[2025] 9 S.C.R. 1146 : 2025 INSC 1131

All India Football Federation
v.
Rahul Mehra & Ors.

(Civil Appeal No(s). 12591-12592 of 2025)

19 September 2025

[Pamidighantam Sri Narasimha and Joymalya Bagchi, JJ.]

Issue for Consideration

Should Eminent Players be in the General Body; if so, to what extent; what should be the Eligibility criteria to be designated an Eminent Player; whether 'Office bearers' should be limited to President, Treasurer, Secretary; whether the number of VPs should be increased to ensure regional representation; whether public servants should be included under disqualification events; whether 'indirect interest' should be retained in the definition of 'conflict of interest'; should the All India Football Federation (AIFF) Constitution apply to state associations; what is the permissible extent of delegation of powers, functions, and exploitation of rights by AIFF to third parties; whether promotion and relegation should form part of the AIFF Constitution; to what extent are BCCI judgements applicable to football; should Amendments to the Constitution be approved by the Supreme Court; whether the current AIFF administration is a permanent or interim body.

Headnotes†

Sports – National Sports Development Code of India, 2011 – Draft Constitution of the appellant-Federation (AIFF) – Objections and suggestions from relevant stakeholders – Draft approved and finalised, with few modifications – AIFF to call for a special general body meeting and adopt the draft Constitution with the modifications, preferably within 4 weeks – National Sports Governance Act, 2025. [Paras 24-122]

Sports – Should Eminent Players be in the General Body, to what extent – National Sports Development Code of India, 2011 – Clauses 3.9, 3.10 or 3.20:

Held: 1.1 A harmonious and conjoint reading of clauses 3.9, 3.10 or 3.20 show that clause 3.20 is essentially a carve-out from clauses 3.9 or 3.10, and grants voting rights to the class of persons indicated

therein, *i.e.*, "prominent sportspersons of outstanding merit" – The substantive composition of the organisational structure should consist of member associations, and it is contemplated to be an ideal situation to have eminent sportspersons having voting rights – The percentage indicated in clause 3.20 of the NSC 2011 is not transgressed by clause 20.2 of the draft Constitution. [Para 33]

1.2 The freedom of choice to form an association is not in any way compromised by the requirement to incorporate 15 eminent players – The democratic setup of the federation is not destabilised as the elected member associates certainly continue to hold more than 62% as the NSC 2011 u/clause 3.20 only suggests that the number of prominent sportspersons should be a minimum of 25% which means that model provision has not prohibited a number larger than 25% – The inclusion of eminent players, coaches, referees, and club representatives in the general body, will only further good governance, herald transparency and fair play – The draft provision not interfered with. [Paras 35, 36]

Sports – Eligibility criteria for Eminent Players – Article 1.19 of the draft Constitution:

Held: The draft Constitution prescribed a criterion – It is reasonable to reduce the eligibility criteria for an Eminent Player suggested by Justice L N Rao, to 5 matches for men and from 2 matches for women – Such modification will ensure a wider pool and participation by retired players who will prove themselves to be efficient administrators and guiding lights for Indian football – Submission of AIFF *qua* counting domestic experience for eminence status, not accepted – Domestic experience might not yield the result sought to be achieved with the adoption of the Constitution, which is formulated to project Indian football on the international panorama. [Para 40]

Sports – Whether 'Office bearers' should be limited to President, Treasurer, Secretary – Definition of "Office-Bearers":

Held: Office bearers must be understood in the context of the functioning of the AIFF and the reform that needs to be brought about – This definition will have a direct bearing on the applicability of cooling-off, the term, tenure and age limit – The inclusive definition will be consistent with the reforms that have been introduced and applied as independent measures for the vibrant working of the federation. [Para 42]

Sports – Whether the number of Vice-Presidents (VPs) should be increased to ensure regional representation – Number of VPs:

Held: No harm is caused by exceeding the membership of the executive committee – Both Committee of Administrators (CoA) and Justice L N Rao have taken into account the NSC 2011 and balanced it with the demands of the sport – Order of this Court dtd. 22.08.2022 provided that the EC of the federation will consist of 23 persons as an arrangement at that time, a higher number than the 12-person committee – Therefore, the size of the executive committee not reduced – The suggestion(s) made by the State Associations to increase the number of VPs to five would not be possible in the present statutory scheme – However, the argument of AIFF for increase in the number of VPs to 3, which shall include one woman, is accepted – Such an amendment will enable women's representation and, at the same time, confine the number of the executive committee to fifteen members. [Paras 45, 47]

Sports – Public servants, if to be included under disqualification events – Article 1.17 of the amended Constitution by Justice L N Rao:

Held: The provision of disqualification based on framing of charge is modified to the standard as envisaged in the later judgement of BCCI *i.e.*, "conviction followed by a sentence of imprisonment" – Further, an amendment was passed by the BCCI which was approved by this Court, restricting the disqualification from being a "minister or government servant or holding a public office" to being "a minister or government servant" – In agreement with the view of BCCI, the provision in Article 1.17(g) modified to "being a minister or government servant" – Furthermore, even if such a person is a public servant, if he or she has the necessary approval of the government, there should not be a problem u/s.4(2)(e) of the newly enacted NGSA 2025 – The rules and regulations applicable to a government servant provide a particular standard to be maintained – The standard requires the public servant to obtain necessary permissions – If these permissions are taken, there is no justification to restrict or disqualify a public servant altogether. [Paras 55, 58, 59]

Sports – Whether 'indirect interest' should be retained in the definition of 'conflict of interest' – AIFF submitted that

a conflict of interest, as defined in Article 73.1, should not include indirect interest – It contended that while Article 73.5 adequately covers the scenarios of conflict, it renders Article 73.1 otiose and unnecessary – Plea of Amici that the suggestion of AIFF does not take into account that Articles 73.1(a) and 73.5 cover entirely different fields:

Held: Art.73.1(a) is focused on indirect conflicts of interest, conflicts through relatives, partners, or close associates; conflicts like an Executive Committee Member's spouse running a football coaching academy – Whereas, Art.73.5 broadly prohibits the individual from holding two posts - a more direct conflict - and does not speak of his interest through related parties – On plain reading of both Arts.73.1 and 73.5, it is clear that both cover different fields of conflict – The judgment in BCCI has also approved of disqualifications based on indirect conflicts – No reason to arrive at a different conclusion. [Para 63]

Sports – Applicability of AIFF Constitution to State Associations:

Held: In view of the chequered history of Indian football administration, and also that governance of football trickles down from the superstructure to the base, *i.e.*, National Sports Federations (NSFs) conform to FIFA, it is important that the state associations and local bodies conform to the NSFs – First, the office bearer(s) of the state association will acquire with time an invaluable experience of football governance in the same manner as the institutional history of the AIFF – This will happen because the governance model of both the NSF and state associations will overlap – Compliance and application of best practices formulated in consultation with FIFA at the local levels will ensure that the sport of football remains organised, both in principle and in practice – In view of the FIFA Statute, the relevant comments of Justice L N Rao and on analysis of the far-reaching implications of this provision, the argument that the AIFF Constitution ought not be extended to the state associations and local bodies, not accepted. [Paras 70, 71]

Sports – Delegation of powers, functions, and exploitation of rights by AIFF to third parties – Permissible extent of – Football Sports Development Limited (FSDL) suggested few changes to the proposed Constitution namely, a relevant amendment to Art.1.21 to make the definition of 'essential aspects' less

restrictive; an amendment to Art.63 to expand the role of private parties in exploitation of rights under sports' contracts and; also submitted that 'promotion and relegation' should not be a criteria to satisfy the definition of 'seniormost top division league', as defined under Art.1.54:

Held: Though there was agreement at the bar on FSDL's suggestions on the addition of the word 'ownership' in Article 63.1, the expression is superfluous and unnecessary – AIFF has objections to the use of the word 'organisation' and 'promotion and relegation' in the definition of essential aspects u/Art.1.21 – Art.1.21 which had no equivalent in the Constitution drafted by the CoA, is in the nature of a membrane separating the rights and duties of the federation and third parties with whom the federation might enter into contract(s) – It does not create any harm to the private interest, except for the fact that it will impact the working of the text of the Master Rights Agreement (MRA) – While this Court is satisfied with the provision u/Art.1.21, and it has been apprised that the term of the ongoing extended MRA will expire in 2025, it is made clear that it shall be open for the federation to enter into contractual settings, but in complete obedience to the boundary as laid down in Art.1.21 – FSDL's suggestions *qua* Art.63 as well, which are premised and expand upon the definitional clause in Art.1.21, not adopted. [Para 79]

Sports – Whether promotion and relegation should form part of the AIFF Constitution:

Held: After going through the literature on the principles of promotion and relegation, the arguments of the counsels, as well as the written material placed on record, it is held that the proposed provisions do not necessitate any amendment. [Para 87]

Sports – Applicability of principles laid down in BCCI Judgment to the present case concerning football administration:

Held: The BCCI series of cases envisaged and embarked on a new dawn of Indian sports governance, and also developed principles and best practices which can be imbibed in letter and spirit – Distinguishing BCCI judgments only on the ground that BCCI is not an NSF, while AIFF is, does not yield any good –The arguments advanced by AIFF and State association are rejected. [Paras 88, 90]

Sports – Amendments to the AIFF Constitution, if should be approved by the Supreme Court and the need for the Supreme Court to retain control:

Held: The suggestion regarding insertion of *"Article 23.3 – Any such amendment shall not be given effect to without the leave of the Hon'ble Supreme Court"* is accepted for the present – However, it is not appropriate to have continuous monitoring of a sports federation by any forum, including the Supreme Court – Having taken up the matter and ensured that the Constitution is brought to this stage, it is necessary to take it to its logical end – Supreme Court's monitoring will only be that far and no further. [Para 94]

Sports – Whether the current AIFF administration is a permanent or interim body:

Held: The current executive committee can be treated as a permanent body which shall discharge its function in accordance with the relevant laws as well as the AIFF Constitution. [Para 101]

Sports – Draft Constitution of the appellant-Federation (AIFF) – Certain objections/suggestions with respect to other clauses, *viz.* On the definition and criteria of the Candidate; Definition of 'immediate family'; Obligation of member associations; Suspension and Resignations; Executive committee and concurrent memberships; Acting President etc. – Considered. [Paras 103-121]

Case Law Cited

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Indian Olympic Association v. Union of India, **2014 SCC OnLine Del 2967;** *Rahul Mehra v. Union of India,* **2022 SCC OnLine Del 2438 – referred to.**

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List of Acts

National Sports Development Code of India, 2011; Constitution of India; National Sports Governance Act, 2025; FIFA Statutes, 2022; Representation of the People's Act, 1951; FIFA Statute, 2024; Penal Code, 1860.

