

# Rahul Mehra vs Union Of India And Ors on 30 November, 2021

**Author: Manmohan**

**Bench: Manmohan, Najmi Waziri**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 195/2010 & CM APPLs. 374/2010, 972/2010, 2134/2010, 5253/2012, 16396/2012, 18747/2012, 19681/2012, 2218/2012, 12612/2013, 17149/2013, 1114/2014, 25922/2016, 5931/2016, 13610/2017, 44608/2017, 36560/2018, 40205/2018, 54625/2018, 915/2020, 4947/2020, 14056/2020, 17630/2020, 19980/2020, 23074/2020, 28431/2021, 28432/2021, 35863/2021, 35864/2021 AND 40041-40042/2021

RAHUL MEHRA

Through: Mr. Rahul Mehra, petitioner  
person with Mr. Chaitanya  
Advocate.

Versus

UNION OF INDIA AND ORS

Through: Mr. Sachin Datta, Senior Advocate, with Mr. Anil Soni (CGSC), Ms. Neetu Devrani, Mr. Vinay Sharma, and Mr. Devesh Dubey, Advocates, Mr. Tarun Parekh, Joint Secretary (Ministry of Sports and Affairs) and Mr. SPS Tomar, Director (Ministry of Sports and Youth Affairs).  
Mr. D N Goburdhun, Advocate, with Mr. Hemant Phalpher, Advocate, R-4.  
Mr. Vanshdeep Dalmia, Advocate, R-11.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% 30.11.2021 CM APPL. 42795/2021 (exemption)

1. Allowed, subject to all just exceptions.

2. Accordingly, the application stands disposed off.

CM APPL. 42794/2021 (interim direction)

3. The present matter has been listed upon special mentioning being allowed by Hon'ble the Chief Justice.
4. Issue notice. Mr. Anil Soni and Mr. D N Goburdhun, learned counsel for respondents accepts notice.
5. Issue notice to other non-applicants through counsel, returnable on 2nd December, 2021.
6. This application seeks stay of the proposed elections of the Executive Committee of the Indian Olympic Association ('IOA') because its constitution and Rules apropos the elections are not in consonance with the National Sports Code ('NSC'). The petitioner submits that the restrictive covenant limiting the persons, who could offer their candidature for the executive posts, is unfair and unsustainable in law. He refers to an order passed by this court dated 04.01.2012 in W.P.(C) No. 4860/2011 titled as Haryana Wrestling Association & Anr. Vs. Wrestling Federation of India & Ors., as well as to the affidavit of the Union of India ('UOI') whose consistent stand has been that the restrictive clauses should be removed, so that there are free and fair elections, in the right democratic spirit.
7. Relevant portions of the aforesaid order as well as the affidavit of UOI read as under:-

In Haryana Wrestling Association & Anr. (supra):-

"5. The case of the petitioner is that the constitution of respondent No. 1/WFI was amended in the year 2007 by inserting Article XIII (d) therein. Article XIII (d) reads as under:

" It shall be mandatory requirement of elections to the post of President, Senior Vice President and Secretary General that only those members, who had held the office in the outgoing Executive Committee of WFI for a period of 4 years shall be eligible to contest the election"

6. The purport of the said amendment was that only existing executive members of WFL, who had served in that capacity for a period of four years, were eligible to contest the elections for the post of President, Senior Vice President and Secretary General, and all other members of the WFI were precluded from doing so. Consequently, there was a limited contest for the said three posts, which undoubtedly, are the most important posts in be organization of WFI.

7. The case of the petitioners is that the petitioner No. 1/HWA is the apex body for the discipline of wrestling in the State of Haryana and is one of the affiliated units of WFI. It is also the case of the petitioners that it was mooted that Article XIII (d) be deleted from the Constitution of Respondent No.1/WFI as it had the effect of restricting participation and competition for election of the President, Vice President and General Secretary of respondent No 1, to only those members of the Executive Committee of WFI, who had served as such for a period of four years. However, the then General Secretary of WFI, who was eyeing the post of President in the next process of election was

not in favour of deletion of Article XIII (d), as the said deletion would increase competition and reduce his chances of getting elected. Consequently, the President of the WFI called a Special Meeting of the General Council/General Body of respondent No. 1/WFI on 05.02.2011, wherein the amendment of the Constitution of WFI was approved. One of the amendments approved was that Article XIII (d) be deleted.

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12. According to the petitioners, in response to the said representation made by the petitioner No. 1, the Observer appointed by the Government of India issued a communication dated 05.04.2011. The Returning Officer was made aware of the issues raised by the petitioner No. 2. The Government of India also communicated, inter alia, to the Returning Officer that the restrictive clause similar to one contained in Article XIII (d), was proposed to be incorporated in the Constitution of the Indian Olympic Association, which had not been approved by the Ministry of Sports. The Government Observer also agreed with the grievance of the petitioner No. 2 with regard to the insufficiency of time allowed for filing of nominations. It was further stated that it would be in the interest of purity of electoral process that sufficient time is given to the intending candidates to file their nominations as stipulated in the Standard Election Bye-Laws circulated by the Ministry of Sports to all National Sports Federations.

13. On 7th April, 2011, the Government of India acting through its Under Secretary in the Ministry of Youth Affairs and Sports also sent a communication to respondent No. 1 stating that Article XIII

(d) is contrary to the Government Guidelines on Good Governance and Healthy Development of Sports as it perpetuates existing members, and does not provide level playing field to all the member units. It was also stated that holding of elections by office bearers of the respondent/federation without addressing the said issue would not only be violative of the resolution passed by the General Council at its previous meeting held on 5.2.2011 wherein it had been decided to dispense with the said clause, but it would also deny the opportunity to the members who have not held such positions in the outgoing Executive Committee of WFI for a period of four years from contesting the elections. It was, therefore, recommended that the general body should first settle this matter and after confirming the removal clause, should proceed with the elections with revised schedule giving due time at each stage of the election process, including time for the candidates to campaign for themselves. It was also stated that proceeding with the elections without properly addressing these matters, would result in an impasse, as the Government would not be in a position to recognize the new management as legitimate management of the WFI and provide financial and other support for development of sports.

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47. In the light of the aforesaid discussion, this petition is allowed. It is declared that Article XIII(d) of the constitution of WFI stood deleted on 05.02.2011, and the said deletion took effect forthwith. It is also declared that the elections held by the respondent, WFI between 05.04.2011 and 15.04.2011 on the basis of Article XIII(d) were illegal. The election for the post of President of WFI, held in the

election process between 05.04.2011 and 15.04.2011 is hereby set aside. The orders dated 05.04.2011 and 08.04.2011 of the learned Returning Officer, insofar as they hold that Article XIII(d) was effective and operative in relation to the election process in question, and insofar as the petitioners nomination for the post of President was rejected, are set aside. The respondent no. 1 is directed to initiate fresh process for holding the election to the post of President in terms of its amended constitution forthwith. The notification for conduct of elections should be issued within the next two weeks."

Affidavit of UOI dated 08.01.2014:-

"2. That the Union of India vide its letter No. F. 8-17/2009/SP. III Vol.II dated 23 February, 2011 (Annexure 1) has already conveyed to the IOA as follows:

(i) inclusion of State Olympic Associations as voting members is not in conformity with the Relevant Rule of the Olympic Charter which deals with the composition of NOC State/UT Olympic Associations are to represent IOA at the State level and for discharging that function, they need not get the voting rights.

(ii) IOA should be a confederation of NSFs dealing with Olympic Sports and not a confederation of its own affiliated and other sports bodies.

(iii) The Executive Council with 28 members is very large.

(iv) Clause VIII (a) of IOA's Constitution is very restrictive and all the members of the Society should be free to contest the elections for any post."

8. Apropos the restrictive covenant, this court had held on 15.10.2012, inter-alia, as under:-

"8. Faced with the same, the senior counsel for the AAI states that the necessary modifications shall be issued.

9. The nomination forms as prescribed in the letter dated 08.10.2012 are indeed not as per the Model Forms prescribed in the Guidelines aforesaid. The same require the nomination paper to prescribe the serial number in the Electoral College and which column is missing from the nomination form prescribed by the AAI. Mr. Mehra contends that it has been so deleted since the Electoral College is being manipulated. The same is the position vis-a-vis the withdrawal form.

10. This Court has already on 17.09.2012 directed the Elections to be held as per the Sports Code. Variations in the election process initiated by the AAI from the Sports Code having been noticed, it is deemed expedient to direct fresh steps for holding of the elections to be taken and strictly in accordance with the Sports Code and rectifying the defects hereinabove noted.

