ashwin G. Raj, Adv.
Mr. Darpan K.M. , Adv.
Mr. Harsh Pandey, Adv.
Mr. Revanta Solanki, Adv.
Mr. Mudassir, Adv.**

**Dr. Abhishek M. Singhvi, Sr. Adv.
Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Amit Bhandari, Adv.
Mr. Hemant Phalpher, Adv.
Mr. Ruchir Mishra, Adv.
Mr. Ankur Chawla, Adv.
Mr. Aakarsh Kamra, AOR
Mr. Jayant Mohan, Adv.
Ms. Shivali Chaudhary, Adv.
Mr. Poonachandiran, Adv.
Mr. Akshat Vachher, Adv.
Mr. Hitesh Singh, Adv.
Mr. Amir Khan, Adv.**

For Respondent(s)

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Caveator-in-person

Mr. Aakarsh Kamra, AOR

Mr. Amrish Kumar, AOR

Mr. Anuj Tyagi, AOR

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Mr. Aditya Vikram Singh, Adv.
Mr. Vipin Singh Bansal, Adv.
Ms. Amrita Verma, Adv.

Dr. Menaka Guruswamy, Sr. Adv.
Mr. Sravan Kumar Karanam, AOR
Mr. Utkarsh Pratap, Adv.
Mr. Yash S. Vijay, Adv.
Mr. Mohit K. Jakhar, Adv.

Mr. Debesh Panda, AOR

Mr. Pai Amit, AOR

Ms. Sheyl Trehan, Adv.
Mr. Rohan Poddar, Adv.
Ms. Liz Mathew, Adv.

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

- 1 As contemplated in the order dated 22 September 2022, a joint meeting took place in Lausanne on 27 September 2022 on the initiative of the International Olympic Committee (IOC).
- 2 Mr Tushar Mehta, Solicitor General and Mr K M Nataraj, Additional Solicitor General have placed on the record a compilation of relevant documents. The main conclusions which have been summarized in the Minutes of the Meeting of 27 September 2022, are reproduced below:

- "1 All parties agreed to work together to address and resolve the governance issues affecting the IOA, and hold the IOA elections by December 2022, in line with the IOC EB directives and decision on 8 September 2022 (attached for reference).
- 2 All parties took note of the decision of the Supreme Court of India on 22 September 2022 to appoint a former Judge to work on the amendments of the IOA Constitution,

prepare the electoral college and supervise the IOA elections.

3 The whole process will have to be conducted in close coordination with the IOC/OCA, and in accordance with the Olympic Charter and the basic principles of good governance with the Olympic Movement.

4 Roadmap:

a. First step:

- The IOA Constitution will be amended to include the necessary governance reforms.
- To this effect, the IOC/OCA will work together with the judge appointed by the Supreme Court of India on the draft revised Constitution.
- In principle, most of the points raised by the High Court of Delhi in its decision dated 16 August 2022 are agreeable for the IOC/OCA and compatible with the Olympic Charter and the basic principles of good governance of the Olympic Movement, except:
 - the 2/3 majority required for a re-election (a simple majority, i.e. more than 50% of the votes validly cast, should be sufficient, like in any election process); and
 - the appointment of 25% “sportspersons” as voting members within the IOA General Assembly and Executive Committee (which should be refined and the mechanism of which should be re-discussed to make it workable and in line with the basic requirements relating to the membership of any NOC, as per the Olympic Charter, and with the usual standards within the Olympic Movement).
- The IOC/OCA will also propose additional elements (such as changing the position of elected Secretary General into an appointed position, so that the Secretary General would serve as a CEO appointed/hired by the Executive Committee, and including an independent ethics commission, a properly functioning athletes commission as per the

IOC guidelines and safeguarding practices).

- Once the draft is finalised by the judge in agreement with the IOC/OCA, it will be formally adopted by the IOA General Assembly.

b. Second step:

- The IOA elections will be held in accordance with the newly approved IOA Constitution and the Olympic Charter, under the supervision of the former judge appointed by the Supreme Court and the IOC/OCA.

The whole process (including the elections) will have to be completed prior to the IOC EB meeting in December 2022.

- 3 The above Minutes indicate that the first step envisaged is for the amendment of IOA's Constitution so as to incorporate necessary governance reforms. Both IOC and Olympic Council of Asia (OCA) have agreed to work with the Hon'ble Judge appointed by this Court for drawing up the draft revised Constitution. Once the Constitution is finalized, it has to be formally adopted by the General Assembly of IOA. The second step envisages the conducting of IOA elections in accordance with the newly approved Constitution under the supervision of the former Judge of this Court. The whole process has to be completed prior to IOC's EB meeting in December 2022.
- 4 Having regard to the conclusions which were arrived at in the course of the meeting at Lausanne, suggested timelines have been indicated in the note submitted by the Union government for completing the process of (i) amending the Constitution of IOA; and (ii) holding the elections.
- 5 A copy of this order would be placed before Hon'ble Shri Justice L Nageswara Rao, former Judge of this Court, who has been requested to supervise the process by the previous order. We would appreciate if the suggested timelines are duly facilitated. Once the new Constitution has been duly

adopted and concurred with by IOC, the new Constitution shall be adopted by the IOA-General Body under a mandatory direction of this Court. The suggested timelines are reproduced below:

Suggested Timelines for IOA EC Elections			
Date	Day	Issue	Remarks
14/10/2022	Friday	Hon'ble Justice Nageshwar Rao first hearing	
14/10/2022 - 07/11/2022		Draft Constitution preparation	
20/10/2022	Thursday	Notice for Spl AGM for adoption of new Constitution	15 clear days notice needed for Spl AGM
22 - 30 October, Supreme Court Off/Holidays			
07/11/2022	Monday	Finalisation of Draft Constitution	
07/11/2022	Monday	Draft Constitution to be sent to Spl AGM for adoption and IOC for concurrence	
08/11/2022	Tuesday	Concurrence of Draft Constitution by IOC	
10/11/2022	Thursday	Adoption of New Constitution by the IOA-GB	
14/11/2022	Monday	Election process for IOA EC to start	16 days required for completion of process as per the Code
03/12/2022	Saturday	Completion of Elections to the EC of IOA and Result Declarations	

05/12/2022	Monday	International Olympic Committee EB Meeting	Deadline to form IOA EC
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- 6 The IOA and Union Government in the Ministry of Youth Affairs and Sports shall comply with any further direction that may be issued by Hon'ble Justice L Nageswara Rao. The learned judge is at liberty to also issue further directions in regard to the deposit of additional amounts towards his fees and expenses.
- 7 Justice L Nageswara Rao is at liberty to take a holistic perspective in the interest of Olympic sport in India while drawing up amendments to IOA's Constitution, consistent with IOC's Charter and other relevant aspects.
- 8 The proceedings shall now be listed before this Court on 11 November 2022.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar