

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.24200 of 2017
Date of Decision: December 13, 2017

International Human Rights Council, Kucha Challan Darya Ganj, New Delhi

...Petitioner

Versus

Union of India & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr.Sharad Aggarwal, Advocate,
for the petitioner.

AMIT RAWAL, J.

1. Petitioner Trust under the name and style of 'International Human Rights Council' being registered body and having its head office in New Delhi, stated to have been undertaking the social welfare activities all over the country with an object of general welfare of humanity and task for betterment of sports facility in the rural India, has knocked the door of this Court claiming the following relief:-

“Civil Writ Petition under Articles 226 & 227 of the Constitution of India praying for an appropriate writ, order or direction especially writ in the nature of mandamus to direct the respondents to ensure equal opportunity to the Kabaddi players from all the States of India to participate in the tournament of “Kabaddi World Cup” held every year under aegis of State of Punjab (Respondent No.4).

AND/OR

Any other order or direction which this Hon'ble Court deems fit and proper for the present set of facts and circumstances”.

2. Mr.Sharad Aggarwal, learned counsel representing the petitioner submitted that game Kabaddi, being very popular in India, has lost the sight of most and is not recognized upto State and National level. The players are not given ample recognition and support. Government of India, Department of Ministry of Youth Affairs and Sports, authorized and appointed respondent No.3-Amateur Kabaddi Federation of India, 2 Aakansha Ajmer Road, Jaipur to conduct and undertake any tournament and championship etc. at the National and International levels. Respondent No.3 has been recognized as National Sports Federation for the game of Kabaddi, which includes all forms of Kabaddi, i.e., Rectangular, Indoor, Beach and Circle style.

3. It was further argued that the petitioner council is working in all the parts of the country to help socio, economic upliftment of the society at large. The petitioner found that the country is full of hidden talent in such rural areas, particularly at National and International levels, who, if given support, can bring glories to the country. In the year 2013, the State of Punjab organized an event, namely, “Kabaddi World Cup”, wherein teams of about 25 different countries participated. In all the events, the tournament was held in the stadiums/playgrounds in the State of Punjab only. As per the information received under the Right to Information Act, 2005 (for short “the Act”), respondent No.3 is the only recognized/authority body to undertake such National events.

4. It was next argued that the petitioner pursued the matter and sought information under the Act from respondent No.1 as to why the permission for holding of the Kabaddi World Cup had been granted to respondent No.4 only. In response thereto, Government of India, Youth

Program and Sports Department replied that it had no interference in the internal matters of National Sports Federation and for the purpose of sport of Kabaddi, respondent No.3 is the only responsible authority for all types of Kabaddi. As per the information received under the Act, it surfaced that for the Kabaddi World Cups held in 2010 and 2011 for Men, all the players were from Punjab, whereas for the Kabaddi World Cup held in 2011 for Women, there had been representation from both the States of Haryana and Punjab. It was further stated that for the Kabaddi World Cup-2012, all the players in the team were again from Punjab with no representation of any players from other States. It is in this backdrop of the matter, the present writ petition has been filed claiming the relief, *ibid*.

5. We have heard the learned counsel for the petitioner, appraised the paper book and are of the view that there is no force and merit in the submissions of the learned counsel for the petitioner, particularly in view of the reply dated 5.11.2013 of the Government of India, Youth Program and Sports Department, Shastri Bhawan, New Delhi to the effect that it has no interference in the internal matters of National Sports Federation. For the sake of brevity, reply, Annexure P-6), reads thus:-

“ *S.No.36-01/2013-Sports-II*
Government of India
Youth Program and Sports Department Sports Department
(Sports-II Division) Shastri Bhawan, New Delhi.

Date: 5th November, 2013

To

Sh.Narender Pahal (General Secretary),
International Human Rights Council,
2590, S.S.A.Road, Kuncha Chalan,
Dadiyaganj, Delhi-110002.

Subject: About supplying the information under Right to Information Act, 2005.

Sir,

The Department is in receipt of your letter under Right to Information Act and Information is being supplied to you as under:

- 1) Sports Department, Government of India has given affiliation to Amateur Federation of India for the sports of Kabaddi. As per the M.O.U. A.K.F.I. is responsible for all types of kabaddi including National, Circle, Indoor and Beach.*
- 2) Yes.*
- 3) The ministry has no interference in the internal matters of National Sports Federation.*

Sd/-

(S.P.S.Tomar)

Over Secretary, Govt.of India

Telephone:011-23073206

C.C.To:

- i) Over Secretary, RTI/PG Cell with regard to their letter no.1-1/2012/RTI/PG dated 24.10.2013.”*

6. Accordingly, no relief as claimed in the present writ petition can be granted redressing the grievance of the council seeking representation of the players from different countries when the event is not being held by the Government of India. It is the respondent No.3, i.e., Federation, who is conducting the Kabaddi World Cup. No player from any other State has approached this Court for participating in the team.

7. The scope of judicial review of policy decision of Government of India is not permissible in view of the ratio decidendi culled out by the Hon'ble Apex Court in **Essar Steel Ltd. Versus Union of India & Ors., 2016 (11) SCC 1 (Para 31)**. Further, the present writ petition fail to satisfy the parameters of Maintainability of Public Interest Litigation Rules, 2010,

which read thus:-

“1.(i) These Rules shall be called as MAINTAINBILITY OF PUBLIC INTEREST LITIGATION RULES, 2010.

(ii) These Rules shall come into force with effect from the date of approval by the Full Court.

2. No Public Interest Litigation shall be entertained by the Registry unless the petitioner(s) has specifically disclosed his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit.

3. Every Public Interest Litigation shall be separately numbered and categorized.

4. All the Public Interest Litigations shall be listed before a Division Bench by the orders of the Chief Justice of the High Court.

5. The Bench, wherever it appears so desirable, may ask the petitioner to deposit an appropriate amount with the Registry to be paid as compensation/costs to the person/institution who may be forced to contest the litigation, which is ultimately found to be vexatious, frivolous or mala fide.

6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

(a) Bonded Labour matters.

(b) Neglected Children.

(c) Petitions from riot victims.

(d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

(e) Petitioner pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

(f) Petitioners complaining violation of human rights.

7. The Registry shall be entitled to verify the antecedents of a person, society or an association who invokes the jurisdiction of the High Court on the cause of public interest. Where the Registry has any doubt on such antecedents, an office note to this effect shall be put up, except on the petitions which are received by post.

8. The Public Interest Petitions received through post shall not be entertained except in the following cases:-

(i) Petitions sent by prisoners and detenues;

(ii) Petitions complaining violation of human rights;
(iii) Petitions seeking a writ in the nature of habeas corpus;
(iv) Petitions with a cause of such nature that it may require suo-motu proceedings by this Court in 'Public interest';
(v) Petitions by financially or physically disabled persons, minors and/or oppressed sections of Society. The petitions falling in this category may be sent to the Member Secretary of the State Legal Services Authority concerned, who, on satisfaction regarding genuineness of the petitioner, may provide adequate legal aid including a counsel to the victim.

9. All the suo-motu petitions initiated by the High Court shall be put up before the Chief Justice for enlisting the same before an appropriate Bench as per roster within three days."

8. For the reasons stated above, no ground for interference is made out. Writ petition stands dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AMIT RAWAL)
JUDGE**

December 13, 2017

ramesh

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No