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

Date of Decision:- 11.02.2022

+ W.P.(C) 10590/2021, CM APPL. 32671/2021 (interim directions) &
CM APPL. 40007/2021 (directions)

MS MANIKA BATRA

..... Petitioner

Through Mr.Sachin Datta, Sr. Adv. with
Mr.Akshay Amritanshu, Mr.Vidushpat Singhania,
Mr.Kartikey Singh, Mr.Ashutosh Jain, Mr.Nachiket
Joshi, Mr.Kushagra Jain, Mr.Ayush Gaur &
Ms.Neetu Devrani, Advs.

versus

TABLE TENNIS FEDERATION OF INDIA THROUGH THE
PRESIDENT & ORS. Respondents

Through Mr.Anupam Lal Das, Sr. Adv.
alongwith Mr. Chetan Anand & Mr.Akash
Srivastava, Advs. for R-1

Ms.Arul Selvi, TT Player.

Mr. Chetan Sharma, ASG with Mr.Apoorv Kurup
CGSC, Ms.Akshata Singh, Mr.Vinay Yadav,
Mr.Amit Gupta, Mr.Rishav Dubey & Mr.Sahaj
Garg & Mr.R V Prabhat, Advs. for R-2

Mr. Tridib Bose & Mr. Soumya Dutta, Advs. for R-
3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. The present petition, under Article 226 of the Constitution of India, has
been preferred by a top-ranked Table Tennis player who has been

representing India since 2008 in various tournaments internationally, being aggrieved by the actions of the respondent no. 1, which it is alleged, is against the interest of the players. The Petitioner has consequently also assailed the “Rules and Regulations for National Camp” (hereinafter referred to as the ‘Rules’) introduced by the said respondent on 04.08.2021, mandating compulsory attendance of players at the ‘National Coaching Camp’, in order to be selected for international events. It is the Petitioner’s case that the said Rules, besides being illegal and contrary to the National Sports Code, 2011, had been *mala fidely* framed to exclude her from participating in further tournaments, on account of the serious allegations of attempted match-fixing levelled by her against the respondent no.3, the national coach appointed by the respondent no.1, from whom she was being compelled to take her coaching.

2. On 23.09.2021, when the petition was taken up for preliminary consideration by the Court, it was submitted on behalf of the Petitioner, that even though, she had, by way of prayer (ii), sought a direction to the respondent no.1 to include her name in the Indian contingent at the 25th ITTF - Asian Table Tennis Championship, 2021 which was to be held from 28.09.2021 to 05.10.2021 at Doha; in view of the limited time that was left for the commencement of the tournament, she was left with no other option but to skip such a precious tournament. The petition was, therefore, confined to seeking the following reliefs:

“(i) A Writ of Certiorari or any other writ, order or direction quashing the Rules and Regulations titled as “Rules and Regulations for National Camp” dated 04.08.2021 (Annexure P4, [Pg. 289]) issued by Respondent No. 1; and

(iii) A Writ of Mandamus or any other writ, order or direction thereby directing the Respondent No. 2 to enquire into the management of the Respondent No. 1; conduct of Respondent No. 3 and other officials of Respondent No. 1 as detailed in the present petition and the email of the Petitioner dated 14.08.2021 and the representation sent by the Petitioner to Respondent No.1 dated 17.09.2021 and Respondent No.2 dated 17.09.2021 under the supervision of this Hon'ble Court.”

3. The Petitioner's case is that even though, she had immediately brought to the notice of the federation about her being pressurized by respondent no.3, to concede a match to be held on 18.03.2021 at the Asian Olympic Qualification Tournament, no action was taken on the same. This attempted match-fixing by respondent no.3 was done only to enable a player, who was undergoing personal coaching at his private academy, to qualify for the Tokyo Olympics. Instead, the Petitioner was, at the behest of respondent no.3, harassed by respondent no.1 and was therefore, consequently compelled to play without her personal coach in the Tokyo Olympics. Soon after the Tokyo Olympics, the Petitioner sent a written complaint to the respondent no.1, but once again, the respondent no.1 instead of inquiring into her complaints, not only issued her a Show Cause Notice dated 20.08.2021, but also the impugned rules with an attempt to exclude her from participating in international tournaments. It is the Petitioner's claim that by using these Rules, the respondents succeeded in ousting her from the Asian Championship.

