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

% **Date of Decision : 27.01.2025**

+ **W.P.(C) 4648/2024, CM APPL. 19040/2024**

(4) DEEPAK JAIN & ORS. ....Petitioners  
Through: Mr. Amartya Bhushan and Mr. Yojit Mehra, Advocates.  
versus

BASKETBALL FEDERATION OF INDIA & ORS.....Respondents  
Through: Mr. T. Mahendhran, Advocate for R1.

+ **W.P.(C) 16299/2024**

(63) CHANDINI ....Petitioner  
Through: Mr. Amartya Bhushan and Mr. Yojit Mehra, Advocates.  
versus

BASKETBALL FEDERATION OF INDIA ....Respondent  
Through:

**CORAM:  
HON'BLE MR. JUSTICE SACHIN DATTA**

**SACHIN DATTA, J. (Oral)**

1. The present petitions have been filed by the petitioners, assailing the conditions stipulated in the communication/notice dated 19.02.2024 issued by the respondent no.1 whereby the affiliated units of the respondent no.1 were intimated about the 74<sup>th</sup> Junior National Basketball Championship scheduled to be held from 8<sup>th</sup> to 14<sup>th</sup> May, 2024.

2. The petitioners are aggrieved with the stipulation regarding age



verification contained in the said communication/notice, which reads as under:-

*“AGE VERIFICATION: The Age Verification Committee/Medical board will examine on 7<sup>th</sup> May 2024 at the venue from 10.00 A.M. onwards to determine the eligibility of players to participate in the said Nationals. Please advise your players to bring Original Birth certificates issued by the Municipal Corporation/Registrar of Birth & Death obtained in the year of their birth or within 5 years of their birth & their Aadhar card (Also, parents). Please ensure that your team (s) reach INDORE positively on 7<sup>th</sup> May 2024 before noon and not earlier.”*

3. It is the case of the petitioners that the said stipulation is wholly illegal and arbitrary inasmuch as it deprives the petitioners of a level playing field/opportunity to compete/participate in basketball sporting events despite being otherwise eligible.
4. It is submitted that the petitioners fully meet the eligibility criteria for participation in the basketball events mentioned in the said communication/notice, as well as in similar events. However, the petitioners are being unfairly deprived of this opportunity solely due to the lack of access to proper documents verifying their age, which is on account of the petitioners' backward/socio-economic conditions.
5. It is submitted that there is no rationale whatsoever to prescribe that the birth certificate issued by the concerned authority recording the date of birth of the petitioners, must have been issued within five years from their birth.
6. It is not disputed that the fulfilment of the age criteria is both necessary and mandatory, and the petitioners do not seek any exemption from the same. However, it is submitted that for the purpose of ascertaining



the age of the petitioners, the provisions of “National Code against Age Fraud in Sports” issued by the respondent/Ministry of Youth Affairs and Sports must be taken recourse to.

7. The relevant provisions of the National Code against Age Fraud in Sports read as under:

**“5. IMPLEMENTATION OF THE CODE**

*5.1 Sports Authority of India, at the time of admitting an athlete into its Sports Promotion Schemes and National Sports Federations at the time of registering or allowing a new athlete to participate in an event, will get all the players in age level competitions medically examined and as per medical report will issue an Identity Card to the athletes as per Annexure-I.*

*5.2 All the existing athletes who are playing in age level competitions either with SAI or NSF, as the case may be, will also be subjected to medical examination and will also be issued Identity card. If any existing athlete is found over-age even after going through the appeal process (as per procedure indicated in para 7.3 below) be subjected to performance review before re-adjusting in the appropriate age-group as part of the normal weeding out process.*

*5.3 The Code will be operative from 1st April, 2010.*

XXX

XXX

XXX

XXX

**7. PROCEDURE FOR MEDICAL EXAMINATION**

**7.1 Medical and Scientific Testing Parameters**

*7.1.1 The medical and Scientific Testing parameters on which the medical examination is to be conducted is placed at Annexure-II.*

**7.2 Authorities for medical examination**

*7.2.1 Sports Authority of India shall notify a panel of doctors and hospitals, preferably government hospital, state/region-wise comprising of dental surgeon, radiologist and physician (male and female). The panel will be notified annually in the month of December. Physical examination of female athletes should be done by female doctors only.*



*The list notified by SAI will be applicable to NSFs as well.*

### ***7.3 Authorities for medical examination on appeal***

*7.3.1 SAI shall also notify the list of appellate panels and hospitals, which shall necessarily be Government hospitals. The medical board should also have dental surgeon, radiologist and physician (a female doctor in case of female athlete) and any other medical personnel as deemed necessary by Civil Surgeon. The list of appellant panels and hospitals notified by SAI shall be applicable to NSFs as well.*

### ***7.4 Cost for medical examination***

*7.4.1 The cost for medical examinations conducted by SAI and NSFs shall be reimbursed by the Government.”*

8. It is contended that insistence upon a certificate issued within five years of the date of birth of the concerned athlete, is in direct contravention of the National Code against Age Fraud in Sports. Consequently, in W.P.(C) 4648/2024 it is *inter alia* prayed as under:-

*“a. Set aside/ quash the eligibility rule (Second paragraph of Annexure P-1) made by the general body of Respondent no. 1 and;*

*b. to direct the respondent no. 1 to provide alternate method to calculate age of the participant, for eg- TW3 tes.”*

9. W.P.(C) 16299/2024 also assails action of the respondent no.1 in prescribing (for the purpose of participation in the basketball sporting events) that the participants must possess an original birth certificate issued within five years from the date of birth. It is highlighted in the said petition that respondent no. 1 initially required a birth certificate issued within a shorter period. However, this period was later extended, and ultimately, respondent no. 1/BFI mandated the possession of a birth certificate issued within five years of the date of birth.