11. Since Justice J.D. Kapoor (Retd.) is informed to be appointed as Returning Officer, we request the Returning Officer to look into all the aforesaid aspects and the other requirements as per the Code and to lay down the fresh schedule for conduct of the elections, rectifying the aforesaid defects and strictly in accordance with the Code. The complaints of the States / Union Territories / Institutions for inclusion in the Electoral College be also resolved before the same. However the election process be completed as soon as possible."

9. Furthermore, similar views with respect to the NSC and its applicability to sporting activities in India have also been expressed by this court in the judgment dated 09.05.2014 titled Indian Olympic Association Vs. Union of India, 212 (2014) DLT 389, wherein it was held as under:-

"76. State aid or recognition in matters such as sport can be premised on fulfillment of certain pre-conditions. At this stage, it would be relevant to analyze some of the important contents of the Sports Code. Annexure II contains the Guidelines for Recognition of NSFs. This prescribed the eligibility requirements to be registered as an NSF. Importantly, Clause 3.5 regulates the tenure of Office bearers in accordance with Government orders (which are found in Annexures XI and XIII). Annexure XI is Order No. F. 11- 4/74-SP. I, dated 20th September, 1975, and in Clause 3(i) and 3(ii) regulates the term of an office bearer (i.e. President, Secretary and Treasurer only), and the maximum period for which the office may be held (4 years, and a period of 8 years consecutively maximum). Further, this order prescribes that an office bearer in one NSF cannot hold office in another NSF, except the IOA. Subsequently, Annexure XIII is a letter, F. No. 8-17/2009-SP-III, dated 1st May 2010, making certain changes to the tenure requirements "after taking into account the facts and circumstances of the case, and the views expressed by the Hon'ble Courts and Parliament, and the prevailing public opinion on the matter, and with a view to encouraging professional management, good governance, transparency, accountability, democratic elections etc." That letter introduces a maximum age limit to hold office, i.e. 70 years, and further, indicates that the President may hold the position for a maximum period of 12 years, and other office bearers must, after two successive terms of 4 years, have a cooling off period of 4 years. Following up on this, Annexure XIV is a letter F. No. 8-17/2009-SP-III, dated 17th May, 2010, asking the NSFs to comply with the government guidelines on good governance, especially provisions relating to the tenure and election of office bearers, as indicated above, in the context of the Olympic Charter, the "Basic Principles of Good Governance of the Olympic and Sports Movement' and the decision taken in the XIII Olympic Congress indicating that essential nature of athletes' involvement in decision making, with full voting rights and the establishment of a grievance redressal mechanism for athletes. Similarly, Annexure XXXVII is the "Model Election Guidelines to be Followed by All National Sports Federations", which ensures that the process of elections is fair and transparent, without any issues of bias. (this also provides the form of the ballot papers, result of counting of votes, declaration of results, list of contesting candidates, list of the electoral college, manner of election, scrutiny of candidates and

so on in great detail). Annexure XXXII is a letter, F. 14-82/2009-SP. IV, dated 18th December, 2009, indicates that in terms of Rule 15(2) of the CCS (Conduct) Rules, 1964, no Government servant can be an office bearer, or run for elections to that post, in any NSF, unless otherwise permitted. This is supplemented by Annexure XXXIII, No. 14-82/2009-SP. IV, dated 4th February, 2010, which reiterates this rule.

#### Financial Regulation

77. Annexure IX (modified partially by Annexure LIII) is a letter F. No. 1-27/B6-D.I. (SP) dated 2nd September, 1988, prescribing guidelines for providing financial assistance NSFs for meeting the pay and allowances of Joint Secretaries/Assistant Secretaries employed by them, and prescribing the qualifications for appointment of such Joint Secretaries and Assistant Secretaries, by a letter F. No. 1-28/88-SP-IV, dated 21st February, 1989. Annexure XXXVI is a letter, No. 9-1/2008-SP. I, dated 18th February, 2009, indicating the documents required by the Government for releasing the grant in aid to the NSFS.

