



Research

Sports Disputes in India

The Role of Courts in Selecting National Teams

August 2022

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Asia Pacific
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Introduction

Sports as an institution has over the years posed unique challenges and complexities in the field of law. We intend on demystifying the complexities pertaining to the field of sports through a series of articles, this being the first among such pieces. The series of articles shall broadly cover the role of Indian courts in the selection of national teams, a comprehensive sports law: the need of the hour, the jurisprudence around sports arbitration etc.

When one looks into the model prevalent in Indian sports, there seem to be a plethora of questions that could crop up in his mind. The absence of a proper sports legislation bringing all sports bodies under a single umbrella and lack of transparency in the functioning of sports federations in India has resulted in a number of disputes that have flooded the sports industry, ranging from corruption to doping issues. However, one issue that has constantly come up before the Indian courts is the one with respect to selection of National Teams for domestic as well as international competitions. One of the major reasons why this problem tends to arise is because of the discrepancies in the selection process involved with respective sporting bodies. Owing to these prevalent loopholes, it has become a common practice for certain sportspersons to approach the judiciary in cases of non-selection into the National Teams by means of writ jurisdiction, thereby challenging the decisions of these selection committees.

Procedures involved in Adjudication of Sports Disputes

Although there exists no defined and binding sports legislation in this country bringing all national sports bodies under one umbrella, the Government of India had passed the National Sports Development Code of India in 2011 (“**National Sports Code**”) pioneered by Ajay Maken, the-then Minister of Sports and Youth Affairs. The legality and validity of NSDC was upheld by the Division Bench of the Hon’ble Delhi High Court in *Indian Olympic Association vs Union of India*¹. While doing so, the Hon’ble High Court directed that the National Sports Federations (“**NSFs**”) and Indian Olympic Association (“**IOA**”) are bound to follow the National Sports Code.

Section 13 of the National Sports Code lays down the selection procedure of National Teams for the purposes of participation in major international competitions. According to this section, the National Sports Federations have been conferred upon with the responsibility of the selection of National Teams for such tournaments, based on merits, with the aim of choosing the best sportsperson/team for the competitions². The NSFs in-turn are required to constitute a selection committee comprising of the President, the National Coach and the eminent ex-sportspersons.³ Further, it is incumbent upon the Government to appoint an Observer for the purposes of overseeing the selection process, in order to ensure that the same is conducted in a fair and transparent manner⁴.

Apart from the National Sports Code, another provision that has been relied upon before the courts for the purpose of challenging the selection process of national teams is section 3 of the Guidelines issued for more efficient management of coaching camps, selection of coaches & selection of athletes issued by Ministry of Youth Affairs and Sports, Department of Sports, Government of India (“**MYAS Guidelines**”). As per the said provision, the responsibility of selection of teams/athletes for international competitions shall be solely vested with the NSFs, and the only involvement of the Government and the Sports Authority of India (SAI) in the selection process is to ensure that it is followed in a fair and transparent manner⁵. Further, the selection criteria ought to be clearly communicated to all the concerned parties, such as the Observer, players, coaches etc. well in advance and forwarded to SAI and MYAS, and the same needs to be uploaded by them on their respective websites⁶. The selection process needs to be conducted two months prior to the competition in case of team events, and one month advance in case of contact games.⁷

1 (2014) 212 DLT 389 (DB)

2 Section 13.1 of the National Sports Code

3 Section 13.2 of the National Sports Code

4 *Ibid.*

5 Section 3.1 of the MYAS Guidelines

6 Section 3.2 of the MYAS Guidelines

7 Section 3.3 of the MYAS Guidelines

Challenges before Courts

Owing to the lack of a comprehensive legislation pertaining to sports disputes in India, many sportspersons have resorted to challenging the selection process adopted by the respective selection committees before various High Courts by means of writ jurisdiction. Whilst dealing with these cases, one of the major challenges that the court had to face was to look into was the scope of judicial review of courts to adjudicate upon the correctness of the 'choice' exercised by the Selection Committee vested with the power to make such choice and thereby substitute its own decision over the decision of the Selection Committee. Therefore, the courts in these cases had to decide whether a Writ Court has the power to interfere in the discretion exercised by the NSFs in the selection of their National Teams for international competitions. While doing so, the courts had to also look into the effect that such judicial review could possibly have on the ethos of sports in India.

Another challenge that came up before courts was that many athletes had adopted the practice of approaching the courts immediately prior to the commencement of the competition. What this resulted in was an unnecessary hassle caused to the athletes selected for the concerned tournament, but having to indulge in the litigation process challenging their selection, especially at a time that had the effect of hampering their mental preparation before the tournament. Apart from these, a specific issue that the courts had to deal with was whether athletes who had secured a 'quota' were entitled to participate in the tournament simply by virtue of having secured such a 'quota'. Such quotas were secured by such sportspersons by virtue of attaining silverware in a previous tournament. One such example was that of Yogeshwar Dutt, who had secured such quota after winning the Gold Medal in the 2008 Senior Asian Wrestling Championship. Therefore, the question that arose was whether securing such quota would guarantee such athletes an automatic right to represent the nation in the tournament?

Issues before The Courts and Approach Adopted by The Courts

1. The scope of Judicial Review of Decisions of Selection Committees Guided by ‘Choice’

- i. *For the Selection of National Teams*: It was only recently in *Swastika Ghosh vs Table Tennis Federation of India*⁸ where the petitioners had challenged the decision of the Selection Committee. It was claimed that the names of the petitioners were not included in the final selection list by the Selection Committee despite having fulfilled the selection criteria. Further, it was alleged that the individuals included in the selection list were ranked much below the petitioners. The Hon’ble Delhi High Court refused to substitute its own view with that arrived at by the Selection Committee, when the Committee had to take numerous factors into consideration before arriving at a decision. Therefore, the court was unable to interfere in exercise of its power of judicial review, especially in the absence of any arbitrariness in the decision of the Selection Committee.

Similarly, in *Sushil Kumar vs Union of India*⁹, the Hon’ble High Court held that a Writ Court shall not interfere in the exercise of discretion of the NSF except in cases where the discretion was shown to have been exercised in an “arbitrary or contrary or perverse manner or contrary to settled principles or practices.” In *Paralympic Committee vs Naresh Kumar Sharma*¹⁰, the decision of the Paralympic Committee to send Para Athletes for the R7 event at the Korean World Championship consisted of a multitude of factors and not just the individual performances in particular trials or competitions. The committee while selecting the athletes had to also weigh in the cost element in order to adhere to the budget allocated to them by the Sports Authority of India. Because of this, in certain cases the same athlete had been sent for multiple events, despite having not performed well in one of those events in comparison to the Petitioner. Even in such a case, the Hon’ble High Court did not find any fault in such rationale being adopted by the Committee and therefore, in the absence of manifest arbitrariness or mala fides, found no reason to interfere in this process.

However, it would also be important to see instances where courts can and have interfered in such selection process. One of such cases was *Manika Batra vs Table Tennis Federation of India (TTFI)*¹¹, Manika Batra, who was by far the highest-ranked Indian table tennis player had challenged the new rules made by the Table Tennis Federation, and alleged that the same were illegal and were drafted with the intent to maliciously exclude her from participating in international tournaments in the future. The background to this was that the national coach appointed by the TTFI had allegedly pressurized Batra to concede a match, which was immediately brought to the attention of the TTFI by Batra. However, the TTFI instead of enquiring into such allegations, on the contrary introduced a new set of rules and regulations mandating compulsory attendance of players at the National Coaching Camps in order to be selected for international tournaments, and basis the same, issued a show cause notice to Batra. The Hon’ble High Court stayed the operation of the new set of rules and regulations. The Court further directed the constitution of a three-member enquiry committee to look into the allegations of match-fixing made by Manika Batra. The enquiry committee consisted of two former Supreme Court