List of Keywords

All India Football Federation; Draft of the Constitution of All India Football Federation; Draft of the Constitution of AIFF; AIFF Constitution; Eminent players; Sports federations; AIFF's election; Committee of Administrators (CoA); National Sports Federation (NSFs); FIFA; Continuous monitoring of a sports federation; Constitution of AIFF, 2017.

Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No(s). 12591-12592 of 2025

From the Judgment and Order dated 31.10.2017 of the High Court of Delhi at New Delhi in CM No. 46919 of 2016 and CM No. 19815 of 2012

Appearances for Parties

Advs. for the Appellant(s):
Ranjit Kumar, Sr. Adv., Siddhesh Shirish Kotwal, Ms. Manya Hasija, Ms. Ana Upadhyay, T.illayarasu, Ms. Vaidehi Kolhe, Saurabh Guha, Mrs. Rasika Jalan, Nagarkatti Kartik Uday.

Advs. for the Respondent(s):
Gopal Sankaranarayanan, Sr. Adv./Amicus Curiae, Samar Bansal, Amicus Curiae.

Tushar Mehta, Solicitor General, K. M. Nataraj, A.S.G., Ms. Swarupama Chaturvedi, Neeraj Kishan Kaul, Ritin Rai, Dr. Menaka Guruswamy, Ms. Anitha Shenoy, Raghenth Basant, Sr. Advs., Apoorv Kurup, Sharath Nambiar, Vinayak Sharma, Vatsal Joshi, Ms. Indira Bhakar, Chitransh Sharma, Anuj Srinivas Udupa, Ms. Satvika Thakur, Ms. Nikita Capoor, Ms. Yogya Rajpurohit, S. Subramaniam, Ayush Ranjan, Ms. Ritika Ranjan, Kanu Agrawal, Rajat Nair, Arkaj Kumar, Padmesh Mishra, Dr. N. Visakamurthy, Nar Hari Singh, Sanjeev K. Kapoor, Sahil Narang, Dhritiman Roy, Ayushman Kacker, Vidush Sinha, Raghav Agarwal, Madhavam Sharma, M/S. Khaitan & Co., Prateek K Chadha, Utkarsh Pratap, Sreekar Aechuri, Aniket Chauhaan, Ms. Bhumika Yadav, Ms. Shaswati Parhia, Ms. Kashish Jain, Kotla Harshavardhan, Raghav Kohli, N. Sai Vinod, Anmol Gupta, Shuvodeep Roy, Siddharth Nath, Asjad Hussain, Ms. Anunaya Chowdhary, Vedant Kapur, Tushar Shrivastava, Ms. Jhanvi Dubey, Ms. Shreya Nair, Vishal Sinha, Ms. Trisha Chandran, Nagarkatti Kartik Uday, Ms. Hetu Arora Sethi, Shivam Singh, Anirudh Bhat, Nirmal Prasad, Yoshit Jain, Shubham Janghu, Ishwar Singh, Sravan Kumar Karanam, Akshay Mann, Kumar Abhishek, Sadhana Madhavan, Divyanshu Rai, Ms. Kaushitaki Sharma, Kshitij Maheshwari, Ms. Purnima Krishna.

Judgment / Order of the Supreme Court

Judgment

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1. Leave granted.

2. Recounting the social history of Indian Football, learned authors[1] have observed that;

> *"While the Indians were fighting the British for their independence, one of the most popular games in the country was football. Logically, after independence, football should have become India's number one sport. It is cheaper, it certainly permeated more layers of Indian society – even down to the semi-rural areas – than cricket and, as in other parts of the world, could have been a metaphor for nationalism."*

1 Mihir Bose, A History of Indian Cricket (London: Andre Deutsch Ltd, 1990), pp.16–17.

> *"But as freedom drew close, football's erstwhile role as a nationalist symbol sharply diminished owing to the game's increasing communal and regional overtones. Despite the Indian national team's worthy performances at international level in the first fifteen years after 1947, gradually, regionalism seemed to become a more distinct and viable alternative in Indian football".*[2]

3. Unlike rights that can be enforced through law, fraternity is not amenable to judicial command; it must be nurtured through lived experiences of unity, trust, and shared endeavour. National, international, regional or even *mohalla sports* in India serve as the *Karmabhumi* where cohesion and collective purpose take tangible form. They bring together individuals from diverse social, linguistic, and cultural backgrounds under a common pursuit, embodying the Constitutional value of fraternity. Here, individual and collective aspirations find a way to coalesce.

   3.1 On the field, teamwork compels individuals to set aside personal distinctions and work together, cultivating habits of cooperation, solidarity, and mutual respect. Accessibility of sports is important, for when opportunities to participate are open to all—irrespective of race, caste, religion, sex, or economic status—the unifying power of sport is amplified. This inclusiveness ensures that sports become not a privilege of the few but a medium through which fraternity is strengthened across society. In this way, sports operationalise what the framers envisioned: an intangible yet indispensable force that holds us together through shared effort and common purpose.

   3.2 It is high time we recognize that sporting *"facilities and opportunities"*[3] are *"material resources of the community"*[4]*,* and their organizers are *"the institutions of the national life"*[5]*.* As *"places of public resort"*[6]*,* sporting institutions and bodies must

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2 Boria Majumdar & Kausik Bandyopadhyay, 'A Social History of Indian Football: Striving to Score' (Sport in the Global Society, Routledge, 2008, Taylor and Francis), pg. 109.

3 Article 38(2), Indian Constitution.

4 Article 39(b), Indian Constitution.

5 Article 38, Indian Constitution.

6 Article 15(2), Indian Constitution.

remain accessible, not just for pursuing sport, but also for its *administration*. It should be the deeper Sadhana (endeavour) of the State, and it is also our Constitutional duty to ensure that sporting facilities and opportunities flourish with institutional efficiency, integrity, professionalism, and expertise.

3.3 It is also necessary to ensure that sporting facilities and opportunities are not concentrated in the hands of the urban economic elite and that the revenues from sporting events, intellectual property and media rights are so distributed to subserve and encourage accessible and affordable sport in our country.

4. **Establishment of All India Football Federation and its history thereafter:** The AIFF, a National Sports Federation (NSF), was formed as the governing body of association football in the country in 1937. It has been observed that AIFF failed to evolve with time, took eleven years for its affiliation with the global apex body FIFA, and struggled to manage Indian football efficiently. As a result, the sport remained distributed in fragments, so much so that players were alienated from the administration and with time, politics and regionalism appeared on the centre stage. Taking into account the lapses in organisational control around Indian football, the commentators make a few observations, some of which are squarely applicable to the issues in the present appeals:

"The Indian Soccer Administration

Corruption and lack of professionalism go hand in hand in Indian football. The sport's apex body in India, AIFF, has not played it expected role to perfection…So far as the question of professionalism is concerned, it (AIFF) fares little better. Since its birth in 1937, AIFF showed an utter lack of professional attitude towards the game. It took eleven long years to get affiliated with the world apex body, FIFA. It played its flawed part in India's failure to participate in the 1950 World Cup. The unresolved dichotomy of national and club football has been, to a great extent, a result of its failure and amateurish duplicity. Moreover, factionalism, favouritism and infighting within the Federation are plain to see since its inception. As one of the better administrators of Indian soccer/ AIFF argued in 1961:

> *In our country, however, things are absolutely different. Whether it be in the All India sphere or in the State sphere, you will find very few people in the administration who could claim to be players themselves. Unless this vital change is introduced in the selection of the administrative personnel, I am afraid, our football will never attain its rightful stature. I have travelled throughout the world and had an opportunity to see the football set-up in all those places … There football is guided by experts; here by all sorts of people, and the difference is there for all to see".*[7]

5. The present appeals arise out of a challenge to the order dated 31.10.2017 passed by the Hon'ble High Court of Delhi in CM No. 46919/2016 and CM No. 19815/2012 in W.P. (C) No. 195/2010 ("Impugned Order").

6. The short facts relevant to the present appeals are that Mr. Rahul Mehra, respondent no. 1 (in person), preferred a writ petition W.P. (C) No. 195/2010 raising questions on the working of various sports federations and their election process, and prayed for issuance of various writs directing the Union of India to interfere in the same. Amid the pendency of the writ petition, the Government of India, through the Ministry of Youth Affairs and Sports, issued a comprehensive code amalgamating all previous guidelines and notifications in the form of the National Sports Development Code of India, 2011 ("National Sports Code"/"NSC").

7. It is in this context that the respondent no. 1 filed an interlocutory application C.M. No. 19815 of 2012, specifically praying for a direction to postpone or stay the proposed elections to the various offices of the AIFF, as the elections were allegedly being held in violation of NSC 2011. On 18.12.2012, the High Court passed an order, finding prima facie merit in the averments of the interlocutory application and directing the Union of India to examine the holding of AIFF's elections and pass a reasoned order deciding if the elections are being held

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7 Supra 1 at pg. 173 quoting M. Dutta Ray, 'Playing Experience Needed in our Football Administration', in WIFA Golden Jubilee Souvenir (Bombay: WIFA, 1961). Incidentally Dutta Ray was the president of AIFF at that time.

in consonance with the regulatory framework. On 23.08.2013, the Union of India filed an affidavit before the High Court highlighting that it had examined the validity of elections held on 20.12.2012 and arrived at the conclusion that the elections *"were free and fair and therefore the body elected in pursuance of the said election is liable to be accorded recognition"*. In that manner, the proceedings before the High Court qua 2012 elections stood concluded.

8. In 2016, when the election to the AIFF's executive council again became due, the High Court on 15.12.2016 passed an order staying the election on the ground that the proposed election exercise violated the orders passed during the last elections in 2012. It is in these facts that the appellant filed an interlocutory application CM No. 46919/2016 seeking vacation of the order dated 15.12.2016 so that the elections may be concluded. On 20.12.2016, the High Court took up the application and vacated the stay order to the extent that the elections may proceed, but the result shall be subject to the final outcome of the application.

9. After the election process concluded, the matter was again taken up with the passing of the impugned order. Vide the impugned order, the High Court set aside the results of the elections of the appellant federation on grounds of non-compliance with the sports code and other regulations and also:

   a) appointed Dr. S.Y. Quraishi, Former Chief Election Commissioner of India as the Administrator – cum – Returning Officer for the conduct of elections of the AIFF,

   b) directed that the elections of the AIFF were to be held after the preparation of an Electoral College, and

   c) directed that the elected body so constituted was to carry out the requisite amendments to the AIFF Constitution to bring it in conformity with the NSC 2011 as well.

