

2024:PHHC:151039



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

108+260

CWP-26785-2023 (O&M).
Date of Decision: 19.11.2024.

RAM DIYA ATTRI

.. Petitioner

Versus

UNION OF INDIA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Petitioner-in-person.

Mr. Sudhir Nar, Senior Panel Counsel,
for respondent No.1/Union of India.

Mr. Amrinder Singh, Advocate,
for respondent No.2/All India Football Federation.

Mr. Nitish Jhahria, Advocate, and
Mr. Abhinav Sood, Advocate,
for respondents No.3 to 8 and 11 to 13.

VINOD S. BHARDWAJ, J. (ORAL)

CM-18677-CWP-2024

Application is allowed as prayed for subject to all just
exceptions.

Annexures P-9 to P-16 are taken on record.

The Registry is directed to tag the same at an appropriate place.

2024.PHHC.151039

Main case

Prayer made in the present petition was for issuance of directions to the respondents to look into the matter and to accept the protest petition filed by the petitioner along with the requisite fee of Rs.5,000/- and to take a decision by adopting the National Code Against Age Fraud in Sports by TW3 method test for determination of age in the Administrator's Challenge Cup All-India Football Tournament.

2 The petitioner appearing in person refers to the Chapter XXIV of the aforesaid Code issued by the Government of India, Ministry of Youth Affairs and Sports, Department of Sports, Folio No.F.32-18/2009-SP-III, which has been made binding against all sports associations and for all competitions that are being undertaken with a view of eliminating age fraud in sports and ensuring fair play. The fundamental rationale of the Code was to preserve the core values of sports which are honesty, fair play and team spirit and to curb the athletes who indulge in age frauds in sport and thereby putting genuine athletes in a disadvantageous position. Still further, the age related frauds result in sub-optimal level of performance of athletes committing such frauds as they end up competing with their juniors and not in their own age group. The scope of the Code has been extended to all Recognized National Sports Federations, Sports Authority of India through various sports promotion schemes of SAI, Sports Control Board managed by Government Departments and Public Sector Undertakings and State Governments & Union Territories and their Sports Authorities. A detailed procedure for medical examination and the scientific testing parameters

2024:PHHC:151039



along with the procedure for appeal have been duly prescribed in the said Code.

3 Petitioner appearing in person further places reliance on letter No.F.32-18/2009-SP-III dated 19.03.2010, issued by the Government of India, Ministry of Youth Affairs and Sports regarding issuances of National Code against age fraud in sports. Para No.5 of the said communication reads thus:-

“5. All recognized national sports federations would have to be NSAAFS compliant. Sports Control Boards managed by Government & Public Sector Undertakings and State Governments and Union Territories and their Sports Authorities are also required to take suitable measures for adoption and implementation of Code which is enclosed.”

4 He contends that notwithstanding the binding nature of the guidelines and the procedure provided under the National Sports Code and also the directions issued by the Government of India, Ministry of Youth Affairs and Sports, all Governments and Public Undertakings and State Governments and Union Territories and their sports authorities are required to take suitable measures for adoption and implementation of the Code, however, notwithstanding the same, the respondent authorities are not carrying out any tests to avoid sports fraud relating to age in the Administrator’s Challenge Cup organized by the Sports Department of the Union Territory of Chandigarh.

2024:PHHC:151039



5 Learned counsel appearing on behalf of the Union of India as well as All India Football Federation contend that they are not the organizing body of the said tournament and that the same is being organized by the Chandigarh Administration, thus, the requirements of the National Sports Code have to be discharged by them. The said tournament is not in the calender issued by the All India Football Federation and therefore, they do not exercise any control over the said tournament.

6 Learned counsel appearing on behalf of the Union Territory has been confronted with the provisions of the Sports Code as also the letter dated 19.03.2010 mandating adoption and implementation of the National Sports Code as also the Code against age frauds in sports to which his response is that the tournament is an invitational tournament and as such, the mandate is not applicable. He has, however, been confronted with the provisions of the Sports Code as also the letter of the Government of India dated 19.03.2010 and on being questioned as to whether any such classification of the competitive or the invitational tournament is borne out from the National Sports Code or the letter issued by the Government of India, he is not in a position to refer to any such provision.

7 He has also specifically been confronted with the directions issued by the Government of India, Ministry of Youth Affairs and Sports in its letter dated 19.03.2010 mandating all the Governments and Union Territories as well as their Sports Authorities to take suitable measures for adoption and implementation of the Code which is enclosed irrespective of the nature of the tournament being organized and as to whether such a

2024:PHHC:151039



mandate would be applicable or not, he is not in a position to respond to the same as well.

8 This Court has also taken note of the fact that even though the tournament may not be organized by the National Sports Federation, however, it is recognized by the National Sports Federation of India and therefore, would have a bearing on the overall ranking and performance of the participating sports persons.

9 Considering that the provisions of the National Sports Code are enforceable against the Sports Organizations, State Governments, State Government undertakings as well as the Departments of the State Government and Union Territories, I am unable to find any basis of the classification done by the Union Territory of Chandigarh. No such material as would justify such a classification, as is sought to be projected by the counsel appearing on behalf of respondents No.3 to 8 and 11 to 13 has been brought on record.

10 Under the given circumstances, I am inclined to accept the prayer made in the present petition. The present writ petition is accordingly allowed. The respondent Chandigarh Administration is directed to ensure that the guidelines as contained in the National Sports Code against age fraud in sports as forwarded vide letter dated 19.03.2010 are properly implemented while organizing any such invitational tournament which are recognized by the National Sports Federation. The entire protocol as has been approved under the Statutory Scheme shall be followed by them in the

2024:PHHC:151039



subsequent tournaments including the tournament which is scheduled to be held tomorrow i.e. 20.11.2024.

11 Counsel for the Union Territory, Chandigarh undertakes to inform the authorities about the order passed by this Court today for its proper implementation.

November 19, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

At this stage, at 4:30 P.M. when the Court is about to rise, Counsel for respondent-Union Territory has appeared before this Court and has informed that TW3 method test facility is not available in Chandigarh including the PGIMER and the Government Medical College and Hospital. He contends that the age determination in accordance with other methods which includes ossification test, bone test and dental test shall be duly put in place for a tournament which commences tomorrow and that the players against whom objection is raised would be tested to TW3 after the requisite technology has been brought in at the PGIMER and appropriate steps against any team/player committing an age related fraud in sports shall be taken as per law.

November 19, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No