10. In both the petitions it is averred that the same results in insidious discrimination against the petitioners.

11. It is noticed that in an earlier writ petition raising the same issue, viz., W.P.(C) 5262/2023, this Court elaborately examined the practice/requirement of insisting on birth certificate issued within certain years from the date of birth of the concerned athlete, as a pre-condition for fulfilling the relevant age criteria. In the said petition *vide* order dated 26.04.2023, the Court gave the following directions:-

*“15. In the prima facie opinion of this court, players like the Petitioners who hail from economically weaker sections as also who may not have gotten certificates issued in terms of the stipulation of the BFI, cannot be excluded on the basis of this Rule.*

*16. Accordingly, it is directed that the local associations shall permit the Petitioners to participate in the present trials of the DGBN Team and the Uttar Pradesh Basketball Association subject to the production of the original birth certificates issued by the municipal corporation or the Registrar of Births and Deaths, even though the same may not have been issued in the year of the birth or within two years thereafter. Upon the birth certificates being produced, subject to verification, the players shall be permitted to participate in the said trials.*

*17. An undertaking shall also be taken from the Petitioners that the certificates being produced are original and genuine. Upon verification, if the same are found to be fraudulent or forged, the consequences of disqualification would fall upon the Petitioners and similarly situated players.*

*18. The BFI is also directed to hold a meeting along with the SAI and the Ministry of Youth Affairs and Sports, in order to find a solution. There may be thousands of players who may get disqualified due to this Rule, which may in effect result in excluding some of the best talent to represent the country. The original birth certificates may be called for verification etc., However, if the said certificate is not issued within two years of birth, an alternative mechanism ought to be made available to accept the documents submitted by the players and subsequent verification of the same as also medical tests being conducted, if the need is so felt.*



19. *The meeting be held within the next one month and a fresh circular be issued by 25th May 2023, as to the modalities in which players who do not possess birth certificates issued within the year of birth or within two years thereafter, can be permitted to participate in trials subject to verification and any other tests which the BFI wishes to conduct.*”

12. However, the petition was subsequently withdrawn as it had become infructuous, given that the concerned tournament (which was the subject matter of the writ petition) had already concluded.

13. *Vide* order dated 01.04.2024 passed in these proceedings [W.P.(C) 4648/2024], the aforesaid order was noted, and it was observed that the said order shall apply *mutatis mutandis* to the facts of present case as well. Accordingly, the respondent no.1/BFI was directed to take instructions in the matter.

14. A short affidavit had been filed on behalf of the respondent no.4 (Union of India/Ministry of Youth Affairs and Sports) in these proceedings, whereby it has been categorically stated as under:-

“6. That it is respectfully submitted that the Respondent no.4 *vide* its letter dated 25.11.2009 (Annexure- XVI), which is also an integral part of the National Sports Development Code of India, 2011 (hereinafter referred to as ‘Sports Code’) has in respect of prevention of age fraud, clearly stipulated the directions to be followed by the NSFs to prevent age fraud committed by the athletes/sportspersons. It is pertinent to mention herein that Clause 2(ii) of the letter dated 25.11.2009 directs the Federations to lay down a policy with the regard to the submission of documents for the purpose of age verification such as birth certificate, passport, school certificate etc. True copy of letter dated 25.11.2009 is annexed herewith as Annexure R4/1.

7. That further it is submitted, the Respondent no.4 *vide* letter No. 32-18/2009-SP-III issued on 19.03.2010, with a view of to ensure fair play had circulated to all the NSFs a self-contained code namely National Code Against Age Fraud in Sports (hereinafter referred to as ‘NCAAFS’) that provides for mandatory medical examination on the first occasion



*for any athlete/sportsperson participating in any age restricted competition. Moreover, the Respondent No.4 vide the above formulated code had also advised the NSFs to accept the said code and incorporate it either directly or by reference to it in their governing document, constitution and/or competition rules and thus adopt it as part of the rules governing sports and the rights and obligations of those participating in it. True copy of letter dated 19.03.2010 is annexed herewith as Annexure R4/2.*

*8. That it is submitted that a bare reading of Para no. 6 and 7 herein-above, makes it amply clear that the Respondent no. 4 has already devised and formulated a code for preventing and eliminating age fraud in sports which is applicable to all the NSFs so as to ensure fair play. ”*