10. The relevant directions contained in paragraph 22 of the impugned judgment are extracted below:

> *"22. The Court is of the view that insofar as the Rules of the AIFF are in breach of the National Sports Code and the Model Guidelines for the conduct of elections, the results of the elections of the AIFF declared on 21.12.2016 would*

have to be set aside. It is so ordered. Fresh elections shall be conducted in accordance with the Model Guidelines. Additionally, nominations would be required to be proposed and seconded by one member association each and with clear notice, as required by the Model Election Guidelines read with rules of AIFF. Furthermore, the Electoral College shall be first prepared after addressing the complaints of various members who may have grievances in this regard. This exercise should be carried out by a person who has experience in sports affairs, public administration and the conduct of elections. Accordingly, this Court directs Mr. S.Y. Quraishi, former Chief Election Commissioner of India, who has also served as Secretary in the Ministry of Youth Affairs and Sports, Government of India, to be appointed as the Administrator-cum-Returning Officer for the conduct of the elections of the AIFF in the following manner:

i. *To resolve the issue of disaffiliation of members/ units of AIFF as on 30th November, 2016 and to prepare the Electoral List, within a month by giving the concerned parties two weeks' notice;*

ii. *Elections shall be held in six weeks after the preparation of the Electoral college. This elected body shall carry out the requisite amendments to the AIFF Constitution to bring it in conformity with the National Sports Code.*

iii. *Once the AIFF Constitution has been amended, a fresh round of elections shall be carried out in terms of the National Sports Code, to ensure that age and tenure restrictions along with the provision for due representation of the sports-persons are strictly complied with.*

iv. *The AIFF shall make available to the Administrator an appropriate office space and facilities for the discharge of the aforesaid directions and make available such staff and personnel as the Administrator may express the need for. Alternatively, the Administrator may appoint such personnel to assist him in the aforesaid*

matter and expenses towards the same shall be borne by the AIFF.

v. Till the elections are conducted and results declared in consonance of the National Sports Code and in compliance with the preceding directions, the AIFF shall not make any new financial commitments except with the prior approval of the Administrator. Routine expenses of AIFF too shall be defrayed, only with the prior approval of the Administrator. The entire exercise will be completed within five months from the date the Administrator assumes charge;

vi. However, to obviate any impediment in the conduct of any competitive tournament that may have been scheduled by the applicant, this order shall come into effect after two weeks from today."

11. AIFF preferred the present appeals against the High Court's order. On 10.11.2017, this Court stayed the operation of the impugned order and, in particular, the directions given by the High Court in paragraph 22. This Court further directed that Dr. S.Y. Quraishi and Mr. Bhaskar Ganguly, former Indian captain and international football player, would act as the Committee of Administrators ("CoA") for the formulation of the Constitution of the Federation in consonance with the NSC and Model Guidelines. The relevant paragraphs of the order dated 10.11.2017 are extracted below:

"Considering the rival submissions, we are inclined to stay the operation of the impugned judgment and, in particular, the directions given by the High Court in paragraph 22 of the impugned judgment. We issue following interim directions:-

(i) Mr. S. Y. Qureshi, former Chief Election Commissioner of India, who has also served as Secretary in the Ministry of Youth Affairs & Sports, Government of India and Mr. Bhaskar Ganguly, former Indian Captain and International Football Player, 38, Nalta Mahajoti Road, Kolkata-700028, are appointed as the Committee of Administrators (Ombudsmen) for formulation of Constitution of the Federation which

will be in consonance with the National Sports Code and the Model Guidelines for the conduct of its business, constitution of the Executive Committee and elections thereto whilst ensuring that the status and membership of Petitioner Federation is not undermined in any manner in the International Body. They shall prepare the draft Constitution and submit the same within eight weeks along with their report, in a sealed cover before this Court.

(ii) While formulating the proposed Constitution, the Committee of Administrators (Ombudsmen) may take into account the suggestions given by Respondent No.1, if any.

(iii) After the report of the Committee of Administrators, along with the proposed Constitution, becomes available, further directions as may be necessary can be issued.

We place on record the stand taken by the Petitioner before us that the present elected body of the Petitioner-Federation is committed to extend its full cooperation to the Committee of Administrators for formulation of the ·proposed Constitution of the Federation which will be compliant in all respects and ensure transparency, accountability and observance of democratic values in the conduct of the business of the Federation.

As aforementioned, the directions issued in paragraph 22 of the impugned judgment shall remain in abeyance until further orders, subject to the above directions."

12. The appeals again came up for hearing on 18.05.2022, wherein the composition of the CoA was reconstituted, with the inclusion of Mr. Justice Anil Dave, Former Judge, Supreme Court of India. While re-constituting the CoA, the Court also noted the finalisation of the report by the CoA after eliciting and receiving responses from the relevant stakeholders. The Court further directed the counsel appearing on behalf of CoA to collate the objections to render facilitative assistance to this Court. The CoA was further requested to assess the suggestions/objections of the stakeholders and provide

inputs on the proposed suggestions/objections. The relevant portion of the order is as follows:

> *"4. The CoA, acting under the authority assigned to it by this Court in terms of the above order has sought the permission to place the Constitution for further consideration. The request of the CoA is allowed.*
>
> *5. The proposed Constitution of the All India Football Federation which has been directed to be presented to court in a sealed cover in the earlier interim order shall be circulated to all the parties. Any objection or suggestion to the Constitution, as proposed, shall be filed only before this Court on or before 30 June 2022. Any party desirous of obtaining a copy of the proposed Constitution would be at liberty to email its request to Mr. Samar Bansal, counsel appearing on behalf of CoA. Mr. Bansal will circulate the proposed Constitution to the parties and to any other constituent unit. Thereafter, all objections and suggestions shall also be emailed to Mr. Bansal who shall collate the objections for the purpose of rendering facilitative assistance to this Court. Counsel is requested to prepare a tabulated statement of:*
>
> *(i) The Parties submitting suggestions/objections:*
>
> *(ii) The nature of the suggestions/objections; and*
>
> *(iii) The inputs of the CoA on the proposes suggestions/ objections*
>
> *6. This exercise shall be carried out by the CoA on or before 15 July 2022 and a tabulated statement shall be placed on the record. The tabulated statement shall also be circulated to all the parties so as to apprise them of the position.*
>
> *7. The elections of the Executive Committee which were held on 21 December 2016 were set aside by the judgment of the Division Bench of the High Court of Delhi dated 31 October 2017. During the pendency of these proceedings, by the interim order dated 10 November 2017, the operation of the judgment of the High Court*

was stayed, including the directions which were issued in paragraph 22 of the judgment. The normal tenure of the elected body would, in any event, have come to an end on 20 December 2020. The consequence of the order of stay is that despite the expiry of its four year term, the Executive Committee has continued to govern the affairs of the Federation. This state of affairs is not in the interest of the proper governance of the Federation. Hence, the two member CoA which was appointed by the order of this Court dated 10 November 2017 with a specific mandate to prepare the Constitution and hold elections to the Executive Committee, is reconstituted to consist of the following members:

(i) Mr Justice Anil R Dave, former Judge of the Supreme Court;

(ii) Dr S Y Qureshi, former Chief Election Commissioner; and

(iii) Mr Bhaskar Ganguly, former captain of the Indian Football Team.

8. The CoA shall take charge of the affairs of the Federation and shall carry out the following functions:

(i) The CoA shall assist this Court and provide its inputs in the course of the present proceedings so as to facilitate the adoption of the Constitution after the objections/ suggestions are considered;

(ii) The CoA shall prepare the electoral roll/college for the purpose of conducting the elections to the Executive Committee in accordance with the provisions of the Constitution, as proposed, subject to such further directions as may be issued by this Court after hearing the parties;

(iii) The CoA shall carry out the day to day governance of the Federation;

(iv) In discharging its task in terms of (iii) above, the CoA would be at liberty to take the assistance of the erstwhile Committee of the Federation which has continued till the date of this order in order to facilitate decisions being

taken, inter alia, on the holding of tournaments, selection of players and all other matters necessary for the proper governance of the Federation;

(v) The erstwhile Committee which shall forthwith hand over the charge to the CoA; and

(vi) The CoA would be at liberty to make all appropriate arrangements, for the governance of the Federation, until elections are held.

9. The present direction is a temporary arrangement in order to facilitate the holding of elections and the handing over of the affairs to a democratically elected body in terms of the Constitution which will be adopted.

10. It is expected that the process of conducting the elections should be completed expeditiously after the Constitution is finalized."

13. When the matter was next listed before this Court on 21.07.2022, this Court was apprised by CoA that the CoA received nearly 215 comments from objectors, out of which nearly 98% of the objections have been accepted. The Court also noted the concerns expressed by the Union Government regarding the proposed Constitution and observed that the objections would be considered expeditiously by the Court. To that effect, the Court also directed that all parties prepare a brief note of submissions and circulate them to the counsel appearing on behalf of the CoA.

14. Thereafter, on 03.08.2022, in view of the then-scheduled FIFA Under-17 Women's World Cup, 2022 and the indication of FIFA to CoA that the inaugural of the Under-17 tournament should be carried out under the auspices of a democratically elected body of AIFF, this Court observed that the elections of the executive committee of AIFF should be held expeditiously, consistent with provisions of Article 26 of the draft Constitution. The relevant portion of the said order is under:

"For the above reasons, we order and direct that:

(i) The elections to the Executive Committee of AIFF should be held expeditiously and shall be concluded in terms of the time schedule which has been indicated in the tabulated statement set out above;

(ii) The elections shall be conducted in a manner consistent with the provisions of Article 26 of the draft Constitution. The persons chosen as representatives shall have to conform to Article 26.

(iii) This would be an interim arrangement without prejudice to the rights and contentions of the parties;

(iv) The interim Body would continue for a period of three months subject to further orders of this Court till the Constitution is finalized;

(v) The interim Body shall not claim any equities on the basis of this order and the present arrangement would be subject to further orders;

(vi) The CoA shall be apprised of the decisions of the elected Body; and

(vii) Each of the associations representing the State/ UTs would nominate one representative to the electoral college. The 36 member electoral college of eminent football players shall consists of 24 male and 12 female players. Each of them would be subject to the requirement of having represented India in at least one international match and should have retired from international football at least 2 years prior to the date of the notification of the elections……"

15. Unfortunately, when the matter was listed on 22.08.2022, this Court was informed that the FIFA Council on 14.08.2022 had taken a decision to suspend AIFF from membership of FIFA. The immediate impact of the suspension would have been i) jeopardising the under-17 women's World Cup 2022, which was to take place in October 2022, and ii) the inability of Indian teams selected by the AIFF and its affiliated clubs to take part in international football matches or competitions as long as the suspension continued.