8 W.P(C) 9488/20022, Delhi High Court

9 (2016) 230 DLT 42

10 LPA 208/2018, Delhi High Court

11 W.P(C) No. 10590/2021, Delhi High Court

4. Issues before The Courts and Approach Adopted by The Courts

judges, Justice A.K Sikri and Justice Vikramjit Sen, and former athlete Gurbachan Singh Randhawa. Further, it observed that the conduct of the TTFI was contrary to the National Sports Code and therefore must be enquired into. Therefore, it was held that while the enquiry was carried out, an independent Committee of Administrators was to be appointed to manage the affairs of TTFI. In the meanwhile, the erstwhile committee of TTFI was dissolved.

- ii. *For the conferment of awards for achievement in the field of sports:* In *Vinod Kumar vs Union of India*¹², the Hon'ble Delhi High Court had to look into a Writ Petition filed under Article 226 of the Constitution of India seeking a mandamus to the Union of India to annul the Selection Committee's decision to award the Dronacharya Award to wrestling coach Mr. Anup Singh. The Court, while referring to a plethora of judgments, opined that it does not possess the power to direct a statutory authority to exercise its decision in a certain manner, and can only direct them to perform their duties in accordance to law.¹³ It was held that the power of judicial review was never intended to assume a supervisory role or to permit courts to step into the territories exclusively reserved by the *suprema lex* to the other organs of the state¹⁴. According to the court, the Dronacharya Award was an award that was conferred upon sportspersons for excellence in the field of sports, and such excellence was more based on perception of the committee conferred upon with the power of selection. Further, the parameters of selection conferred the Selection Committee with a discretion of 20%, which was indicative of the fact that the selection of the candidate was rather being guided by 'choice' and not reason.

Therefore, the court held that there can be no exercise of the power of judicial review over any administrative decision guided by such 'choice' and not by reason. The court also held that judicial review can only be exercised by the Court when the decision making process adopted by the Selection Committee is devoid of the element of 'choice'. Therefore, the Court would not delve into the correctness of the choice exercised by the Committee vested with the power to make such a choice¹⁵, and the court would not substitute its decision with that of the committee.

2. Effect of Interference by Courts on the 'Ethos of Sports'

The courts have had to deal with a number of cases in which athletes were aggrieved by the non-inclusion of their names in the National Teams for prestigious tournaments such as the Commonwealth Games, Paralympic Games etc. It was immensely important for courts to exercise caution in interfering in such selection process', as it could have a detrimental effect on the 'ethos' of sports in India. In *Swastika Ghosh (supra)*, the Hon'ble Delhi High Court had expressed its concerns regarding the impact of such litigations on the performance and preparation of players before a tournament. The court opined that it is essential that there is no uncertainty in the minds of the players before an international tournament, as such uncertainty could adversely impact their performance. In *Punjabi University vs Union of India*¹⁶, the Hon'ble High Court went on to opine that if the power of judicial review were to extend to areas such as sports, it would have an adverse impact on it. In fact, if such powers were to extend to sports, there would be no limit to the extent of which courts would be called upon to exercise such power and discretion. Such selection, although based on an elaborate procedure shall still remain a decision of the authority vested with the power to make the same. Now, if such matters were to fall

¹² *W.P.(C) No. 8184/ 2015, Delhi High Court*

¹³ *Union of India vs Bilash Chand Jain, (2009) 16 SCC 601*

¹⁴ *State of U.P vs Johri Mal (2004) 4 SCC 714*

¹⁵ *Damoh Panna Sagar Rural Regional Bank & Anr. Vs Munna Lal Jain, AIR 2005 SC 584*

¹⁶ *W.P(C) 6008/2011*

4. Issues before The Courts and Approach Adopted by The Courts

within the realm of public law, the question that would arise is “where do we stop?”¹⁷ Even in cases of errors in computation in the decision making process, Judicial Review should not be entertained. The Court opined that in matters relating to sports, Judicial Review could be entertainable only on charges of ‘bad faith’ in the exercise of ‘choice’ and not on the charge of error of judgment. In the end, the Hon’ble High Court made an expression of hope that sportspersons should participate in sports in the legendary spirit and not resort to equating competitive sports to legal battles in court.