4. In the light of these serious allegations of the Petitioner, and the categorical stand of the respondent no.2 that the impugned Rules were in the teeth of the National Sports Code, 2011, which enjoins all National Sports Federations (NSF), to make a judicious selection of players for participation in major international events based on merit, this Court on 23.09.2021 had

stayed the operation of the Rules. Simultaneously, respondent no.2 was directed to get the Petitioner's complaints expeditiously examined.

5. On 17.11.21 when the report of the inquiry conducted under the aegis of the respondent no.2 was placed before this Court, it emerged that though the Committee appointed by respondent no.2 had observed that the Show Cause Notice issued to the Petitioner was uncalled for, it had failed to examine her serious complaints made against the respondent no.3, and other officials of respondent no.1. Moreover, this Committee was headed by a Joint Secretary of the Ministry, to which also the Petitioner had raised a grievance. This Court, therefore, with the consent of the parties, appointed an independent three-member Committee to examine the Petitioner's complaints dated 14.08.2021, 26.08.2021, & 17.09.2021. The said Committee comprised of Justice Vikramjit Sen, and Justice A.K. Sikri, both former judges of the Apex Court, besides Mr. Gurbachan Singh Randhawa, a distinguished sportsperson, who is also an Arjuna awardee.

6. This Court also took note of the respondent no.1's attempt to overreach the orders passed in the present petition by approaching the International Table Tennis Federation (ITTF) for conducting an inquiry against the Petitioner on the same aspects. This request to the ITTF was made within one hour of this Court's earlier order dated 23.09.2021, wherein, the respondent no.2 was directed to get the Petitioner's complaint examined. The Court was therefore, compelled to restrain the respondent no.1 from interacting with the ITTF in respect of the Petitioner's complaints or the Show Cause Notice issued to her.

7. The report of the three-member Committee constituted on 17.11.2021, has since been received. A perusal thereof reveals a very sorry state of affairs; the manner in which the respondent no.1 federation is functioning, is

not what is expected from a National Sports Federation which is entrusted with the duty to work for the welfare of the sportspersons. In fact, some of the observations made by the Committee, regarding the manner in which the Petitioner's complaints have been dealt with clearly supports her plea that, the respondent no.1, instead of promoting the interest of the players, has been taking all possible steps to shelter its own officials.

8. As noted in the earlier orders, despite the Petitioner's fervent pleas that, an administrator ought to be forthwith appointed to manage the affairs of the respondent no.1, this Court had refrained from doing so at that stage. This was done to await the outcome of the independent Committee's report. However, upon a perusal of the report received from the Committee, it is evident that the respondent no.1, instead of taking cognizance of the Petitioner's complaints, attempted to harass and intimidate her. Despite her being a world-renowned sportswoman of prominence, the federation had gone to the extent of excluding her from the national team for the Asian Championship, leaving her with no option but to approach the Court. In its report, the Committee has also opined that, the respondent no.3 having been appointed as a national coach by the respondent no.1, his continuing to run his personal academy, would *prima facie* amount to a conflict of interest.

9. I may also note that the Committee has expressed its anguish that the respondent no.1, who was entrusted with the responsibility of promoting the sport of Table Tennis, has only taken interest in safeguarding its officials, who knew about the issues raised by the Petitioner from the very beginning. In fact, even before this Court, there is no explanation given by respondent no.1 as to why respondent no.3 is being continued as a national coach, when he is simultaneously running his personal academy.

10. It is only the learned counsel for the respondent no.3 who has tried to defend the appointment of respondent no.3 as a national coach by contending that similar is the position with the other sports. If this is indeed true, then the less said the better. I earnestly hope that this order will act as a waking call for the Government and all other sports federations to take corrective action in this regard. A person appointed as a national coach by such federation cannot and ought not to be permitted to simultaneously run his personal academy. A conflict of this nature has to be avoided; our sportspersons surely, deserve better.