16. In view of the submissions made by the Ld. Solicitor General that it was needful that the administration and management of AIFF is performed by a duly elected body, this Court directed that the elections be held as soon as possible to *"facilitate the revocation of the suspension which has been imposed on AIFF by FIFA and the*

holding of the Under-17 Women's World Cup 2022 in India". The Court further noted the termination of the mandate of CoA and, while recording its appreciation of the sustained and remarkable efforts of CoA, requested Mr. Gopal Sankaranarayanan, Ld. Senior Counsel and Mr. Samar Bansal, Ld. Counsel to assist the court as Amici.

17. Pursuant to the Court's order, elections were held. On 02.09.2022, the newly elected Executive Committee of the AIFF took charge and has been carrying out the functions of the AIFF to date. In the meantime, the Ld. Amici tabulated the provisions of the draft Constitution alongside the stakeholders' objections to each clause and comments on the proposal. Since the objections and suggestions were extensive, the Court found it necessary to refer the exercise of carrying out preliminary scrutiny and relevant modifications to the Constitution drafted by the CoA to an eminent jurist. In its order dated 02.05.2023, this court noted that many of the objections did not implicate pure issues of law but also policy. In this view of the matter, the Court entrusted the task of finalising the Constitution of AIFF to Hon'ble Mr. Justice L Nageswara Rao, in view of his experience in BCCI matters as well as a similar exercise undertaken by him under the orders of this Court in relation to the Indian Olympic Association (IOA). The relevant extract of the 02.05.2023 order is as under:

> *"11. Ordinarily, we would have embarked upon the exercise of finalizing the draft constitution by hearing all the stakeholders. We, however, are of the view that it would be appropriate at this stage to defer the above exercise. Many of the objections which have been addressed by the stakeholders do not strictly implicate the issues of law, but, also trench into issues of policy including the proper modalities for running the sport of football in the country.*
>
> *12. A similar exercise has been carried out under the orders of this Court in relation to IOA by Mr Justice L Nageswara Rao, former Judge of this Court. Many of the objections which have been raised here would find a considerable degree of overlap in the proceedings which took place before the Hon'ble former Judge. Hence, it would be appropriate to entrust the task of finalizing the Constitution of AIFF to Mr Justice L Nageswara Rao.*

> *13. We request Mr Justice L Nageswara Rao, former Judge of this Court, to take up the task of finalising the draft constitution as was proposed by the CoA and which has now been propounded by the Amicus Curiae.*
>
> *14. In preparing his report, Mr Justice L Nageswara Rao is requested to hear all the stakeholders, some of whom have already been referred to in the earlier part of this order. The exercise of considering the draft constitution and of submitting a comprehensive report bearing in mind the objections which have been addressed by all the stakeholders, may preferably, be carried out by 31 July 2023….."*

18. Taking all suggestions into account, Justice L N Rao prepared a report and suggested amendments to the erstwhile Constitution drafted by the CoA. On 11.09.2023, this Court permitted the stakeholders to file objection(s) as they deem fit. On 19.03.2024, this Court permitted AIFF to file its objections to the draft Constitution proposed by Mr Justice L N Rao and requested the amici to update the existing chart to reflect the objections of AIFF.

19. It is in the above-referred background that the matter was listed before this bench on 25.03.2025, when it was decided to hear the contesting parties and pass final orders. The matter was heard in detail on 02.04.2025, 16.04.2025, 22.04.2025, 23.04.2025, 29.04.2025, and 30.04.2025.

20. The Court benefited from detailed and incisive submissions made by the Ld. Counsels on significant issues permeating Indian football. We heard Mr. K. M. Nataraj, Ld. Additional Solicitor General for the Ministry of Youth Affairs and Sports, Mr. Ranjit Kumar, Ld. Senior Counsel for the AIFF, Dr. Menaka Guruswamy, Ld. Senior Counsel representing State associations, Mr. Prateek Chadha, Ld. Counsel for the Karnataka State Football Association, Mr. Abhimanyu Bhandari, Ld. Senior counsel for the Western India Football Association ('WIFA'), Mr. Neeraj Kishan Kaul, alongside Mr. Ritin Rai, Ld. Senior Counsel for the intervenor Football Sports Development Limited ('FSDL'), Mr. Raghenth Basant, Ld. Senior Counsel appearing on behalf of Mr. Bhaichung Bhutia, Intervenor, Mr. Kotla Harshavardhan, Ld. Counsel on behalf of Mr. Ranjit Bajaj, Intervenor and Director of Delhi Football Club and Minerva Football Academy, Mr. Shivam Singh, Ld. Counsel

representing Mr. Shaji Prabhakaran (Intervenor), and Ms. Anitha Shenoy, representing Mr. Gopala Krishna Kosaraju, Founder and Former President, Andhra Pradesh Football Federation.

21. We also heard Mr. Rahul Mehra, respondent no. 1, in person. All through the hearing, we were ably and effectively assisted by Mr. Gopal Sankaranarayanan and Mr. Samar Bansal, learned amici who have rendered effective assistance to this court.

22. The amici had previously submitted a tabulated chart containing a list of objections from all stakeholders. During the course of submissions, the counsels for the respective parties submitted written submissions, accompanied by rejoinders on the final day of hearing as well.

23. After hearing all the parties, our consideration was confined to approving or modifying the draft Constitution on the basis of the report of Justice L N Rao, coupled with the submissions and written notes of all the parties on the clauses of the draft Constitution. In the meantime, a significant development occurred with the enactment of the National Sports Governance Act 2025,[8] and this prompted the Ld. Amici to mention the matter before this Court. We listed the appeals for hearing on 01.09.2025 and heard the parties about the advent of the 2025 legislation. As the legislation has not yet been notified, we proceed to deliver this judgment filling up the legislative void in the interregnum. The Amici and other counsels have also informed us that the draft Constitution, as per the amendments suggested by Justice L N Rao is more or less in consonance with the provisions of the legislation, to be notified. Be that as it may, we now proceed to examine the following issues and give our judgment.

24. **Issues for Consideration:** The objections made by the parties to the draft Constitution fall primarily under the following domains:

    i. Should Eminent Players be in the General Body; if so, to what extent?

    ii. What should be the Eligibility criteria to be designated an Eminent Player?

    iii. Whether 'Office bearers' should be limited to President, Treasurer, Secretary?

8 Hereinafter "NSGA 2025"/"2025 Act".

iv. Whether the number of VPs should be increased to ensure regional representation?

v. Whether public servants should be included under disqualification events?

vi. Whether 'indirect interest' should be retained in the definition of 'conflict of interest'?

vii. Should the AIFF Constitution apply to state associations?

viii. What is the permissible extent of delegation of powers, functions, and exploitation of rights by AIFF to third parties?

ix. Whether promotion and relegation should form part of the AIFF Constitution?

x. To what extent are BCCI judgements applicable to football?

xi. Should Amendments to the Constitution be approved by the Supreme Court?

xii. Whether the current AIFF administration is a permanent or interim body?

We have dealt with the above issues in seriatim. Other miscellaneous suggestions/objections to the draft Constitution have been dealt with at a later stage.

i. Re: Eminent Players in the General Body.

25. Under the draft Constitution, the composition of the general body is dealt with under Article 20. As per Article 20.2, the General Body shall comprise:

> *"(a) 1 (one) representative from every Member Association;*
>
> *(b) 15 (fifteen) 'Eminent Players' elected from a national player body. Out of the 15 (fifteen) Eminent Players, minimum 5 (five) shall be women*
>
> *(c) 3 (three) Club representatives, one each from ISL, I-League and Indian Women's League*
>
> *(d) 2 (two) representatives from Referees, 1(one) male and 1 (one) female; and*
>
> *(e) 2 (two) representatives from Coaches, 1 (one) male and 1 (one) female."*

26. AIFF, as well as State associations, have argued against the prescribed composition of the General body. Mr. Ranjit Kumar, learned Senior counsel on behalf of AIFF, has emphasised that the composition of member associations is restricted to almost 60% because of the prescription as provided under Article 20.2. This, he would submit, is not in consonance with Clause 3.20 of NSC 2011, which contemplates about 75% composition for the member associations. The said provision is extracted hereunder:

> *"3.20 Inclusion of prominent sportspersons of outstanding merit as members of the respective sports federations on a tenure basis. The strength of such prominent sportspersons with voting rights should be a certain minimum percentage (say 25%) of the total members representing the federation, and selection of such sportspersons should be in consultation with this Department."*[9]
>
> (emphasis supplied)

27. State associations, on the other hand, strongly oppose the voting rights to eminent players, referring to NSC 2011 (annexure 2), read with FIFA Statutes, and submitted that presence of eminent players' can at most be on a tenure basis.

28. The State associations also submit that while Eminent players, coaches, referees and club representatives may be allowed be a part of the executive committee, they cannot be a part of the general body of the AIFF and are not entitled to vote in general body meetings, as the NSC 2011 and the FIFA Statutes grant voting rights solely to member associations. On the other hand, AIFF does not dispute that eminent players should be part of the General Body; however, AIFF disagrees only on how many eminent players should form part of the General Body.