Even in *Shumel vs Union of India*¹⁸, when the court was approached in challenge to the selection of the national team for the CWG 2010, the Court categorically held that the decision on the process of evaluation of merits of different candidates cannot be within the domain of the courts. It ought to be left to the experts in that particular field of sport. The court emphasized on the importance of the current form of the sportsperson as a critical criterion in the decision making process, irrespective of what may have been the past performance of that sportsperson.

3. Issue of short time gap between the filing of petition and the event

As highlighted above, it was observed in some cases that the aggrieved sportspersons resorted to approaching the courts immediately prior to the commencement of the sports event. One of such cases was *Neha Rathi vs Union Of India*¹⁹. In this case, the petitioner had challenged the selection process of the Wrestling Federation of India and the decision to not select the petitioner for the 2010 Asian Games. However, the Hon’ble High Court observed that the Asian Games were supposed to commence very shortly to the date of the judgment, and held that if the court passed any direction for holding the selection trial or casting any doubt over the decision of the Selection Committee, it would have the effect of unsettling the selected sportspersons, which would have an adverse effect on their performance. A similar concern was raised by the court in the *Sushil Kumar* case (supra), wherein the court had questioned the intention of the petitioner in challenging the Respondent to a ‘duel’ with only two and a half months left for the Olympics. A wrestler generally goes through the process of increasing his weight during his training before the event, and reduces it right before the event in order to be eligible for the slot in his weight category. The court expressed concern over the fact that holding a trial in such short period prior to the commencement of the competition meant that the Respondent would have to halt his training midway and lose his weight earlier than scheduled. This could give rise to the probability of an injury during the trial, and therefore, no relief could be granted to the petitioner.

4. The issue of ‘quota’ secured by sportspersons

One of the specific issues that arose before the courts was whether by virtue of earning a quota berth, does a sportsperson become entitled to represent the National Team in international competitions. In *Sushil Kumar* (supra), the practice to not make it mandatory for NSFs to hold selection trials for participation in Olympic Games after certain sportspersons have earned a quota berth for the nation was challenged. Resisting such challenge, it was contended by the Wrestling Federation of India that all NSFs have a policy wherein athletes who have secured a berth/quota have the first right to use it, and such athlete shall only be replaced if he/she is

¹⁷ *Law vs National Grey Hound Racing Club Ltd.* [1983] 1 WLR 1302

¹⁸ 2010 SCCOnline Del 4706

¹⁹ 2010 SCCOnline Del 4707

4. Issues before The Courts and Approach Adopted by The Courts

injured or is deemed unfit. The Hon'ble High Court held that such practice of allowing wrestlers having earned the quota berth for the country to represent the country could not have been held to be perverse or contrary to the National Sports Code. It also held that there is always more than one method of selection that can be adopted by the Selection Committee, and such process adopted by the Selection Committee, not being manifestly arbitrary or perverse, cannot be substituted by the Court's own judgment.

However, in *Karamjyoti vs Union of India*²⁰, the petitioner had contended that it is a settled principle that owing to the fact that he had secured the quota, he was not required to undergo any trial and had the right to go against the quota. Therefore, the NSF did not have the power to disallow him from participating in the tournament. The Hon'ble High Court, while referring to the counter-affidavit filed by the Union of India, held that if the concerned NSF had decided to hold selection trials and all athletes were required to go through the same, the said procedure could not be said to be arbitrary, perverse or irrational either.

Therefore, the courts in both cases conferred a wide ambit of powers to the Selection Committees in deciding the process of selection to be adopted, as long as the same was in accordance with the law, and not vitiated by bias or manifest arbitrariness.

