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

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Date of Decision: 12.03.2025

+ W.P.(C) 3205/2025

RAHUL KUMAR VERMA

.....Petitioner

Through: Mr. Shlok Chandra and Mr. Sankalp
Sharma, Advs.

versus

BADMINTON ASSOCIATION OF INDIA & ORS.Respondents

Through: Mr. Azim H. Laskar, Adv. for R-1.
Mr. Udit Dedhiya and Mr. Vidur
Dwivedi, Advs. for R-3/UOI.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition, filed by the petitioner seeks quashing of notification dated 13.02.2025 (hereinafter '*the impugned notification*'), issued by the Badminton Association of India (respondent no.1), which notifies the selection criteria for the purpose of participation in the Para-Badminton events under the 2nd Khelo India Para Games, 2025 to be held at New Delhi from 20.03.2025 to 22.03.2025.
2. Broadly two grievances have been raised by the petitioner.
3. Firstly, it is stated that the impugned notification arbitrarily restricts the participation of female para-athletes by providing them with only 8 slots per event, whereas male para-athletes receive 16 slots per event. It is submitted that this tantamount to discrimination against female athletes, and is contrary to the National Sports Development Code of India, 2011.
4. Secondly, it is submitted that the selection criteria disproportionately



favours established international players by allocating 75% of available slots based on Badminton World Federation (BWF) Ranking. It is submitted that this approach directly contradicts the Khelo India Scheme which is intended to nurture and promote budding national level athletes.

5. Respective counsel for the parties have been heard at some length.

6. The allocation of the lesser slots to female para-athletes does not commend itself to this Court. The principle of gender parity in sports is mandated under constitutional provisions as also in terms of the National Sports Development Code of India, 2011.

7. It is a matter of record that the female athletes have brought significant sporting glory to the country and this Court cannot countenance a situation where equilibrium is not maintained between the male and female contingents in sporting events.

8. In this regard, it is apposite to refer to the observations of the Madras High Court in ***M. Sameeha Barvin v. Government of India*** 2021 SCC OnLine Mad 6456. It has been observed therein as under:-

“46. In India with burgeoning population, women in general and disabled women in particular, struggle with both the oppression of being women in male-dominated societies and the oppression of being disabled in societies dominated by the able-bodied. Women with disabilities in aspiring to achieve laurels in high levels of sport competition seldom gets encouragement and assistance and often face double discrimination associated with gender and disability. Having disability and being in the world of sports, to which they are not at fault, are compounded by systematic barriers associated with the brand of being female and participating in a male dominated sports arena. At the elite level, disability sport has grown and developed at a rapid pace unprecedented in sport history. The Paralympic Games are the pinnacle of elite competition for athletes with disabilities and a second largest sporting event in the world - second only to Olympic games. Despite the accomplishments of Paralympic movement, serious inequalities continue to exist for women and the case of the petitioner herein is a classic example for the same. Participant numbers have traditionally been



skewed, in that two to three times more men than women compete at the paralympic level. Professionals with the adapted physical activity field have speculated on the barriers which exist for women with disabilities in sports. The barriers for participation in such momentous events include classification that are insensitive to women. Few women involved in the power structures of the disability sports movement and an under-representation of women athletes in wheel-chair sport. If the potential women are given opportunities coupled with financial support, it will be possible for them to bring more laurels to the Country. Empowering the female athletes to be an active participant could be achieved by providing adequate opportunities to them on par with the male athletes. There needs to be feasible avenues for the female athletes to address their concerns to the decision-makers and it would encourage a united political front that would represent all female athletes, regardless of their disability level, to achieve greater horizons.

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53. In the light of the aforesaid detailed analysis and findings, this Court has reached the conclusion that this is a case of discrimination based on the gender as well as the disability, due to which, the petitioner has faced several difficulties and barriers to participate in the international event. The State and Central Governments, being the competent authorities to provide and ensure support and safety to the sports women with disabilities, so as to inspire their confidence freely and take part actively in the events at all levels, have failed to do the same in an appropriate manner. Therefore, in exercise of the power conferred under Article 226 of the Constitution of India, to render substantial justice, this court issues the following directions to the respondent authorities for the purpose of streamlining the policy qua woman athletes with disabilities, in consultation with experts, so as to enable them to participate in all the events at State, National and International levels, with equality and dignity:

(i) to prevent or prohibit unfair discrimination against the women athletes with disabilities, on one or more grounds including race, gender, sex, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

(ii) to provide adequate financial assistance and all other requisites to the women athletes with disabilities, so as to participate in all the events.

(iii) to follow proper selection process, so as to enable the meritorious candidates to participate in the events.



(iv) To provide necessary training and free medical facilities to all the women athletes with disabilities, who achieve meritorious level in the respective sports for participation in all the international games.

(v) to provide all possible means to entertain women athletes with disabilities to utilise their fullest potentials and capabilities so as to achieve success in all the events.

(vi) to provide all the disabled friendly materials, clothes, prosthetics and other accessories that may be required by the women athletes with disabilities in day today affairs, with incentives so as to encourage and nurture their excellence in the respective sports and to participate in the events at all levels.

(vii) to extend the financial assistance to one of the family members, who accompany the disabled female athletes to participate in the international games.

(viii) To give effect to the principle of reasonable accommodation by providing all assistance that are required/requested by the females athletes with disabilities so as to enable them to participate in the international games, on par with males.

(ix) to ensure safety and security of the female athletes with disabilities during their travel, irrespective of number of participants, so as to inspire their confidence freely and take part actively in the events at all levels.

(x) to sensitize the male counter parts and inculcate the sense of equality in their mind, so as to maintain safe environment for women athletes at all levels.

(xi) to reward all the disabled women participants in the international games, irrespective of their achievements or otherwise.

(xii) Must ensure that all the women athletes whether with or without disabilities, be given equal treatment on par with males, so as to enjoy full and equal rights and freedoms and to maintain their dignity.”

9. Learned counsel for the respondent no.1 has sought to attribute the reduced slots to female para-athletes to the reduced pool of performing international athletes in the concerned sporting events. The same is untenable. There is no reason why the participation of female para-athletes



should not be augmented by drawing from the pool of para-athletes who had participated in the National Para-badminton Championship, 2024 and the Khelo India Para Games, 2023. This will also allay the concern that disproportionate weightage has been given to participation in international events.

10. After some hearing, learned counsel for the respondent no.1 submits that for the purpose of the upcoming 2nd Khelo India Para Games, 2025, an attempt shall be made to augment / increase the contingent/participation of female para-athletes by providing for additional slots by drawing from the participants in the National Para-badminton Championship, 2024 and the Khelo India Para Games, 2023. The said statement is taken on record.

11. In view of the aforesaid statement and in view of the fact that the concerned 2nd Khelo India Para Games, 2025 are just round the corner, this Court is refraining from passing any peremptory / binding directions for the purpose of the said event.

12. However, it is directed that the Ministry of Youth Affairs and Sports must endeavour to ensure that parity is maintained in the participation of male and female athletes in sporting events organized by the National Sports Federations (NSFs) and also ensure that the pool of participating athletes is broad enough to include not only these athletes who have participated in international events, but the same must also adequately accommodate athletes who have participated in domestic / local / Khelo India Games events.

13. The present petition is disposed of in the above terms.

MARCH 12, 2025/cl

SACHIN DATTA, J