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

+ W.P.(C) 3469/2017 and CM No. 15209/2017

M/S SARA FOUNDATION (REGD.)

..... Petitioner

Through: Mr Kirti Uppal, Senior Advocate with
Mr P.S. Bhullar, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Azim H. Laskar and Mr Sachin
Das, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.08.2017

1. The petitioner has filed the present petition impugning a communication dated 19.04.2017 (hereafter 'the impugned order') issued by respondent no. 2 (hereafter 'BAI') *inter alia* restraining all players registered with it, not to participate in PNB Metlife Junior Badminton Championship (which was to commence on 24.04.2017) and other such tournaments, which were not recognized by BAI.

2. The petitioner is an Non Government Organisation (NGO) and has been formed, *inter alia*, with the object of encouraging and developing a sporting culture in India. The petitioner claims that it has been engaged in scouting and promoting sports talent throughout the country and also provides platform for sport persons who showcase their talent. The petitioner states that it has organised various badminton tournaments over the past few years and the same have been listed in paragraph four of the

petition.

3. BAI is an association which is affiliated to Badminton Asia Confederation, Badminton World Federation and Indian Olympic Association. BAI has also been informed to regulate, manage and develop the sport of Badminton in the country.

4. The petitioner is aggrieved by the impugned order directing all its affiliated units, coaches, technical officials, clubs and players not to participate in any tournament that is not recognised by BAI.

5. By the impugned circular, BAI had further threatened that any participation in such events would lead to disciplinary action.

6. The present petition was moved in the wake of the PNB Metlife Junior Badminton Championship Tournament which was organised by the petitioner on 24.04.2017. This Court had by a detailed order dated 21.04.2017, examined the validity of the circular and had concluded *prima facie* that the circular was without authority of law.

7. Clearly, the restriction on players not to participate in a sporting event infringes their constitutional guarantees under Article 19 of the Constitution of India.

8. This Court is of the view that it is open for BAI to provide for a code of conduct for its members, it is also open for BAI to ignore the tournaments that are not recognised by it for the purpose of granting accreditations to its players, however, a direction that no player or technical official can participate in any of the tournament of badminton is not only *ex facie*

unreasonable and arbitrary, but also run contrary to the main objects of BAI, which is to promote the sports of badminton.

9. BAI is a National Sports Association which is also recognised by the Ministry of Youth Affairs and Sports, Government of India. Thus, BAI performs a public function and thus is enjoined to act fairly, reasonably and in conformity with the provisions of Article 14 and 19 of the Constitution of India.

10. Thus, for the reasons which have been elaborated in the order dated 21.04.2017, the petition is allowed and the impugned order is set aside.

11. The petition and the application are disposed of.

AUGUST 24, 2017
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VIBHU BAKHRU, J