20 *WP(C) 6815/2016, Delhi High Court*

Conclusion

With the recent judgment passed by the Hon'ble Delhi High Court in the Swastika Ghosh (supra) case, the already existing position of law on the selection of athletes was re-affirmed. Courts have reiterated their position on multiple occasions upholding the authority of the National Sports Federations in the selection of athletes, as has been conferred upon them by virtue of section 13 of the National Sports Code. One must not lose sight of the fact that the Selection Committee in any National Sports Federation comprised of experts in the field of sports. The functions of such selection committees are not adjudicatory but purely administrative in nature²¹. Further, the writ courts cannot be considered to be a court of appeal where athletes simply decide to challenge the decisions of selection committees only because such decisions were not palatable to them. The scope of judicial intervention in field of sports is extremely limited, and the same has been upheld by courts in order to maintain autonomy of administrative bodies in areas as sacrosanct as sports.

21 See *National Institute of Mental Health and Neuro Sciences vs Dr.R.K Kalyana Raman*, AIR 1992 SC 1806

International Jurisprudence

One of the leading jurisdictions across the world making enormous leaps in the field of sports is the United Kingdom. The English law has been long settled on the question of judicial review involving decisions made by sports authorities following the Court of Appeal decision in *R v Disciplinary Committee of the Jockey Club, ex p Aga Khan*²², wherein it was held that Sports Governing Bodies (“SGBs”) are not amenable to judicial review. The regulation of sports in the United Kingdom is carried out by the SGBs, such as the Football Association (FA) and the Rugby Football Union (RFU). These associations have been vested with enormous amounts of autonomy in their respective sporting markets, and regulatory powers which enable them to frame and implement rules that affect every stakeholder in the sport, such as the athletes, clubs, managers as well as the supporters. Ever since *Aga Khan*, courts have gone on to develop a private law “supervisory jurisdiction”. Even by virtue of the decision in *Law vs National Greyhound Racing Club (supra)*, SGBs were brought outside the scope of judicial review. The rationale behind this decision was that the source of the powers of SGB emanated from private contracts, and therefore, the appropriate remedy in disputes involving SGBs would therefore be engrained in private law.

Similarly, in the United States, the dispute resolution mechanism in the field of professional sport is also governed by a number of private contracts, such as the constitution documents of the respective leagues, the collective bargaining agreements (CBA) between the league owners and the players’ union, and the professional player contracts. The collective bargaining agreements of each league give rise to the dispute resolution rules of those leagues. The constitution documents and the CBAs also entail the provision of arbitration in the event of disputes arising out of the player contracts. The scope of Judicial Review in such cases is extremely rare and limited. The Federal Courts do not have the authority to overturn the decision arrived at by an arbitrator on merits, but only on the ground that the arbitrator’s decision was baseless or illegal vis-à-vis the impugned contract.