11. The manner in which the respondent no.1 has dealt with the Petitioner's complaint *prima facie* shows that the federation, instead of carrying out its duty under the National Sports Code, 2011 to promote and achieve excellence in sport, has tried to hamper her growth. If this is the manner in which the Petitioner is being treated, I shudder to think how the more vulnerable players, who may still be trying to make their mark, are being treated by the federation. The Petitioner has urged that the federation has been forcing the players to act as per the diktat of its officials. The very fact that the impugned Rules have also been withdrawn only after this Court's interference, which fact was informed to this Court only today, also leaves much to be desired. Upon receiving the Petitioner's complaints regarding such serious allegations of attempted match-fixing by respondent no.3, it was incumbent upon the respondent no.1 as an NSF, to go to the root of the matter, so that a distinguished sportsperson like the Petitioner did not have to go through this uncalled for trauma. Regrettably, the respondent no.1 chose a different approach, and evidently chose to appease its officials, and put the interests and wellbeing of sportspersons on the backseat.

12. The conduct of the respondent no.1 federation has been undoubtedly questionable as it has been misusing its position to feed into the whims of some of its officials, including the respondent no.3, without any consideration of the mental agony they are putting their sportspersons through. The people of this country take great pride in the achievement of their sportspersons, who undergo rigorous training for years and show remarkable grit while representing their Country at international platforms, and bring laurels to the country with their remarkable dedication and sportsmanship. It pains this Court to see that, instead of celebrating, honouring and encouraging the meritorious sportspersons, the respondent no.1 federation has gone out of its way to undermine their efforts. This it appears is only with an aim to further the interests of a select few officials, who clearly have no regard for the welfare of the sportspersons. It is therefore, imperative that the conduct and functioning of the respondent no.1, which *prima facie* appears to be in breach of the Sports Code, 2011, should be inquired into.

13. The question now is, whether despite such allegations, the Executive Committee of the respondent no.1 federation should be permitted to continue to run the affairs of the federation; or it should be suspended by appointing an administrator to run the federation till an inquiry into the affairs of the respondent no.1 is completed. The learned ASG has drawn my attention to the provision in the National Sports Code, 2011 which provides for the suspension and withdrawal of recognition of a NSF in certain situations. The relevant extract of the National Sports Code, 2011 dealing with the “Procedure for Suspension and Withdrawal” reads as under:-

“In the event that serious irregularities in the functioning of a National Sports Federation are detected, the recognition of a Federation will be suspended as an interim measure until a

complete and full inquiry is completed. The grounds for suspension will be as follows:

(xi) In the public interest, in the event of any other serious irregularities being detected.”

14. Keeping in view the fact that, the respondent no.1 is discharging a very important function and there are many tournaments scheduled to be held in the coming months, suspending the recognition of respondent no.1 will only hurt the interest of the sportspersons.

15. In these circumstances, the only other option is to appoint an Administrator to discharge the functions of the respondent no.1 federation, till an inquiry, is conducted into the affairs of the federation. If this is not done, this Court will be remiss in discharging its duty not only towards the sportspersons of the country, but also towards the general public itself.

16. Learned counsel for the Petitioner, as also the learned ASG, submit that since it appears that findings have been given by the three-member Committee about the officials of respondent no.1 not taking any action, despite being aware of the serious allegations levelled by a highly accomplished player, a further inquiry may not be required; this itself may be enough for the respondent no.2 to take action against the respondent no.1 federation under the National Sports Code, 2011.

17. Learned senior counsel for the Petitioner as also for the respondent no.1 also have no objection to an independent person or Committee carrying out any further inquiry. Learned ASG further submits that, though under the Code, the respondent no.2 is entitled to initiate an inquiry against respondent no.1, in the light of the findings of the Committee, it has no objection if this Court appoints an independent Committee or person to carry out any further inquiry into the affairs of the respondent no.1, if deemed necessary. Learned senior counsel for the respondent no.1 federation submits that the said

respondent would also have no objection to any further inquiry by any independent person or Committee. However, he prays that orders for any further inquiry be deferred so as to enable him to examine the three-member Committee's report and make submissions thereon. The request of the respondent no.1 is accepted. While appreciating the assistance given by the Committee, orders for inquiry into the affairs of respondent no.1 are being deferred with directions to the Registry to provide a copy of the report to the all the parties. A report, if any, be filed by the parties within three weeks.