29. To buttress their submission, state associations have relied on FIFA Statutes, 2022, particularly Article 26 read with Article 14(1)(a-d), to argue that the FIFA Statutes do not envisage individuals becoming members of national football associations. Further, State associations refer to clauses 3.9 and 3.10 of NSC 2011, arguing that there is no

9 Annexure II (Guidelines for the Recognition of National Sports Federation) of the NSC 2011.

prescription under NSC 2011 for players to be part of the executive committee with voting rights. The said provisions are extracted below:

> *"3.9 The membership of the Federation should be confined to the corresponding State/UT and other special units affiliated (like Sports Control Boards etc.) and where Federation grant membership to individual clubs or individual persons, such membership does not confer on such members the right to vote in any of the Federation's meetings.*
>
> *3.10 At the National level, there will be only one recognised federation for each discipline of sport. Only the duly recognised National Sports Federation would be entitled to financial grants as admissible. Only one State/UT Association from each State/UT shall be admitted as a member of the Federation, provided it has a minimum of 50% of the District level Associations affiliated to it. Any organisation of an all India standing and connected with the Sport may be given the status as that of a State or that of a U.T. and admitted as affiliated Member. Other categories of membership may also be given, but while each affiliated State/UT Unit shall have a right to cast vote in the General Body Meetings, no other class of Member(s) shall have any right to vote, in the Federation's meetings. While granting recognition/affiliation to a State /UT Association, the National Federation should take into consideration the representative character of the State/UT Association so as to ensure that only truly representative body of the game gets the recognition/affiliation."*
>
> (emphasis supplied)

30. To counter the above submissions, the following facts were brought to our attention:

    a) *Firstly*, the FIFA Statutes 2022 and their most recent iteration in 2024 contemplate the inclusion of individuals in the body of the national federation. This is clear from Article 11(1), which recommends that *"all member associations involve all*

relevant stakeholders in football in their own structure"[10]*,* the term stakeholder being defined in *definition 18 as "a person, entity or organisation which is not a member association and/or body of FIFA but has an interest or concern in FIFA's activities, which may affect or be affected by FIFA's actions, objectives and policies, in particular clubs, players, coaches, professional leagues and football fan".*

b) *Secondly,* Article 10 of the FIFA Standard Statute, which is a model Statute prescribed by FIFA to aid National Football Associations in drafting their own constituent documents, while dealing with admission to member associations, states that the members can be, inter alia, clubs, player groups, referee groups, and coach groups.[11] Following from this, Article 12 defines members' rights and Article 12(1)(a) explicitly grants all members the right to take part in the Congress (equivalent to the general body) and to *"exercise their voting rights".*[12]

c) *Thirdly,* the inclusion of individual categories of members, such as eminent players, coaches, and referees, is also supported by the practice followed by a large number of national associations affiliated to FIFA, which permit the same. This has been documented and confirmed in a study conducted by the 'International Centre for Sport Studies', an independent study centre created as a foundation in 1995 by FIFA in conjunction with the University of Neuchâtel.[13] A perusal of the findings of this report shows that different national associations grant membership to a variety of stakeholders, including Eminent

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10 *"11. Admission: 1. Any association which is responsible for organising and supervising football in all of its forms in its country may become a member association. Consequently, it is recommended that all member associations involve all relevant stakeholders in football in their own structure. Subject to paragraph 5 below, only one association shall be recognised as a member association in each country. (…)" (emphasis supplied)*

11 *"10. Admission 1. The Members of X are: a) Clubs; b) Regional Associations; c) Leagues; d) Player groups; e) referees' groups; f) coaches' groups; g) … [to be completed by the Association]. (…)"*
3. The application must be accompanied by the following mandatory items: (…)
b) a declaration that it will always comply with the Statutes, regulations and decisions of X, FIFA and ... [abbreviation or acronym of the relevant Confederation] and ensure that these are also respected by its own Members, Clubs, Officials and Players;"

12 *"12. Members' rights 1. The Members of X have the following rights: a) to take part in the Congress of X, to know its agenda in advance, to be called to the Congress within the prescribed time and to exercise their voting rights; (…)"*

13 C Boillat and R Poli, 'Governance Models Across Football Associations and Leagues' in *Réflexions sportives*, vol 4, International Centre for Sport Studies (2007).

Players, coaches, and referees. The above data simply does not support the proposition that it is a standard practice to exclude individual players from membership of associations.

31. Taking the aforementioned into account, it was submitted that the inclusion of Eminent Players, clubs, and coaches in the proposed Constitution is in consonance with the very FIFA Statutes relied upon by state associations.

32. Commenting on this provision, Justice L N Rao has stated that the *"article has been finalised in consultation with FIFA and considering the requirements of player representation under the Sports Code."*

33. We have read 3.9, 3.10 and 3.20 of the NSC 2011 in conjunction. On a holistic reading of the provision, we find that no conflict or contradiction appears to arise. While it is correct that clauses 3.9 or 3.10 of the NSC 2011 do not confer voting rights on individual members of an association, it is equally true that clause 3.20 explicitly grants voting rights to a specific sub-category of individual members, i.e., "prominent sportspersons of outstanding merit". A harmonious and conjoint reading of clauses 3.9, 3.10 or 3.20 would thus show that clause 3.20 is essentially a carve-out from clauses 3.9 or 3.10, and grants voting rights to the class of persons indicated therein, i.e., "prominent sportspersons of outstanding merit." Reading the provisions conjointly, it therefore appears that the substantive composition of the organisational structure should consist of member associations, and it is contemplated to be an ideal situation to have eminent sportspersons having voting rights. We find that the percentage indicated in clause 3.20 of the NSC 2011 is not transgressed by clause 20.2 of the draft Constitution.

34. The argument of State associations regarding transgression of FIFA Statute lacks merit inasmuch as the Standard Statutes 2005 itself suggests the inclusion of experienced players with voting rights. The relevant provisions have already been extracted above. The study conducted under the aegis of the University of Neuchâtel also points towards the practice of inclusion of players in the organisational structure. It is also important for us to note that clause 20.2 was also subjected to scrutiny, as indicated by Justice L N Rao, who stated that he had a meeting with officials of FIFA in Zurich, and the provision was finalised in consultation with the officials of FIFA.

35. We are of the opinion that the freedom of choice to form an association is not in any way compromised by the requirement to incorporate 15 eminent players. The democratic setup of the federation is not destabilised as the elected member associates certainly continue to hold more than 62% as the NSC 2011 under clause 3.20 only suggests that the number of prominent sportspersons should be a minimum of 25% which means that model provision has not prohibited a number larger than 25%. It is not probable but certain that the inclusion of eminent players, coaches, referees, and club representatives in the general body, with only further good governance, heralds transparency and fair play.

36. In this view, we are not inclined to interfere with the draft provision.

ii. Re: Eligibility Criteria for Eminent Players

37. The issue of eligibility criteria for eminent players is important. Three important yet divergent submissions have been made in this regard. It is important to note that while the preliminary CoA draft of the AIFF Constitution (2017) did not define the word eminent player, the later draft by CoA kept the criterion that participation in 15 competitive matches was a minimum to be considered an 'eminent player'. Article 1.19 of the latest draft, as finalised by Justice L N Rao, defines an 'eminent player' to be a past player, who has been retired for at least 2 years, and has represented India (senior) in at least 7 competitive matches (men)/ 3 competitive matches (women) sanctioned by FIFA/AFC[14].

38. AIFF has submitted that, in addition to international matches sanctioned by FIFA/AFC, domestic matches sanctioned by AIFF should also be counted for determining whether a player meets the experience cut-off. The state associations, however, submit that the threshold be kept as it was in the preliminary draft, i.e., 15 sanctioned matches for male players and 5 sanctioned matches for female players, with further dilution to 3 matches in case the pool of qualified candidates is not adequate.

39. Though there is justification to include an eminent player in the general body, there is a practical problem. We are informed that we do not

14 Asian Football Confederation.

have a sufficient pool of eminent players who have participated in 15 competitive matches. Even as per the suggestion of Justice L N Rao, we may not have sufficient numbers to fill up the position of 10 male and 5 female eminent players in the general body. We either reduce the number of eminent players in the general body or reduce the criteria for qualifying as an eminent player. This issue needs to be resolved on the basis of the current position of the availability of past players. The Ld. Amici have informed us that the CoA could collect a list of 236 male and 3 female players who had played at least one official match for India. However, no official data on this point is maintained by AIFF. We do not have further details.

40. The draft Constitution already prescribed a criterion, and we have examined it carefully. After examining the whole conspectus in the foregoing analysis, we are of the opinion that it will be reasonable to reduce the criteria suggested by Justice L N Rao, to 5 matches for men and from 2 matches for women. We hope that such a modification will ensure a wider pool and participation by retired players who will prove themselves to be efficient administrators and guiding lights for Indian football. So far, the submission of AIFF qua counting domestic experience for eminence status is concerned, we are not inclined to accept it. Domestic experience might not yield the result sought to be achieved with the adoption of the Constitution, which is formulated to project Indian football on the international panorama.

iii. Re: The definition of "Office-Bearers"

41. Under Article 1.43 of the proposed draft, an office bearer shall "*mean all elected members of the Executive Committee as indicated in Article 25*". Article 25.1 provides that AIFF shall have the following office-bearer(s). The Article is extracted for ready reference.

> *Article 25: Office-Bearers of AIFF and Composition of the Executive Committee:*
>
> *25.1 AIFF shall have the following Office-Bearers who shall all constitute the Executive Committee:*
>
> *(a) 1 (one) President*
>
> *(b) 2 (two) Vice Presidents*
>
> *(c) 1 (one) Treasurer*

(d) 10 (ten) members, out of whom at least 5 (five) shall be Eminent Players. Further, out of the Eminent Players, at least 2 (two) shall be female Eminent Players (…).

42. With respect to the above definition, State associations have argued that, as per NSC 2011, the term office bearer can only encompass President, Treasurer, and Secretary. It is argued that while the NSC provides for the executive committee to have other members, including Vice-Presidents, the term office-bearer itself may not include any other position. To make this submission, the State associations refer to a letter to the President, Indian Olympic Association, by Joint Secretary to the government of India dated 20.09.1975, which forms a part of NSC 2011 and mentions the above three posts as being included in the term 'office-bearers'. We have examined the letter. Having examined the letter, we are of the opinion that it has no bearing on the definition of office bearer. Office bearers must be understood in the context of the functioning of the AIFF and the reform that needs to be brought about. This definition will have a direct bearing on the applicability of cooling-off, the term, tenure and age limit. On the other hand, the inclusive definition will be consistent with the reforms that have been introduced and applied as independent measures for the vibrant working of the federation. Having examined the clause, Justice L N Rao has not considered it necessary to alter the same. In this view, we are not inclined to accept the suggestion.

iv. Re: Number of Vice-Presidents

43. As reproduced above, the definition of office-bearer(s) includes 2 vice-presidents. While State associations have suggested that there should be five VPs to represent each zone, AIFF suggests that there should be three VPs, one of which should be a female. State federations cite that the FIFA council has VPs from all different continental federations and that increasing the number of VPs will be compliant with NSC. AIFF argues for an increase in the number of VPs to 3, providing for one woman vice-president.

44. Many stakeholders have opposed the above submissions, arguing that a) the number of VPs has been restricted to prevent influential persons from accommodating themselves or their supporters, b) that under the AIFF Constitution, it is the President and Secretary General who are primarily responsible for the management and day-

to-day affairs of the AIFF, and c) the judgement in *BCCI v. Cricket Association of Bihar*[15] ("BCCI-I"), particularly paragraph 18[16], is clear and categorical in its rejection of accommodating regional interests.

45. Per Contra, Mr. Mehra submits that the number of executive committee members cannot exceed 12 persons in terms of the NSC 2011. We gave serious consideration to the issue, and we find that no harm is caused by exceeding the membership of the executive committee. We believe both CoA and Justice L N Rao have taken into account the NSC 2011 and balanced it with the demands of the sport. The order of this Court dated 22.08.2022 provided that the EC of the federation will consist of 23 persons as an arrangement at that time, a higher number than the 12-person committee.[17] Therefore, we are not inclined to reduce the size of the executive committee.