22 [1993] 1 WLR 909

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S.No	Name of Case	Case Background and Decision
1.	Swastika Ghosh vs Table Tennis Federation of India (W.P (C) 9488/2022)	<p>Background: The Petitioners had approached the court with the grievance that names have not been included in the final selection list by the Selection Committee and the Committee of Administrator despite fulfilling the selection criteria as laid down by the federation for the upcoming Commonwealth Games.</p> <p>Held: The Court held that the selection process involves a multitude of factors that need to be taken into account, which cannot be as simple as comparing scores based on individual performances. Therefore, the court cannot exercise its power of judicial review in such cases. Further, it is elementary that athletes have no uncertainty in their minds before a tournament, and such litigations have the effect of disrupting the preparation and performance of players.</p>
2.	Vinod Kumar vs Union of India (W.P (C) 8184/2015)	<p>Background: This was a petition under Article 226 of the Constitution filed seeking a mandamus to annul the award given to wrestling coach Mr. Anup Singh and rather award it to the petitioner, who was a more deserving candidate.</p> <p>Held: The Court held that they were originally not meant to adjudicate such disputes and jurisprudentially there can be no exercise of the power of judicial review over any administrative function which is based on the element of 'choice'. Judicial Review can be of the decision making process and not the decision itself.</p>
3.	Union of India vs Bilash Chand Jain (2009) 16 SCC 601	<p>Background: The Respondent had sought permission from the Central Government (statutory authority) to file a suit under section 86(3) of CPC against the Socialist Republic of Romania, a foreign firm and a state trading corporation. The same had been initially allowed but later got revoked. Therefore, the respondent had filed a writ petition challenging the revocation order.</p> <p>Held: The Supreme Court held that a writ court cannot dictate the decision of the statutory authority and cannot direct the statutory authority to exercise its discretion in a particular manner and can only command the statutory authority to perform its duty in accordance with law.</p>
4.	State of U.P vs Johri Mal (2004) 4 SCC 714	<p>Background: The Respondent was the DGC (CrI) at Meerut, and his term was not renewed despite his request and was relieved from the charge of the post. Therefore, the Respondent filed a Writ Petition challenging the order refusing renewal of term. The challenge was on the ground that the District Magistrate and District Judge had found his work satisfactory and had recommended for renewal of his term.</p> <p>Held: The Supreme Court held that power of judicial review is not intended to assume a supervisory role or don the robes of omnipresent or to review governance under the rule of law or to enable the Courts to step into the areas exclusively reserved by the suprema lex to the other organs of the State. Decisions and actions which do not have adjudicative disposition may not strictly fall for consideration before a judicial review Court.</p>
5.	Sushil Kumar vs Union of India (2016) 230 DLT 42	<p>Background: The Petitioner had challenged the selection of Respondent No.5 by the Wrestling Federation of India for the 74 kg Men's Freestyle Wrestling event at the Rio Olympics Games 2016</p> <p>Held: A writ court will not interfere in the exercise of discretion of the National Sports Federation and substitute its own judgment except where the discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or contrary to settled principles or practices.</p>
6.	Paralympic Committee vs Naresh Kumar Sharma LPA 208/2018	<p>Background: The Paralympic Committee of India had filed the appeal challenging the order passed by the writ court allowing Naresh Kumar Sharma (petitioner) to participate in the R7 event at the 2018 Korean World Championship and directed the Committee to do the needful.</p> <p>Held: In matters of policy decisions, the Court should be circumspect in interfering and must exercise its power of judicial review only to prevent manifest arbitrary or mala fide action. Beyond this narrow scope of enquiry, Courts do not possess the ability or the wherewithal to "second-guess" policy decisions made by specialized bodies tasked with that purpose.</p>

