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

Date of Decision: 4th May, 2023

+ **W.P.(C) 3075/2022 & CM APPL. 8889/2022, 10285/2022**

MS. RAQUEL SHEFALI FERNANDEZ (MINOR)..... Petitioner

Through: Mr. Chandrashekhhar Chakalabbi &
Mr. Kumar Vinayakam Gupta,
Advs. (M: 9667344683)

versus

EQUESTRIAN FEDERATION OF INDIA & ANR..... Respondents

Through: Mr. Viraj R. Datar with Ms. Meenal
Duggal & Mr. Saurav Joon,
Advocate for R - 1
Ms. Nidhi Raman CGSC with Mr.
Zubin Singh, Mr. Akash Mishra Mr.
Mayank advocate for R-2/UOI (M:
9891088658)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner - Ms. Raquel Shefali Fernandez, a minor, who is an equestrian player, has approached this Court seeking directions to the Respondent No. 1- Equestrian Federation of India (hereinafter '*EFI*') to permit the Petitioner to participate in all Regional Equestrian League (*REL*) and Junior National Equestrian Championship (*JNEC*) events and to give the Petitioner equal access to the said events as is given to other eligible candidates.
3. The prayers of the Petitioner in the present petition are as under:

“a) Quash technical guidelines of 2021-22 issued by

the Respondent no. 1 whereby the Petitioner has been restrained from participating RELs and the JNSC 2021-22.

b) Issue a writ of Mandamus commanding Respondent no. 1 to allow the petitioner to participate in all REL and JNEC. The next REL will likely take place in February 2022.

c) Direct the Respondents to give 'equal access to participate in RELs and subsequent JNEC by including the OCIs cardholders as eligible candidate in their rules/guidelines.

d) Pass any other order or direction that this Hon'ble Court deems fit in the facts and circumstances of the case ”

4. The Petitioner is a Belgian citizen who is an OCI card-holder. The father of the Petitioner is stated to be an Indian citizen and her mother is Belgian. The Petitioner currently resides in Bangalore and is stated to be pursuing her education in Bangalore itself. Being an equestrian player, the Petitioner wishes to participate in the national games and other events of EFI, just like other players who are Indian citizens.

5. The stand of the Respondent No.1 - EFI is that the Petitioner being an OCI card holder is not entitled to such a privilege, inasmuch as the Petitioner cannot, being a non-citizen, seek equal privileges. Reliance is placed upon Section 7B(1) of the Citizenship Act, 1955.

6. It is submitted by Mr. Datar, Id. Senior Counsel appearing for the Respondent No.1 that the only facility that can be permitted to the Petitioner is to participate in the national events as a *hors concours* ('HC') entry. This privilege has already been made available to the Petitioner.

7. Reliance is also placed upon the judgment of this Court in ***Karm Kumar vs. Union of India & Ors. 2010 SCC Online Del 2579***

8. A perusal of the present writ petition would show that the issue that has been raised is as to whether an OCI card holder can claim rights to participate in the national and international sporting events, representing India at the national level or the international level. This question is no longer *Res Integra* and has been decided in the case of ***Karm Kumar vs. Union of India & Ors. 2010 SCC Online Del 2579***, in the following terms-

“Conclusion

57. The question posed at the beginning was this: Can an OCI or a PIO claim a right to represent India in an international sporting event? The answer to that question is in the negative given the present policy of the Union of India which this Court does not find to be arbitrary or unreasonable.”

9. Moreover, Section 7B(1) has also made it abundantly clear that it is only such rights which are made available, as are notified by the Central Government for OCI card holders, that the said OCI card holders would enjoy. Equal rights cannot be claimed by such card holders. The said section is set out below-

“Section 7B. Conferment of rights on Overseas Citizen of India Cardholder.-

(1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under sub-section (2), as the Central Government may, by notification in the Official Gazette, specify in this behalf. “

10. Ld. counsel for the Petitioner has drawn the attention of this Court to the notification of the Ministry of Home Affairs dated 11th April, 2005

wherein it is stated that for educational purposes, the OCI cardholders were given the same facilities as Non Resident Indians. However, vide notification dated 4th March, 2021, the earlier notification of 2005 has been changed and OCI card holders are no longer given the same kind of privileges.

11. Considering the aforesaid facts and circumstances, the Petitioner shall be permitted to participate in the manner as recorded in the order dated 2nd March, 2022, the operative portion of which is extracted herein below:

“3. According to him, in the said petition, this Court had recorded the submission made on behalf of the respondent No.1 that the petitioner shall be permitted to participate in the National Championship as HC entry. Mr. Datar reiterates his submission by stating that the petitioner shall be permitted as HC entry being a minor. According to him, this privilege is not available to a sportsperson who is major. According to him, this privilege is granted to a minor only to encourage a minor to participate in a sport event.”

12. No further orders are called for in this matter. In case the Petitioner, whose father is stated to be an Indian citizen, choses to take up Indian citizenship, her case shall be considered in accordance with law.

13. The petition, along with all pending applications, is disposed of in the above terms.

**PRATHIBA M. SINGH
JUDGE**

MAY 4, 2023/dk/rp