46. At this juncture, Ld. Amici has directed our attention to Section 4(1)(b) of the NSGA, 2025.[18] It was argued that the provision under the 2025 Act only contemplates that there should be no more than 15 members in the executive committee. While the draft Constitution already provides for 14 members, there is no conflict. Taking all factors into account, we are of the opinion that the suggestion(s) made by the State Associations to increase the number of VPs to five would not be possible in the present statutory scheme.

47. However, we are inclined to accept the arguments of Mr. Ranjit Kumar,

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15 (2016) 8 SCC 535.

16 *"18. (….) (d) Zonal considerations - There seems to be no rational basis for the Presidency to be rotated as per Zones, which has the effect of forsaking merit. A person who has the support of as few as two or three members in his Zone may end up as the President, if it is the turn of that Zone for election of President. Recent amendments to the Rules have permitted individuals who are not even from the zone in question to be nominated to the post. For the same reason, the Vice-Presidents who are elected from each of the five zones seem to be merely ornamental without any specific functions."*

17 "11. (…) (vii) The EC of AIFF shall consist of 23 persons: (i) 17 members (inclusive of the President, a Treasurer and one Vice President) will be elected by the electoral college consisting of 35 Associations representing States/Union Territories; (ii) 6 members shall be drawn from eminent players in the manner indicated in paragraph 7 above (…)"

18 **"S. 4 (1)(b) Executive Committee**
(1) Every National Sports Body shall have, —
(b) an Executive Committee which shall consist of not more than fifteen members, of whom—
(i) at least two shall be sportspersons of outstanding merit;
(ii) two shall be from the Athletes Committee to be elected from amongst themselves; and
(iii) such number of ex officio and other members shall be nominated or elected, as the case may be, as per the International Charters and Statutes and the bye-laws:
Provided that at least four members shall be women:
Provided further that the voting rights of elected representatives of the Athletes Committee in the Executive Committee shall be as determined by the bye-laws;"

Ld. Senior Counsel representing AIFF for the increase in the number of VPs to 3, which shall include one woman. We are of the opinion that such an amendment will enable women's representation and, at the same time, confine the number of the executive committee to fifteen members.

v. Re: On Disqualification Event(s)

48. There is more than one contentious aspect of the provision regarding disqualification in the proposed Constitution, all of which were argued before us at length. These relate to a) disqualification on criminal charge and conviction, b) disqualification by virtue of being a public servant, and c) disqualification of persons who have served as an office-bearer of any NSF from holding a post in the AIFF.

49. It shall befit to begin by reproducing the provision as it finds itself in the amended Constitution by Justice L N Rao. Article 1.17 of the Constitution defines disqualification event(s) as the occurrence of any of the following events with respect to a person:

(a) Not being or ceasing to be a citizen of India;

(b) Attainment of the age of 70 (seventy) years;

(c) Having charges framed or being convicted by a court of competent jurisdiction in India for an offence punishable by imprisonment for 2 (two) or more years.

Provided that where charges are framed the person shall be disqualified until acquittal and where the person is convicted he shall be disqualified for a further period of 6 (six) years from the date of conviction. If such person prefers an appeal or an application for revision and the Court stays the trial or conviction as the case may be, such person shall not be disqualified during the period such stay is in operation. However, in regard to an appeal by a convicted person, the disqualification will not cease if only a stay of sentence is ordered and not a stay of the conviction itself;

(d) Being banned from participation in any footballing activity by any AIFF Judicial Body, till the date of culmination of the ban;

(e) Being declared of unsound mind;

(f) Being declared insolvent under applicable law;

(g) Being or becoming a Public Servant or holding a public office or holding any office or post in a sports or athletic association or federation apart from Football, except the Indian Olympic Association; or

(h) Completion of the maximum term of office of any particular office-bearer as specified in Article 26.3, without serving the specified cooling-off period of 4 (four) years where applicable.

(emphasis supplied)

50. Clauses (c), (g), and (h) of Article 1.17 have been contested by multiple stakeholders. It is primarily argued with respect to clause (c) that framing of charges per se does not invite culpability so as it disqualifies a person from holding an office. With regard to clause (g), it is argued that NSC 2011 does not, by itself, bar public servants from being members of the General body of the NSFs/State Units. State associations have sought that the clause (g) be modified to include only ministers and government servants. In this light, the State associations seek deletion of the definition of the term public servant under Article 1.46, which defines public servant *"as a person defined as such under Section 21 of the Indian Penal Code, 1860"*.

51. Clause (h), on the other hand, has been suggested for modification to envisage and include situations where office-bearers of different NSFs, despite completion of tenure in those NSFs, try to occupy the position of an office-bearer in AIFF. This suggestion intends to prevent *"persons from rendering tenure restrictions otiose by simply switching to another sport after finishing tenure in one NSF"*.

52. We take the above issues in succession.

a) Disqualification on Criminal Charge and Conviction

53. Mr. Nataraj, appearing for Ministry of Youth Affairs and Sports submitted that there is a clear distinction between convicted persons and charge-framed persons; the latter cannot be put on the same pedestal as the former. During the course of the hearing, a hypothetical argument was made that in cases of minor offences like dishonour of

a cheque, the court may frame charges, but the very fact of framing charges should not preclude a person from contesting and taking positions of responsibility in the federation. It was suggested that the disqualification event/termination of membership should only be for convicted persons who have been sentenced for 2 years or more. A parallel was drawn to section 8(3) of the Representation of the People's Act, 1951 ("RPA"), which speaks of disqualification for a period of six years only on the event of conviction and sentence of imprisonment for not less than two years.[19] In this regard, our attention was directed to the 244th Report of the Law Commission of India,[20] which, on discussing disqualifications in the context of RPA, observes, inter alia:

> *"Since the stage of framing of charges is based on substantial level of judicial scrutiny, a totally frivolous charge will not stand this scrutiny. Therefore, given the concern of criminalisation of politics in India, disqualification at the stage of charging is justified having substantial attendant legal safeguards to prevent misuse.*
>
> *The framing of charges is therefore not an automatic step in the trial process, but one that requires a preliminary level of judicial scrutiny. The provisions in the CrPC require adequate consideration of the merits of a criminal charge before charges are framed by the Court. The level of scrutiny required before charges are framed is sufficient to prevent misuse of any provision resulting in disqualification from contesting elections.*[21]

54. It is not in dispute that the above suggestion, qua disqualification premised on framing of charge, never saw the light of day. While expressing anguish over the increasing criminalisation of politics, this Court, in the Constitutional bench judgement of *Public Interest Foundation v. Union of India*,[22] noted that though disqualification from

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19 8. Disqualification on conviction for certain offences.—
(3) A person convicted of any offence and sentenced to imprisonment for not less than two years [other than any offence referred to in sub-section (1) or sub-section (2)] shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.]

20 Electoral Disqualifications, Report No. 244 (Law Commission of India; February, 2014) <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081612.pdf>.

21 N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, AIR 1952 SC 64; Jagan Nath v. Jaswant Singh, AIR 1954 SC 210; Dr. N. B. Khare v. Election Commission of India, AIR 1958 SC 139.

22 (2019) 3 SCC 224.

contesting elections upon framing of charges may be desirable, the Law Commission's recommendations had not yet fructified into law, and accordingly, it would be ideal if Parliament examines the issue.

55. We have perused the referred material and arguments in detail. In view of the fact that the recommendations of the law commission of India have not adopted by legislature yet, and also in view of the fact that no relevant parallel has been brought to our notice regarding any other NSF's Statutes containing such a provision, we are inclined to modify the provision of disqualification based on framing of charge to the standard as envisaged in the later judgement of BCCI i.e., *"conviction followed by a sentence of imprisonment"*.[23]

b) Disqualification on being or becoming a Public Servant or holding any office in a sports or athletic association or federation apart from Football, except the IOA

56. AIFF submits that public servants should not be excluded from holding office in the federation. It is submitted that being a "Public Servant" should not be a disqualification event because NSC 2011 does not mandate so. Further, the stringent BCCI Constitution limits disqualification to "Ministers or Government Servants" only. The same should not be extended to Members of Parliament or Members of the Legislative Assembly. It is also submitted that in the event Sportspersons and coaches serve as Members of Parliament (MPs), Members of Legislative Assemblies (MLAs), or hold other public offices, disqualifying them on grounds of holding public office would create an unjustified restriction on their participation in the administration of the sport as well as contributing to the public. Ministry of Youth Affairs and Sports and State associations have supported the above contentions, with State associations suggesting that the provision be revised to provide for disqualification only on the ground of being a minister or Government Servant.

23 BCCI v. Cricket Assn. of Bihar, (2022) 19 SCC 30. *"19. The stipulation that the disqualification should attach on a conviction of an offence may be accepted. However, the further condition that a disqualification would follow upon a sentence of imprisonment of three years or more cannot be accepted. During the hearing, BCCI agreed that the disqualification would govern a conviction and sentence of imprisonment. The reasons set out for the other amendments are acceptable. Subject to what has been observed above, the amendment as tabulated in Column 3 above does not detract from the basic purpose and object underlying the judgment of this Court. The amendment, as proposed in Column 3 above, is hence permitted to be effected."*

57. At this juncture, we may note that similar arguments were raised before this Court in the BCCI-I[24] wherein the Court discussed and rejected the contentions raised by the BCCI to the effect that bureaucrats and ministers should not be disqualified from holding a position on the Board of Cricket. Referring to the arguments and suggestions, the Court observed as follows:

> *"79. The Lodha Committee has, in its meetings, held extensive interactive sessions and deliberations with a cross-section of stakeholders…The Committee has in its wisdom found that the holding of office by the Ministers and civil servants in the State Associations or in BCCI is not conducive to the health and promotion of the game (…).*
>
> *80. The Committee has while making that recommendation observed:*
>
> > *"… Any elected Councillor shall stand automatically disqualified after nine years as an office-bearer, and shall also be disqualified from contesting or holding the post if he has completed the age of 70 years, is charged under the penal law, is declared to be of unsound mind, is a Minister or government servant or holds any post of another sports body in the country.*
> >
> > *****
>
> *81. In light of the above we see no compelling reason for us to reject the recommendation which disqualifies Ministers and public servants from holding offices in the State Associations or BCCI.*
>
> *83. The contention that favours which BCCI receives will disappear just because a Minister or civil servant is not an office-bearer in the State association or BCCI has no real basis to commend itself to us. So also, the contention that it should be permissible to hold office simultaneously in BCCI and the State association has not commended itself to us."*
>
> (emphasis supplied)

24 Board of Control for Cricket v. Cricket Assn. of Bihar, (2016) 8 SCC 535.

58. However, when the matter again reached before this Court, an amendment was passed by the BCCI, which was approved by this Court, restricting the disqualification from being a *"minister or government servant or holding a public office"* to being *"a minister or government servant"*.[25] In agreement with the view of BCCI (supra), we are inclined to modify the provision in Article 1.17(g) to "being a minister or government servant".