15. Thus, it is the stand of respondent no. 4/Union of India that BFI must adhere to the National Code against Age Fraud in Sports which provides for mandatory medical examination on the first occasion an athlete/sportsperson participates in any age restricted competition. It is further highlighted that the Ministry has advised NSFs to accept the said Code or incorporate it, either directly or by reference, into their governing documents, constitution and/or competition rules. A letter to this effect has been sent to the Sports Authority of India and all recognised Sports Federations. The said letter reads as under:-

*“To*

*Dated: 19<sup>th</sup> March, 2010*

- 1. Director General  
Sports Authority of India, J.N. Stadium,  
New Delhi*
- 2. Director (Sports) of all states/UTs*
- 3. Secretary Generals of all recognized  
National Sports Federations.*
- 4. Sports Control Boards of Central Government and PSUs.*

*Sub: Issuance of National Code Against Age Fraud in Sports*

*Sir,*





*With a view to eliminating age fraud in sport and ensuring fair play, it is imperative to put in place an effective regulating mechanism.*

*2. In view of the above, Government has formulated a National Code Against Age Fraud in Sports (NCAAFS), which provides for mandatory medical examination on the first occasion for any athlete participating in an age restricted competition. Once an I-Card is issued it will remain valid for participation in subsequent events.*

*4. NCAAFS, like competition rules, will form part of sports rules governing the conditions under which sport is played. All athletes and sports bodies shall have to accept these rules as a necessary pre-requisite for participation in any sporting event. NCAAFS will not be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the Code will be applicable to all sports federations/associations/bodies.*

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

*Yours faithfully,*

*-sd-*

*(Deepika Kachhal)*

*Director (Sports)”*

16. In the counter-affidavit filed on behalf of the respondent no.1 in W.P.(C) 4648/2024, no cogent explanation has been given as to why the provisions of the National Code against Age Fraud in Sports are being disregarded despite the clear directive of respondent no. 4/Ministry of Youth Affairs and Sports. The said counter-affidavit avers as under:-

*“14. The Respondent No.1 had brought the requirement of furnishing birth certificate which has to be obtained within five years from the date of his/ her birth for the purpose of tackling age and domicile fraud in the game of basketball. In order to eliminate age fraud, the Respondent No.1*





*had brought the said rule of furnishing birth certificate which has to be obtained within five years from the date of his/ her birth.*

*15. The above said decision of the 1st respondent was taken in consultation with all officer bearer, to prevent the complaints and malpractices done in birth certificates of the participants.*

*16. The petitioners have submitted that the Respondent No.1 would take X-ray test or the bone density test for the purpose of determining the age of the players. In reply to the same, it is submitted that the said methods for determining the age of players is not feasible for following reasons,*

*i. Lack of proper facilities and infrastructure to conduct the tests for large number of players.*

*ii. X-ray and bone density tests are inconclusive to prove the age of the players.*

*iii. Cost of conducting tests for players would be very high.*

*17. The Respondent No.1 further submits that these days, birth certificate has been made mandatory for applying for Aadhar Card and birth certificate has been used as a single document for all personal verification purposes.*

*18. It is submitted that it would be easier to apply for birth certificates these days rather than adopting inconclusive methods such as X-ray tests and bone density tests for proving the age of the Players.”*

17. It is seen that the respondent no.1 has, *inter alia*, cited lack of proper facilities and infrastructure to conduct the requisite procedure for determining the age of the players. This cannot be countenanced. As can be seen, the National Code against Age Fraud in Sports clearly sets out in detail the procedure of medical and scientific testing parameters; the same form part of Annexure-2 of the Code. There is nothing to suggest that the said medical test parameters are not efficacious for the purpose of determining the age of the player. Further, the Code clearly contemplates that the cost for



medical examination conducted by SAI and NSFs shall be reimbursed by the Government.

18. Thus, it is hardly open to the respondent no.1 to cite the cost/s of test as a impeding factor. Unfortunately, the counter-affidavit filed on behalf of the respondent no.1 does not even advert to, much less deal with hardship that will be caused to sportspersons such as the petitioners herein who will be deprived of participating in basketball events despite being otherwise qualified, competent and proficient, simply for want of an age certificate obtained within certain years from the date of their birth.

19. This Court cannot be oblivious of the fact that on account of socio-economic backwardness, it may not have been feasible in some cases, to obtain the birth certificates/other documents evidencing the age of the person within certain years from the date of birth. However, merely for this reason such persons cannot be denied the opportunity of competing in sporting events.

20. There is also no rationale for disregarding specific provisions in the National Code against Age Fraud in Sports which contemplates medical test/s to be performed for the purpose of fulfilment/verification of the age criteria. As brought out in the short affidavit filed by the respondent no.1, the National Code against Age Fraud in Sports is binding not only on the respondent no.1 but also on other sporting federations in the country.

21. In the circumstances, this Court finds merit in the contentions of the petitioners. The concerned eligibility rule/criteria as assailed in these writ petitions is accordingly set aside. Respondent no.1 is directed to adhere to



the provisions of the National Code against Age Fraud in Sports.

22. The present petitions stand allowed in the above terms.

**SACHIN DATTA, J**

**JANUARY 27, 2025/at/sv**