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S.No	Name of Case	Case Background and Decision
7.	Manika Batra vs TTFI (W.P(C) 10590/2021	<p>Background: Manika Batra, who was by far the highest-ranked Indian table tennis player had challenged the new rules made by the Table Tennis Federation, and alleged that the same were illegal and were drafted with the intent to maliciously exclude her from participating in international tournaments in the future. The background to this was that the national coach appointed by the TTFI had allegedly pressurized Batra to concede a match, which was immediately brought to the attention of the TTFI by Batra. However, the TTFI instead of enquiring into such allegations, on the contrary introduced a new set of rules and regulations mandating compulsory attendance of players at the National Coaching Camps in order to be selected for international tournaments, and basis the same, issued a show cause notice to Batra.</p> <p>Held: The Hon'ble High Court stayed the operation of the new set of rules and regulations. Further, it observed that the conduct of the TTFI was contrary to the National Sports Code and therefore must be enquired into. Therefore, it was held that while the enquiry was carried out, an independent Committee of Administration was to be appointed to manage the affairs of TTFI.</p>
8.	Punjabi University vs Union of India (W.P (C) 6008/2011	<p>Background: The Petitioners filed the writ petition challenging the decision of Union of India and Association of Indian Universities of conferring the Maulana Abul Kalam Azad (MAKA) trophy, to be given to overall top performing university in Inter University Tournaments of the preceding year, for the year 2009-2010 to the respondent no.3 Guru Nanak Dev University</p> <p>Held: If the power of judicial review were to be extended to in matters such as these also, it would adversely affect the sports. This Court cannot appropriate to itself a position as of a Super Umpire or a Super Referee. If the powers were to so extend, then there would be no limit to the extent to which the Court will be called upon to exercise the same. The decision as to whom to award the Trophy, though based on an elaborate procedure still remains a decision as of a Referee or an Umpire in a Sport and the Court ought not to exercise domain over the same. In matters relating to sports, Judicial Review is entertain able only on charge of bad faith in declaring the winner and not on the charge of an error of Judgment in declaring the winner.</p>
9.	Law vs National Grey Hound Racing Club Ltd. [1983] 1 WLR 1302	<p>Background: The Plaintiff's trainer license for greyhound racing was suspended for six months by the stewards on the ground that he had had in his charge a greyhound which showed presence in its tissues of substances which would affect its performance. The Plaintiff approached the court seeking declaration that the steward's decision was ultra vires the agreement between him and the National Grey Hound Racing Club (Defendants).</p> <p>Held: The Court dismissed the appeal and held that the authority of the stewards to suspend the plaintiff's licence was derived wholly from a contract between him and the defendants and the status of the stewards was that of a domestic tribunal. If such matters are made to fall within the public law then "Where should we stop"?</p>
10.	Shumel vs Union of India 2010 SCCOnline Del 4706	<p>Background: Three women wrestlers had filed writ petitions aggrieved by their non-inclusion in the selection trials for representing India in the Commonwealth Games 2010 in different categories.</p> <p>Held: In matters of selecting the best possible candidate to represent India in an international competitive event, there cannot be any interference by this Court in the selection criteria set down by the concerned national sports federation.</p>
11.	Neha Rathi vs Union of India 2010 SCCOnline Del Del 4707	<p>Background: The Petitioner filed the writ petition impugning the selection of Ms. Nirmala Devi to represent the country in the 48 kg category in women's wrestling for the 16th Asian Games.</p> <p>The Hon'ble High Court observed that the Asian Games were supposed to commence very shortly to the date of the judgment, and held that if the court passed any direction for holding the selection trial or casting any doubt over the decision of the Selection Committee, it would have the effect of unsettling the selected sportspersons, which would have an adverse effect on their performance.</p>

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S.No	Name of Case	Case Background and Decision
12.	Karamjyoti vs Union of India W.P(C) 6815/2016	<p>Background: The petitioner filed the writ petition seeking quashing the decision of the Union of India and the Sports Authority of India (SAI) for his non-selection for the participation in the “Discuss Throw” competition in the Rio Paralympic Games, 2016.</p> <p>Held: The decision, who should represent India in a sporting event, is best left to the experts. In the matters of selecting the best possible candidate to represent India in an international competitive event, there cannot be any interference by this Court in the selection criteria set down by the concerned national sports federation and also as to how the relative merits of the different candidates is to be evaluated, which is for the experts to decide and not this Court.</p>
13.	National Institute of Mental Health and Neuro Sciences (NIMHANS) vs Dr. R.K Kalyana Raman AIR 1992 SC 1806	<p>Background: The Selection Committee at NIMHANS had selected and appointed Dr.Gauri Devi for the post of professor of neurology at the institute after conducting interviews and assessment of the relative merits of the candidates. The same was challenged by Dr.R.K Kalyana Raman (petitioner) by means of a writ petition, which was allowed by the Karnataka High Court. The appeal was filed by NIMHANS before the Supreme Court to challenge the decision of the writ court.</p> <p>Held: The function of the Selection Committee is neither judicial nor adjudicatory. The selection has been made by the assessment of relative merits of rival candidates determined in the course of the interview of candidates possessing the required eligibility. It should not be lost sight of that the Selection Committee consisted of experts in the subject for selection. They were men of high status and also of unquestionable impartiality. The Court should be slow to interfere with their opinion.</p>

About NDA

At Nishith Desai Associates, we have earned the reputation of being Asia's most Innovative Law Firm – and the go-to specialists for companies around the world, looking to conduct businesses in India and for Indian companies considering business expansion abroad. In fact, we have conceptualized and created a state-of-the-art Blue Sky Thinking and Research Campus, Imaginarium Aligunjan, an international institution dedicated to designing a premeditated future with an embedded strategic foresight capability.