59. Further, even if such a person is a public servant, if he or she has the necessary approval of the government, there should not be a problem under section 4(2)(e) of the newly enacted NGSA 2025[26]. The rules and regulations applicable to a government servant provide a particular standard to be maintained. The standard requires the public servant to obtain necessary permissions. If these permissions are taken, perhaps there is no justification to restrict or disqualify a public servant altogether.

c) Disqualification of persons who has served as an office-bearer of any NSF from holding a post in the AIFF

60. A suggestion has been made by Mr. Rahul Mehra to amend Article 1.17 (h) to include situations where a person who has served as an office-bearer of any NSF shall be disqualified from holding a post in the federation. This argument is supposedly grounded in the objective to prevent persons from *"rendering tenure restrictions otiose by simply switching to another sport after finishing tenure in one NSF"*. We find that accepting this suggestion might not benefit the federation and could be too onerous on sports administrators. A similar provision, which was part of the earlier adopted BCCI Constitution, was later amended with the approval of this Court in the following words:

> *"18. BCCI has submitted that the disqualification from holding any office or post in a sports or athletic association or federation apart from cricket needs to be modified since several cricketers of eminence are associated with other sporting activities such as football and golf after retirement*

25 BCCI v. Cricket Association of Bihar, (2022) 19 SCC 30.

26 *"A person shall not be qualified to contest for election or seek nomination to, the Executive Committee unless such person, if he is a government servant, has necessary approvals from the Government, as applicable".*

from cricket and there is no reason to disqualify them on that ground (…)

19. (…) The reasons set out for the other amendments are acceptable. Subject to what has been observed above, the amendment as tabulated in Column 3 above does not detract from the basic purpose and object underlying the judgment of this Court. The amendment, as proposed in Column 3 above, is hence permitted to be effected."[27]

61. In this view, we are not inclined to accept this suggestion.

vi. Re: On retaining 'indirect interest' in the definition of 'Conflict of interest'

62. AIFF submits that a conflict of interest, as defined in Article 73.1, should not include indirect interest. In fact, AIFF argues that while Article 73.5 adequately covers the scenarios of conflict, it renders Article 73.1 otiose and unnecessary. To appreciate the contentions, the relevant provisions are produced hereunder:

"Article 73: Conflict of Interest

73.1. A Conflict of Interest may take any of the following forms as far as any individual associated with the AIFF is concerned:

(a) Direct or Indirect Interest: When the AIFF or a Member or an Affiliated Unit enter into contractual arrangements with entities in which an individual concerned or his/her relative, partner or close associate has an interest. This includes cases where family members, partners or close associates are in positions that compromise, or may be seen to compromise an individual's participation, performance and discharge of roles.

(b) Roles compromised: When the individual holds two separate or distinct posts or positions under the AIFF, the functions of which would require the one to be beholden to the other, or in opposition thereof.

27 BCCI v. Cricket Association of Bihar, (2022) 19 SCC 30.

(c) Commercial conflicts: When the individual enters into endorsement contracts or other professional engagements with third parties, the discharge of which would compromise the individual's primary obligation to the game or allow for a perception that the purity of the game stands compromised.

(d) Prior relationship: When an individual has a direct or indirect independent commercial engagement with a vendor or service provider or commercial partner or broadcast partner or sponsor in the past, which is now to be engaged by or on behalf of the AIFF or its Member.

(e) Position of influence: When the individual occupies a post that calls for decisions of governance, management or selection to be made, and where a friend, relative or close affiliate is in the zone of consideration or subject to such decision-making, control or management. Also, when the individual holds any stake, voting rights or power to influence the decisions of a Club / team that participates in any League(s) under AIFF.

(…)

73.5. It is clarified that no individual may occupy more than one of the following posts and/or be a part of more than one of the following at a single point of time except where prescribed under this Constitution:

(a) Player (Current)

(b) Team Official

(c) Match Official

(d) Member of the Election Committee

(e) Ethics and Disputes Resolution Committee

(f) Auditor

(g) Service Provider (Legal, Financial, etc.)

(h) Contractual entity (Broadcast partner, Commercial Partner, Sponsor, Security, Contractor, etc.)"

63. On this issue, Ld. Amici submits that the suggestion of AIFF fails to account for the fact that Articles 73.1(a) and 73.5 cover entirely

different fields. Article 73.1(a) is focused on indirect conflicts of interest, conflicts through relatives, partners, or close associates; conflicts like an Executive Committee Member's spouse running a football coaching academy. Article 73.5, on the other hand, broadly prohibits the individual from holding two posts - a more direct conflict - and does not speak of his interest through related parties. We are in agreement with these arguments. On plain reading of both Articles 73.1 and 73.5, it is clear that both cover different fields of conflict. This Court's judgment in BCCI has also approved of disqualifications based on indirect conflicts.[28] We see no reason to arrive at a different conclusion.

vii. Re: On the applicability of AIFF Constitution to State Associations

64. The state associations have vehemently opposed application of AIFF's Constitution to state associations on multiple grounds, inter alia: a) the original Constitution of AIFF (2017) did not mandate compliance of NSC 2011 on State associations, b) Societies and Sports, fall in entries 32 and 33 of the State List (List II, 7th Schedule), respectively and an NSF's Constitution should not bind State associations and local bodies, c) Delhi High Court has upheld the validity of NSC 2011 in *Indian Olympic Association v. Union of India*,[29] confirming non-extension of NSC on State bodies, d) NSC is to be applied only on national sports federation, e) this Court in Constitution bench judgement of *Damyanti Naranga v. Union of India*[30] had held that right to autonomous functioning is a part of *"freedom of association"* guaranteed under Article 19(1)(c). It is argued that the benefit of the very liberty shall be extended to the state associations and local sports bodies.

65. This court had the opportunity to scrutinise the arguments qua *Damyanti (supra)* in detail in a similar factual conspectus in *BCCI-I*[31] wherein the Court observed that the judgment in Damyanti (supra) was inapplicable to the case of BCCI because the proposed BCCI Constitution *"did not interfere with or alter the composition of the*

28 (2016) 8 SCC 535, para 35.

29 2014 SCC OnLine Del 2967.

30 (1971) 1 SCC 678.

31 (2016) 8 SCC 535.

State Associations". However, the present case of Indian Football, which benefits immensely from a pyramidical structure, is placed on a different footing than the game of cricket.

66. It shall help to extract Article 2.3 of the proposed Constitution, which reads as:

> *"Article 2: Name, Headquarters and Affiliation*
>
> *Article 2.3- The AIFF is a member of FIFA, AFC and Indian Olympic Association (IOA) and is recognized as the sole National Sports Federation of India for Football by FIFA, AFC, IOA and the Ministry of Youth Affairs and Sports, Government of India. Accordingly, it is self-obliged to maintain this recognition and good standing and respect the statutes, regulations, directives and decisions of FIFA and AFC as well as the provisions of the Sports Code and all applicable laws, and to ensure that these are likewise implemented and respected by its Members".*
>
> (emphasis supplied)

67. Further, Article 15.1 puts an obligation on member associations of AIFF to conform to AIFF's Constitution. Article 15.1 reads as under:

> *"Article 15: Obligations of Member Associations*
>
> *Article 15.1 Member Associations shall ensure that their own constitutions/memorandum of association/articles of association are framed strictly in accordance with this AIFF Constitution and all applicable laws including but not limited to provisions relating to composition of governing body / executive committee, minimum representation of female players in the respective governing body/ executive committee, eligibility criteria for appointment to an executive committee and other bodies, including age and tenure restrictions and cooling off period, appointment of an electoral officer and procedure for conduct of elections as set out in Schedule III to this Constitution, prohibition of creating titular or honorary posts in Executive Committees by whatsoever name other than the Executive Committee Members, disqualification events for membership, transparency and disclosure obligations, formation of an*

Ethics and Disputes Resolution Committee and related dispute resolution mechanisms including AIFF Judicial Bodies, CAS, ICAS, creation of Standing Committees, dispute resolution by way of arbitration as set out in this Constitution, etc. Members are required to get these documents verified by the AIFF every 2 (two) years".

(emphasis supplied)

68. The intervenors and other stakeholders submitted that if the provisions of the AIFF Constitution are not extended to the State associations and local sports bodies, then the loophole will be exploited by the administrators for circuitous exchange of officials, thereby bypassing well-thought-out provisions of the cooling-off period and term limits. To this effect, reliance was placed on the judgment of the Delhi High Court in *Rahul Mehra v. Union of India,*[32] wherein it was observed that the interest of a national federation in terms of a particular legal framework will not harm local/state associations if they adopt that very framework.[33]

69. Further, it is important to note that the pyramidical structure of Indian football makes it necessary that all the constituent units and associations lower in hierarchy must observe and implement the same level of discipline, fairness, transparency, and good governance quotients which are applied at the very top. This submission, it was

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32 2022 SCC OnLine Del 2438
"114. Consequently, this Court is of the view that the Sports Code must be made applicable to every constituent of every NSF, including IOA as well as its constituents….Be that as it may, as a matter of Basic Principles of Good governance and International Best Practices including restrictions on age and tenure as mandated in the Olympic Charter, what is good for the parent NSF's including IOA should also be good for their Members State/District Level Federations and/or Associations." Accordingly, respondent No. 1/Union of India is directed not to grant recognition or any facility (monetary or otherwise) to the IOA or to any NSF and/or any of its affiliated Associations, if they refuse to comply with the Sports Code as directed by this Court."