#### Suspension or Recognition of NSFs:

78. Annexure III indicates the grounds for which the NSF status can be suspended. This includes, inter alia, suspension by the concerned international or Asian federation, failure to hold elections as prescribed in the Constitution of the NSF or in accordance with the government guidelines or gross irregularities in election procedures, failure to submit an annual audited account, non-

compliance with the conditionalities prescribed by the Government etc. Annexure XXXIX, No. 9-6/98-SP. II/SP. I (Vol. II), dated 11th June, 2009, indicates the conditions to be fulfilled by that sport for the Sport Associating regulating it to be recognized as an NSF (game should have an all-India spread, should be recognized by the School Games Federation of India etc.) in respect of sports which are not included in the Olympic, Commonwealth or Asian Games.

79. Development/Regulation of Sporting Activity is dealt with in Annexure X which contains guidelines for preparation of a 4 year Development Plan (corresponding to the Asian Games cycle of 4 years) for the future development of sport, i.e. to develop sports infrastructure, improve training, encourage competitions, improve the availability of equipment to sportspersons etc. This document provides guidelines for the headings that the Development Plan of each NSF Should consider, such as athlete development, coaching, officiating, development of clubs, participation in international tournaments etc. Similarly, Annexure XXI, F. 49-3/2008-SP-II, dated 18th September, 2008, provides guidelines to NSFs on how to ensure efficient management of coaching camps, selection of coaches and athletes to ensure quality is maintained in such processes. Equally, Annexure XL, F. No. 63-3/07-SP. III, dated 20th February, 2008, concerns the mechanism for providing board and lodging facilities to sportspersons in National Camps during Transit National Coaching Camps in Delhi.

80. Crucially, Annexure XLVIII is a letter, F. 13-27/2007-SP. III, dated 10th January, 2008, asking NSFs to prepare a data-base of performance of individual players in national and international events, including the number of times the player has had foreign exposure, his/her performance in the past one year, the justification for being included in the proposed tour and the comments of the Government Observer.

81. Annexure XVI, F. 32-18/2009-SP. III, dated 25th November, 2009, is a letter indicating measures to be taken to curb age fraud in sports, and a letter, F. No. 8-10/2010-SP-III, dated 12th August, 2010, ensuring compliance with the judgment of the Supreme Court in Vishakha on the prevention of sexual harassment of women in sports. Annexure XX, F. 49-3/2008-SP-II, dated 18th September, 2008, are guidelines for dope testing procedures, indicating how the procedure should be unbiased and transparent, and ensuring compliance with the World Anti-Doping Authority Code. Importantly, Annexure XXXI is a letter, No. 94-11/2007-SP. I, dated 31st August, 2010, read with a previous letter of 18th August, 2010, concerns the management of para athletes and their training, especially as regards such athletes' ability to take escorts along for assistance.

82. Some regulation concerns the acquisition of equipment--- Annexure XXIII (read with Annexure XXX) is a letter, F. 52- 12/2000-SP-I, dated 4th February, 2010, and Notification No. 5/2010 : MANU/CUST/0011/2010 and 146/94 of the Customs Authorities indicating that sports equipment ordered by NSFs is exempt from import duty. Similarly, Annexure XXV is Policy Circular No. 31/2009-2014 : MANU/DGFT/0096/2010, dated 26th April, 2010, (read with Notification No. 101/2010 of the Customs Authorities) facilitating the import of weapons by renowned shooter, by rationalizing and liberalizing the procedure. Annexure XXVII XXVIII and XXIX also operate in this field, prescribing the procedure by which such shooting equipment can be procured, and Annexure XLI concerns procurement of sporting equipment generally for training of National Teams and in National Coaching Camps.

83. The Code contains various forms, for various purposes:

Annexure IV, is a form for application for financial assistance to the NSF for holding coaching camps, Annexure VI, is an application form for obtaining approval for sending sports teams/persons abroad; Annexure VII is an application form for financial assistance to the sports federations/associations for national championships; Annexure VIII is an application form for obtaining approval of the Government of India for inviting foreign teams/sportspersons to India; Annexure XII is an application form for recognition of NSF; Annexure XLII is an application form for financial assistance of purchase of equipment (supplemented by Annexure XLIII, which prescribes the procedure for such purchases). Annexure XV is a letter, F. 9-69/2009-SP-II, concerning the management of records of NSFs, which are to be forwarded to the Government. Annexure XVIII is a letter, F. 26- 2/2010-SP-II, declaring NSFS as public authorities under the Right to Information Act. Annexure XIX is a letter, F. 9/68/2009-SP-I, dated 11th October 2009, indicating that NSFS must draw an advance calendar of teams travelling abroad, and foreign teams coming to India, in order to obtain clearance from the Ministry of External Affairs. This is

supplemented by Annexure L concerning the provision of security clearance for teams/persons from certain countries, XLVII indicating when permission is required to be taken, and XLVI, which deals with managers of teams also going abroad. Annexure XXII is a letter, F. 45-5/2008-SP-I, dated 26th December, 2008, indicating that only Indian citizens can represent India internationally. Annexure XLV, F. 8-2/2009-SP. III, dated 10th November, 2009, provides for an out of pocket allowance for sportspersons representing India abroad.