We are a research and strategy driven international firm with offices in Mumbai, Palo Alto (Silicon Valley), Bangalore, Singapore, New Delhi, Munich, and New York. Our team comprises of specialists who provide strategic advice on legal, regulatory, and tax related matters in an integrated manner basis key insights carefully culled from the allied industries.

As an active participant in shaping India's regulatory environment, we at NDA, have the expertise and more importantly – the VISION – to navigate its complexities. Our ongoing endeavors in conducting and facilitating original research in emerging areas of law has helped us develop unparalleled proficiency to anticipate legal obstacles, mitigate potential risks and identify new opportunities for our clients on a global scale. Simply put, for conglomerates looking to conduct business in the subcontinent, NDA takes the uncertainty out of new frontiers.

As a firm of doyens, we pride ourselves in working with select clients within select verticals on complex matters. Our forte lies in providing innovative and strategic advice in futuristic areas of law such as those relating to Blockchain and virtual currencies, Internet of Things (IOT), Aviation, Artificial Intelligence, Privatization of Outer Space, Drones, Robotics, Virtual Reality, Ed-Tech, Med-Tech and Medical Devices and Nanotechnology with our key clientele comprising of marquee Fortune 500 corporations.

The firm has been consistently ranked as one of the Most Innovative Law Firms, across the globe. In fact, NDA has been the proud recipient of the Financial Times – RSG award 4 times in a row, (2014-2017) as the Most Innovative Indian Law Firm.

We are a trust based, non-hierarchical, democratic organization that leverages research and knowledge to deliver extraordinary value to our clients. Datum, our unique employer proposition has been developed into a global case study, aptly titled 'Management by Trust in a Democratic Enterprise,' published by John Wiley & Sons, USA.

Research@NDA

Research is the DNA of NDA. In early 1980s, our firm emerged from an extensive, and then pioneering, research by Nishith M. Desai on the taxation of cross-border transactions. The research book written by him provided the foundation for our international tax practice. Since then, we have relied upon research to be the cornerstone of our practice development. Today, research is fully ingrained in the firm's culture.

Over the years, we have produced some outstanding research papers, reports and articles. Almost on a daily basis, we analyze and offer our perspective on latest legal developments through our "Hotlines". These Hotlines provide immediate awareness and quick reference, and have been eagerly received. We also provide expanded commentary on issues through detailed articles for publication in newspapers and periodicals for dissemination to wider audience. Our NDA Labs dissect and analyze a published, distinctive legal transaction using multiple lenses and offer various perspectives, including some even overlooked by the executors of the transaction. We regularly write extensive research papers and disseminate them through our website. Our ThinkTank discourses on Taxation of eCommerce, Arbitration, and Direct Tax Code have been widely acknowledged.

As we continue to grow through our research-based approach, we now have established an exclusive four-acre, state-of-the-art research center, just a 45-minute ferry ride from Mumbai but in the middle of verdant hills of reclusive Alibaug-Raigadh district. Imaginarium AliGunjan is a platform for creative thinking; an apolitical ecosystem that connects multi-disciplinary threads of ideas, innovation and imagination. Designed to inspire 'blue sky' thinking, research, exploration and synthesis, reflections and communication, it aims to bring in wholeness – that leads to answers to the biggest challenges of our time and beyond. It seeks to be a bridge that connects the futuristic advancements of diverse disciplines. It offers a space, both virtually and literally, for integration and synthesis of knowhow and innovation from various streams and serves as a dais to internationally renowned professionals to share their expertise and experience with our associates and select clients.

We would love to hear from you about any suggestions you may have on our research publications. Please feel free to contact us at research@nishithdesai.com.

Recent Research Papers

Extensive knowledge gained through our original research is a source of our expertise.



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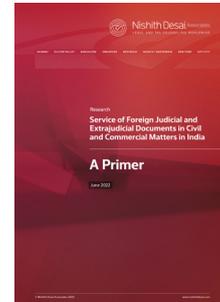
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