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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5262/2023 and CM APPL. 20569/2023**
CHANDINI THROUGH HER NATURAL GUARDIAN RAJ
KUMARI & ORS. Petitioners

Through: Ms. Rebecca George, Mr. Amartya
Bhushan, Ms. Yojit Mehra, Mr.
Shantanu Singh & Mr. Ravi Sehgal,
Advocates

versus

BASKETBALL FEDERATION OF INDIA Respondent

Through: Ms. Amrita Sharma & Mr. Rajat
Jonathan Shaw, Advocates for R-1.

CORAM:


JUSTICE PRATHIBA M. SINGH

ORDER

% **26.04.2023**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the 8 Petitioners who are basketball players who want to avail of their equal opportunity to compete in Basketball selections and trials so as to ultimately have the opportunity to play at the District, Zonal, State, and eventually at the National level.
3. The Petitioners who are stated to be associated with a local academy in Noida, U.P. have challenged the Rule of the Basketball Federation of India (*BFI*) which requires the original birth certificates to be produced, which are issued by the Municipal Corporation or the Registrar of Births & Deaths that are obtained in the year of the birth or within two years thereafter to be produced for the purposes of verification of the age of the players.
4. According to the Petitioners, the said requirement and stipulation is totally arbitrary and discriminatory inasmuch as the said Rule has been changed from time to time. Earlier, the requirement was four years. It was

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thereafter reduced to three years and now the requirement has been reduced to two years.

5. The Petitioners are players who do not have a birth certificate which has been issued within two years of their birth. Hence, the challenge to quash the said Rule which has been prescribed by the BFI.

6. The urgency currently is that there are various tournaments being held in Delhi and in Noida by the local basketball associations including the Uttar Pradesh Basketball Association.

7. It is submitted by Ms. George, Id. Counsel that the BFI's Rule is being applied across the country by all the State Associations and would result in depriving various players from participating in district level and zonal level trials which are scheduled shortly.

8. Currently, the Petitioners wish to participate in the District Gautam Budh Nagar (DGBN) Basketball Team Selections which are scheduled on 26th and 27th April, 2023 at the Step by Step School, Sector-132, Noida, U.P. The Petitioners also wish to participate in the Youth Zonal Basketball Championship, 2023 which is scheduled in Meerut on 6th and 7th May, 2023.

9. On behalf of the BFI, Ms. Sharma, Id. Counsel submits that there are several reasons as to why such a stipulation has been prescribed by the BFI. In the case of persons who do not have documents which support the birth dates, a medical board is constituted for verification of the age.

10. Ms. Sharma, Id. Counsel submits that under the Registration of Births and Deaths Act, 1969, Section 8 Rule 5(3) model guidelines have been prescribed by the Union of India which is the basis of this Rule. She further submits that insofar as the 'National Code against Age Fraud in Sports' which has been prescribed against age fraud in sports is concerned, the authority for



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the medical examination is the SAI which has not been notified as yet. Hence there is a difficulty insofar as verification of age is concerned, if the original birth certificates as per the stipulation are not produced by the players.

11. The Court has perused the stipulation fixed by the BFI. The same reads as under:

“AGE VERIFICATION: The Age Verification Committee/ Medical board will examine on 30th May, 2023 at the venue from 9.00 A.M. onwards to determine the eligibility of players to participate in the said Nationals. Please ensure the Team Managers should bring the following documents of all the players for Age Verification:-

1. Original Birth certificates issued by the Municipal Corporation/ Registrar of Birth & Death obtained in the year of their birth or within 2 years of their birth (In English) (copies to be submitted).

2. Original Aadhar card (copies to be submitted).

3. Original Passport as per FIBA Regulations (copies to be submitted).

4. Two Passport Photos.

5. ALL DOCUMENTS TO BE DULY ENDORSED BY SECRETARIES OF STATE BASKETBALL ASSOCIATIONS.”

12. A perusal of the same would show that the BFI does call for the birth certificates of the players which are issued in the year of their birth or within two years thereafter.

13. It is possible that a large number of players would not have got issued certificates immediately upon their birth or within two years thereafter. Such a stipulation could exclude a large number of talented players from participation in trials. This ought not to be the intention of the Rule.

14. Though, on the one hand it is important to ensure that no fraud is


committed in respect of verification of the age, there cannot be a presumption that all players are in fact giving fraudulent dates of birth.

15. In the *prima facie* opinion of this court, players like the Petitioners who hail from economically weaker sections as also who may not have gotten certificates issued in terms of the stipulation of the BFI, cannot be excluded on the basis of this Rule.

16. Accordingly, it is directed that the local associations shall permit the Petitioners to participate in the present trials of the DGBN Team and the Uttar Pradesh Basketball Association subject to the production of the original birth certificates issued by the municipal corporation or the Registrar of Births and Deaths, even though the same may not have been issued in the year of the birth or within two years thereafter. Upon the birth certificates being produced, subject to verification, the players shall be permitted to participate in the said trials.

17. An undertaking shall also be taken from the Petitioners that the certificates being produced are original and genuine. Upon verification, if the same are found to be fraudulent or forged, the consequences of disqualification would fall upon the Petitioners and similarly situated players.

18. The BFI is also directed to hold a meeting along with the SAI and the Ministry of Youth Affairs and Sports, in order to find a solution. There may be thousands of players who may get disqualified due to this Rule, which may in effect result in excluding some of the best talent to represent the country. The original birth certificates may be called for verification etc., However, if the said certificate is not issued within two years of birth, an alternative mechanism ought to be made available to accept the documents submitted by the players and subsequent verification of the same as also


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medical tests being conducted, if the need is so felt.

19. The meeting be held within the next one month and a fresh circular be issued by 25th May 2023, as to the modalities in which players who do not possess birth certificates issued within the year of birth or within two years thereafter, can be permitted to participate in trials subject to verification and any other tests which the BFI wishes to conduct .
20. The above order shall be subject to the outcome of this petition.
21. The amended memo of parties is taken on record.
22. Issue notice to all the Respondents in terms of the amended memo of parties.
23. Let a counter affidavit be filed within six weeks.
24. List before the Registrar for completion of service and pleadings on 4th July, 2023.
25. List before the Court on 13th September, 2023.
26. *Dasti* under signatures of the Court Master.

APRIL 26, 2023
Rahul/RP

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[Signature]
CM
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Sc/-
PRATHIBA M. SINGH, J.