84. The breadth of the above regulations - which go to the extent of prescribing the staffing requirements and pay, salaries etc of NSFs and IOA, and stating that irregularities in the manner of holding elections, or failure to hold elections can result in loss of recognition - show that the Central Government has placed measures which enable it to oversee the activities of these bodies, for ensuring that the funds are properly utilized. It is necessary to emphasize that aid given to these bodies and organizations is not in the form of monetary grant alone; it enables sportswomen and sportsmen as well as sports administrators to travel stay abroad, buy equipment, attend international events, whenever necessary obtain coaching expertise, attend administrative or international non-sporting meetings, etc. Besides, sports and sports related equipment (specialized medical equipment geared for sports) are imported, on payment of nominal or nil duty. Many organizations might be obtaining sponsorships or international sponsorships or endorsements, or be the canalizing bodies for such endorsements and sponsorships on account of the conditions they impose on sportsmen and administrators, and in the process earn considerable revenue, or facilitate it. These are at least in many cases based on official recognition. That the petitioners has not an issue with the manner the Central Government dictates how funds are to be utilized, in all the verisimilitude of controls and guidelines discussed above, is at once interesting and revealing. The petitioners are not aggrieved by such degree of control - their objection is only as to the tenure restrictions.

85. In the opinion of the Court, aid or recognition is not a one way street. The Central Government's legitimate right to recognize these sporting bodies, for the purpose of use of the expression "India" enabling national sports teams sponsored by these NSFs and the IOA to in turn use that appellation, carries with it, the right to insist that certain basic standards are followed. With the right to grant or withhold such recognition is also the right to spell out conditions, for the grant of aid--as such is undoubtedly the case, because travel expenditure, and assistance for procurement of equipment would be aid (apart from use of state resources such as stadia, customs duty waiver for importation of equipment, facilitation and coordination during international events etc). The figure mentioned on behalf of the Central Government towards positive grants for use these last four years for travel purposes alone was Rs. 435 crores. Considering that the NSF and IOA are free to use the national status conferred upon them by the recognition and garner revenue, in the form of endorsement, sponsorships, sale of event coverage rights to the media, etc, there cannot be two opinions about existence of an overriding public or state concerns that such bodies do not remain the preserve of the few, or worse, the moneyed and the powerful.

Conclusions



86. For the foregoing reasons, it is held that the petitioners' contentions are rejected. The Court reiterates its conclusions that international sports and regulation of NSFs, and IOA, in respect of the matters which are the subject of these proceedings, falls within Entry 97 of the First List to the Seventh Schedule to the Constitution of India. The Central Government can insist upon adherence to these provisions, without the aid of legislation. It is also held that the Sports Code does not violate the freedom under Article 19(1)(c) of the Constitution. Neither are its provisions arbitrary. The tenure restrictions impugned in this case can and are insisted upon as a part of the public interest in efficient and fair administration of such NSFs. This Court also specifically notes the letter/notice dated 20.09.1975, which forms part of the Sports Code, as modified by the later letter of 01.05.2010, to the following extent:

i. The President of any recognized National Sports Federation, including the Indian Olympic Association can hold the office for a maximum period of twelve years with or without break:

ii. The Secretary (or by whatever other designation such as Secretary General or General Secretary by which he is referred to) and the Treasurer of any recognized National Sports Federation, including the Indian Olympic Association, may serve a maximum of two successive terms of four years each after which a minimum 'Cooling off period of four years will apply to seek fresh election to either post.

iii. The President, the Secretary and the Treasurer of any recognized National Sports Federation, including the Indian Olympic Association, shall cease to hold that post on attaining the age of 70 years.

iv. The other provisions in respect of the tenure limit as contained in the letter of 1975 mentioned above shall remain as it is.

v. The above dispensation will come into operation with immediate effect. This regulation (subject to any subsequent amendments) should, till appropriate legislation is framed by Parliament, bind the parties and all NSFs as a condition for recognition, aid and crucially, for the use of the term "India" by any team in International Olympic sporting event.