18. Therefore, at this stage, even though action on the basis of the Committee's report, and any further inquiry qua the functioning of the respondent no.1, is being deferred at the request of the learned senior counsel of the respondent no.1, this state of affairs cannot be permitted to continue. This Court is, therefore, of the opinion that till a deeper scrutiny of respondent no.1's affairs is carried out, either by the Union of India or by an independent Committee, a Committee of Administrators is required to be immediately appointed to conduct the affairs of the respondent no.1 federation.

19. A Committee of Administrators to discharge the functions of the respondent no.1 comprising of the following members is, accordingly, being constituted:

- (i) Chairperson: Chief Justice (Retd.) Gita Mittal, former Chief Justice, Jammu & Kashmir High Court. (Mobile: +919818000220)
- (ii) Member: Mr. Chetan Mittal, Senior Advocate. (Mobile:+919814044609)
- (iii) Member: Mr. SD Mudgil, a renowned athlete. (Mobile: +919811054307)

20. The following directions are being issued to facilitate the smooth functioning of this Committee of Administrators:

- i. The Executive Body of respondent no.1 will acquiesce their administrative duties to the Committee of Administrators, while the staff engaged by the respondent no.1 federation will continue to work on the same terms and conditions as was applicable to them. Since, there are a number of tournaments coming up in the near future, it is expected that the Executive members of the Committee, who claim to be working in the interest of the sportspersons, will render all assistance to the Committee of Administrators, as and when required.
- ii. Even though this Committee is being constituted only to ensure that the morale of sportspersons and pride of the country is safeguarded, and the efforts which the three members will be required to put in cannot be compensated, it is directed that a monthly honorarium to be paid to the members of the Committee of Administrators, for the present is being fixed at INR 3 lakhs for the Chairperson, and INR 1 lakh each for the two members.
- iii. Upon the Committee of Administrators as nominated above assuming charge, the existing office bearers of the respondent no.1 federation shall no longer be entitled to discharge any function of the federation but will, as already directed, render assistance to the Committee of Administrators, as and when requested by the said Committee.
- iv. The Committee of Administrators will have the power to issue all appropriate directions, under the signatures of the Chairperson, as may be necessary for the functioning of the federation. The Committee of Administrators will be entitled to utilise the existing office of the

respondent no.1, as also to avail the services of the staff already employed by respondent no.1.

- v. All communications on behalf of the respondent no.1 federation with any sportsperson or international sports bodies, will now take place only through the Committee of Administrators.
- vi. Any of the two members of the Committee of Administrators will, with the prior approval of the Chairperson, be authorised to sign all cheques on behalf of respondent no.1. All the banks where the respondent no.1 federation have bank accounts, are directed to treat the members of the Committee of Administrator as being authorised signatories of respondent no.1. The Committee of Administrators will submit a periodic report, including that relating to accounts, every two months.
- vii. It will be open for the Committee of Administrators to seek any such further directions from this Court, as may be necessary.

21. A copy of the inquiry report of the Committee appointed by this Court on 17.11.2021, besides being furnished to all the parties by the Registry, will also be furnished to the Committee of Administrators, appointed vide this order. The Committee of Administrator is, in turn, requested to send a copy of the same to the ITTF so that the Petitioner is relieved of the trauma she is undergoing on account of the Show Cause Notice issued to her by the ITTF.

22. At this stage, learned senior counsel for the respondent no.1 prays that a copy of the inquiry earlier conducted by respondent no.2 be also provided to the parties. In my view, once the said report already stands rejected by this Court on 17.11.2021 and an independent Committee under the Chairmanship of Justice Vikramjit Sen, former judge of the Apex Court, was constituted to inquire into the respondent no.1 federation's conduct, no reliance can be

placed on the said report. The request for furnishing copies is thereof rejected.

23. Before I conclude, I may also deal with the Petitioner's grievance regarding the whatsapp messages received by her from one Ms.Arul Selvi, who is a national selector appointed by the respondent no.1. It is indeed shocking to read the contents of these messages, which not only advise the Petitioner to withdraw her court case, but also suggest that approaching the Courts is a long-drawn process in futility. Even though these messages are *prima facie* contemptuous in nature, since Ms.Selvi has on her own, appeared in person and tendered an unconditional apology for her conduct, no action is being taken in this regard for the present. However, Ms.Selvi is cautioned to be careful in the future while making any comments on the functioning of the Courts.

24. List on 13.04.2022 for further consideration.

FEBRUARY 11, 2022

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REKHA PALLI, J