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

+ W.P.(C) 1175/2025

HARSHITA YADAV

.....Petitioner

Through: Mr. Ajeesh Kalathil Gopi and Mr.
Jannath B. Manakradayen, Advs.

versus

UNION OF INDIA (UOI) & ORS.

.....Respondents

Through: Mr. Ruchir Mishra, Mr. Sanjay Kr.
Saxena, Mr. Mukesh Kr. Tiwari, Ms.
Poonam Shukla, Ms. Reba Jena
Mishra, Ms. Harshita Sharma, Advs.
and Mr. Sanjay Pal, GP, UOI.
Mr. Vikash Singh and Mr. Ujjwal
Chaudhary, Advs. for IOA.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

03.02.2025

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1. The present petition has been filed seeking a writ in the nature of *mandamus* that the sport of 'Kalaripayattu' be reinstated as a competitive sport in the 38th National Games 2025, taking into account its prior recognition and its cultural and historical importance and its status as part of India's National Heritage.

2. It is noticed that a writ petition being W.P.(C) 514/2025 was filed by the petitioner, seeking similar relief, which was disposed of *vide* order dated 15.01.2025. The said order reads as under:

"1. The present petition seeks that the respondent nos. 1 and 2 be directed to reinstate 'Kalaripayattu' as a competitive sport in the 38th National Games.

2. It is noticed that on the previous occasion/s, 'Kalaripayattu' was included as a competitive sport.



3. On a query by this Court, learned counsel for State of Uttarakhand does not express any difficulty / impediment in including the 'Kalaripayattu' as a competitive sport in the upcoming national games at Uttarakhand.

4. After some hearing, with the consent of respective counsel for the parties, it is directed that the present petition shall be treated as a representation by the respondent no.2 I IOA and a suitable decision shall be taken for reinstating 'Kalaripayattu' as a competitive sport in 38th National Games. The JOA shall take into account the cultural and historical importance of the said sport and its status as a part of the country's national heritage and take an appropriate decision. A reasoned order shall be passed by the IOA latest within a period of one week from today.

5. The present petition is disposed of with the aforesaid directions."

3. Pursuant thereto, the respondent no.2 / Indian Olympic Association (IOA) has passed an order dated 22.01.2025 whereby the representation of the petitioner seeking inclusion of 'Kalaripayattu' as a competitive sport in the 38th National Games 2025 has been rejected. It is observed from a reading of the said order that the same acknowledges that 'Kalaripayattu' is a symbol of the nation's enduring traditions and the role that it has played in shaping the cultural identity of India. However, the only reason given in the said order for non-inclusion of Kalaripayattu as a competitive sport is that:

(i) the practice and organized competitions of Kalaripayattu are confined to specific regions of the country, primarily in Kerala and its neighbouring states. As such, it is stated that the sport does not enjoy widespread participation and lacks the geographical spread and depth of participation necessary for inclusion as a competitive sport in the National Games.

(ii) the IOA, in its policy framework, emphasises inclusion of sports with a broad national footprint, robust governing bodies and



active participation across multiple states.

4. The order goes on to state that recognising the cultural and historical significance of Kalaripayattu, the IOA has included the same as a demonstration event during the 38th National Games.

5. This Court is not satisfied with the reasons disclosed by the IOA in the aforesaid order dated 22.01.2025. The said order does not deal with the fact that *Kalaripayattu* was included as a competitive event in the previous National Games (37th edition). Importantly, it is pointed out by learned counsel for the petitioner that as many as 16 states participated in the said event. For the ongoing (38th National Games), there are participants from 18 states. As such, it is implausible to say that the sport does not have a broad national footprint or that it is geographically confined to only a specific portion of the country, as stated in the order passed by the IOA.

6. Further, learned counsel for the petitioner points out that initially, in connection with the 38th National Games, the IOA (on 02.12.2024) had released a list of 32 competitive sports and four demonstrative sports. In the said list, amongst the sports that were sought to be included in the “demonstrative events” category were (a) *Yogasana*, (b) *Mallakhamb* and (c) *Kalaripayattu*. However, on 27.12.2024, *Yogasana* and *Mallakhamb* were elevated to the category of “competitive sports” whereas a differential treatment was accorded to *Kalaripayattu*. There is no rationale disclosed in the impugned order for doing so.

7. *Prima facie*, this Court is inclined to accept the submission of learned counsel for the petitioner that the IOA has opted an arbitrary approach, and the order dated 22.01.2025 is not based on relevant considerations.



8. However, learned counsel for IOA points out that since the 38th National Games have already commenced from 28.01.2025 and the *Kalaripayattu* event stands concluded. As such, it is much too late in the day to include *Kalaripayattu* as a competitive sport for the ongoing edition of the National Games (38th Edition). Learned counsel for the IOA submits that for future events organized by IOA, including subsequent versions of the National Games, the IOA shall have due regard to the status of *Kalaripayattu* and give it the prominence and recognition which it deserves, and make an endeavour to include the same as a competitive sport.

9. In the circumstances, no further orders are required to be passed in the present petition. The same is accordingly, disposed of.

SACHIN DATTA, J

FEBRUARY 3, 2025/cl