87. Sports administration in this country appears to have reached depths from where neither sporting bodies nor the State seem to care any longer for the successive generations' sporting future.

Reform is to be introduced urgently by the State. Sports administration appears to be mired in power play, where money, influence and chicanery play a dominant part and those who had participated in competitive sports at some stage are given token representation at best, or mostly marginalized. As the cliché goes, the state of sports is in a lockjaw where roughly 1.2 billion people have to rest content with a harvest of medals so meager as to be surpassed by just one individual like Micheal Phelps. The London Olympic saw India notch up a tally of six medals. This averages to one

medal for roughly every 207 million inhabitants. It is not without truth that the common perception that Karnam Malleswari, Col Rajyavardhan Singh Rathore, Abhinav Bindra, Sushil Kumar Tehlan and Vijender Singh were driven for individual personal reasons to focus on competitive sports. Sport administration, the way it is run in India, through coteries, cabals, manipulations and intrigues, seems to discourage a vast majority of the population to devote itself to athletics, shooting, judo, table tennis, gymnastics, soccer, boxing, fencing and the like. Sports can be popularized and made successful, when those who genuinely feel the need to inspire and attract talent, and are themselves driven by inspiration, evolve policies that result in a range of sporting activities becoming as or even somewhat as rewarding as cricket. As a nation too, we should not be deadened to news that sportspersons sell their proudly and hard earned medals to fight off penury (as in the case of Sita Sahu, a mentally challenged teenager from Rewa who won two Bronze Medals in the 2011 Olympic Games). Till the time that India, with her more than a billion, continues to have a feeble sporting outlook, those who excel will do so despite the state of NSFs and sports bodies controlling them.

88. In view of the above conclusions, the writ petition has to fail. It is dismissed, but subject to directions contained in paragraph 86. There shall be no order on costs."

10. In an earlier application (CM No.44608/2017) the election of the IOA was challenged by the petitioner apropos which notice was issued by this Court on 13.12.2017 as under:-

Issue Notice. Mr. Hrishikesh Baruah, Advocate accepts notice on behalf of IOA and Mr. Anil Soni, Advocate accepts notice on behalf of Union of India.

We have heard counsel for the parties.

The application seeks interdiction with the electoral process initiated by the IOA for election of its Office Bearers. Although several contentions were urged and the counsel for the IOA too opposed the grant of interim relief at this stage, we are of the opinion that it would be inappropriate to stall or injunct the election process. However, at the same time it is made clear that election results shall be subject to the outcome of this application. Further, the respondents are hereby directed to ensure that for the purposes of election, all the provisions of the Sports Code including the condition under paragraph 3.20 of Annexure-II and conditions held applicable by this Court in its judgment reported as Indian Olympic Association v. Union of India, 2012 DLT 389 are strictly followed. Furthermore, the respondents/UOI shall also ensure, that National Sports Federations that have been de-recognised are not reckoned for the purposes of electoral college. Successful candidates shall be informed about this order while declaring the results."

11. The petitioner submits that the National Sports Code is the paramount document whose applicability is imperative and it has been so held by judicial orders, but the constitution of the IOA is not in consonance with it. The restrictive clause is against the democratic spirit. If elections are held as per the existing constitution/ Articles of Association, it would not be a truly representative body. The Government of India seemingly agrees with the aforesaid view. Therefore, he says,

inter-alia, that any election which is contrary to the National Sports Code would be of no consequence and that elections be held only in terms of the said Code and/or in the interim an Administration may be appointed.

12. Mr. Sachin Datta, learned senior counsel for Union of India admits that a restrictive covenant is arbitrary and anathema to the democratic traditions.

13. Mr. D N Goburdhun, learned counsel for Secretary-General, IOA submits that representations have been received from other NSFs objecting to the restrictive clause and IOA is actively considering deleting the same.

14. Keeping in view the aforesaid, till the next date of hearing, the parties shall maintain status quo qua the election process.

15. List on 02nd December, 2021.

MANMOHAN, J NAJMI WAZIRI, J NOVEMBER 30, 2021 sb