33 See also, BCCI v. Cricket Assn. of Bihar, (2018) 9 SCC 624
"45.1. The Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 shall upon the presentation of the said Constitution by the CEO, register the documents forthwith and report compliance by way of a report to the Secretary General of this Court within four weeks;
45.2. Upon the registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. A compliance certificate must be furnished to the CoA, which shall file a status report before this Court with reference to the compliance undertaken by the State Associations; and
45.3. In the event that any State Association does not undertake compliance with the abovesaid directions, the directions contained in the orders of this Court dated 7-10-2016 [BCCI v. Cricket Assn. of Bihar, (2016) 10 SCC 23] and 21-10-2016 [BCCI v. Cricket Assn. of Bihar, (2016) 10 SCC 231] shall revive". (emphasis supplied)

argued, needs to be appreciated also in terms of Article 10(3)(b) of the FIFA Standard Statutes, 2005 which mandate that *"when a regional association applies for membership of a national football association, its application must mandatorily contain a declaration that it will always comply with the statutes, regulations, and decisions of (national association), FIFA, and (relevant confederation) and ensure that these are also respected by its own members, clubs, officials, and players"*.[34] In this regard, our attention was drawn to Article 20.1 of the FIFA Statute 2024, which provides as under:

> *"20. Status of clubs, leagues and other groups of clubs*
>
> *1. Clubs, leagues or any other groups affiliated to a member association shall be subordinate to and recognised by that member association. The member association's statutes shall define the scope of authority and the rights and duties of these groups. The statutes and regulations of these groups shall be approved by the member association."*

70. It is important to note that in view of the chequered history of Indian football administration, and also that governance of football undisputedly trickles down from the superstructure to the base, i.e., NSFs conform to FIFA, it is important that the state associations and local bodies conform to the NSFs. We see multiple advantages in this approach. First, the office bearer(s) of the state association will acquire with time an invaluable experience of football governance in the same manner as the institutional history of the AIFF. This will happen because the governance model of both the NSF and state associations will overlap. Compliance and application of best practices formulated in consultation with FIFA at the local levels will ensure that the sport of football remains organised, both in principle and in practice.

71. In view of the FIFA Statute, the relevant comments of Justice L N Rao and on analysis of the far-reaching implications of this provision, we are not inclined to accept the argument that the AIFF Constitution ought not be extended to the state associations and local bodies.

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34 FIFA Standard Statutes 2005, "13. The Members of X have the following obligations:
a) to comply fully with the Statutes, regulations, directives and decisions of FIFA, ... [abbreviation or acronym of the relevant Confederation] and X at all times and to ensure that these are also respected by its members;
b) to ensure the election of its decision-making bodies; (…)"

viii. Re: AIFF and Third Parties: Extent of delegation of powers, functions, and exploitation of rights

72. FSDL suggests a few changes to the proposed Constitution. They are, namely: a) a relevant amendment to Article 1.21[35] to make the definition of 'essential aspects' less restrictive, b) an amendment to Article 63 to expand the role of private parties in exploitation of rights under sports' contracts, and c) also submitted that 'promotion and relegation' should not be a criteria to satisfy the definition of 'seniormost top division league', as defined under Article 1.54.

73. Before we examine the tenability of the above prayers in detail, it shall be useful to understand the context in which the FSDL's suggestions emerge.

74. FSDL is a company, incorporated with the objective of improving and popularising football in India. On 09.12.2010, a Master Rights Agreement ('MRA') was entered into between FSDL and AIFF, resulting in the establishment of the Indian Super League in 2014, which, since 2019, has been India's senior-most top division league. Under the MRA, FSDL was allegedly granted *"exclusive commercial rights to the National Football Team, all football competitions organized by AIFF in India, as well as to the ISL, which include advertising rights, broadcast rights, film rights, franchise rights, merchandising rights, sponsorship rights, video rights, data rights etc"*.[36]

75. FSDL submits that private participation in the sport of football is an internationally acclaimed concept and utilising the rights given to it under the MRA, FSDL has only furthered the growth and development of Indian football. FSDL is rather concerned that despite its contributions and achievements, the proposed Constitution will put an embargo on agreed structures of commercial arrangements by way of a prohibition. It is submitted that Constitutional provisions should not circumscribe and put fetters on the commercial wisdom of AIFF to enter into contracts suitable to its interest. In other words, commercial exploitation of sports per se cannot be said to be detrimental to the interests of sport.

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35 *"1.21. "Essential Aspects" shall mean the organisation, supervision, maintenance of rules and regulations, promotion of the sport, approval of authority and scope of rights of stakeholders, preservation of the sanctity of promotion and relegation, and ensuring of compliance with FIFA/AFC statues with respect to the sport of football."*

36 As submitted before this Court and Justice L N Rao.

FSDL also relied on FIFA Statutes which, in FSDL's understanding contemplate that *"commercial rights can be utilised either by the federation exclusively (in this case, AIFF), jointly with a third party or entirely by a third party"*.[37] Thus, while the MRA will expire in 2025, its operation can be renewed and FSDL's interest ought to be protected.

76. Other stakeholders have countered the above submissions, arguing that there is no objection to AIFF's collaboration with private parties; rather, it is the extent of the collaboration and delegation of essential functions that is being sought to be regulated by the proposed Constitution. A few provisions of the MRA were highlighted to demonstrate that such abdication of responsibility by a national federation cannot be countenanced. For instance, clause 5.25 of MRA permitted FSDL to set up the senior-most league of football in India and decide on its own wisdom the *"format, rules, and structure of the league and the teams and players which will compete in it"*. In this view, FSDL had virtually acquired the right to commercialise each and every aspect of the new league which should not be permitted.

77. It was therefore suggested that defining *essential aspects* shall put in place a boundary to ensure healthy future partnerships between private players and the federation. Such boundary will fall in line with clause 6.1(b) of the NSC 2011, which proscribes delegation in the nature of MRA and rather envisages AIFF to be *"fully responsible and accountable for the overall management"*.[38]

78. In terms of the above, Ld. Amici has reflected on the suggestions in the following manner:

> *"8.8. Regarding Article 63, FSDL first proposes the addition of the word 'ownership' to Article 63.1 to further clarify that ownership rights of the league will rest with AIFF; this suggestion, which only serves to clarify a pre-existent position, may be accepted.*

37 As submitted before Justice L N Rao.

38 National Sports Development Code of India, 2011, Clause 6.1 (b) *"(b)* ***National Sports Federations****: NSFs are fully responsible and accountable for the overall management, direction, control, regulation, promotion, development and sponsorship of the discipline for which they are recognized by the concerned International Federation. They are expected to discharge these responsibilities in consonance with the principles laid down in the Olympic Charter or in the charter of the Indian Olympic Association or the relevant International Federation, as the case may be while being compliant with Government guidelines applicable to NSFs."*

> *8.9. FSDL additionally suggests that Article 63.3 be amended to take away a clause that says AIFF "shall not be bound by any request/demand of any third party in this regard" - language inserted to ensure that AIFF is always able to prioritize the interests of football in India over private interests. FSDL's suggestion that this be removed to enable private participation in football is incoherent - there is no reason given why private participation cannot thrive in the presence of such a clause. This suggestion must therefore be rejected.*
>
> *8.10. Lastly, FSDL suggests that Article 63.4 be amended to add "or entirely through a third party", which would have the effect of enabling AIFF to divest itself completely of involvement - far from maintaining primacy, this could mean AIFF may have no role at all in the organization of certain competitions etc. There is already no bar on the participation of third parties - FSDL's proposed change would serve only to allow AIFF to relieve itself completely of responsibilities it must have under the NSC, 2011. This must therefore be rejected."*[39]

79. Though there was agreement at the bar on FSDL's suggestions on the addition of the word 'ownership' in Article 63.1, we are of the opinion that the expression is superfluous and unnecessary. It is evident that AIFF has objections to the use of the word 'organisation' and 'promotion and relegation' (which we have discussed later) in the definition of essential aspects under Article 1.21. Article 1.21, which had no equivalent in the Constitution drafted by the CoA, is in the nature of a membrane separating the rights and duties of the federation and third parties with whom the federation might enter into contract(s). On a holistic reading of the provision, we do not find it creating any harm to the private interest, except for the fact that it will impact the working of the text of the MRA. We are mindful of our duty that the task of Constitutional finalisation will pave the way into a new era of Indian football, one that is based on fairness, transparency, and accountability. While we are satisfied with the provision under Article 1.21, and we have been apprised that the

39 Extracts, Written Submissions on behalf of Amici Mr. Gopal Sankaranarayanan and Mr. Samar Bansal.

term of the ongoing extended MRA will expire in 2025, we make it clear that it shall be open for the federation to enter into contractual settings, but in complete obedience to the boundary as laid down in Article 1.21. We believe that it is the only way a national federation can be held accountable towards its duty to the prosperity of the vibrant game of football. In this view, we are not inclined to adopt FSDL's suggestions qua Article 63 as well, which are premised and expand upon the definitional clause in Article 1.21.

ix. Re: Promotion and Relegation in Indian Football

80. Article 1.54 of the proposed draft defines the terms 'senior-most top division league' as follows:

> *Article 1.54 – "Seniormost Top Division League" shall mean the league competition owned,* ***operated*** *and recognized by the AIFF,* ***that implements the principles of promotion and relegation****, and meets all requirements prescribed by the AFC for being eligible to obtain a direct slot in the Asian Champions League.*
>
> (emphasis supplied)

81. FSDL has objected to the words 'operated' and 'that implements the principles of promotion and relegation' and sought their deletion mainly on the grounds that the use of these words in an important provision, coupled with Articles 1.21 and 63 as discussed in the preceding section, impinges upon the autonomy of FSDL as originally secured under the MRA.

82. Many intervenors argued that the suggestions of FSDL run contrary to FIFA Statutes, which adopt the principles of promotion and relegation. Ld. Amici have supported their submission by placing reliance on Article 11 of FIFA Statutes 2024 which provides that a "*club's entitlement to take part in a domestic league championship shall depend principally on sporting merit. A club shall qualify for a domestic league championship by remaining in a certain division or by being promoted or relegated to another at the end of a season.*"[40]

40 Article 11(1), FIFA Statutes 2024.

83. It was further highlighted that decisions adopting principles of promotion and relegation were taken way back in 2019 in a meeting between the AFC, AIFF and FSDL; however, only the principle of promotion has been introduced and not the aspect of relegation.

84. To support its case, FSDL cited the judgment of the Court of Arbitration for Sport ('CAS') in *Miami FC v. FIFA,*[41] which admittedly observed that while the principles of promotion and relegation are ordinarily the norm, their implementation cannot be made compulsory for national federations which have never implemented them before. FSDL's submissions were countered at the bar citing the 2019 decision regarding the implementation of the principles of promotion and relegation from the 2024-25 season.

85. Ld. Amici submitted that the FSDL's reliance on *Miami (supra)* is misplaced as the said judgment actually held that the principle of promotion/relegation is ordinarily the norm, but may not be compulsory for those national federations which have never implemented any form of promotion/relegation and were being called upon to do so for the first time. Since ISL already permits promotion and has committed to implementing relegation as well from the 2024-25 season, the said CAS judgement is inapplicable.

86. Before deliberating on the abovementioned aspects, it is beneficial to understand the principle of promotion and relegation itself. In one academic work,[42] the principle and its benefits are discussed in the following words:

> *"Promotion and relegation serves as a means of entry into the open leagues. Any person could start his or her own team, begin competing at the bottom of the league and gain promotion to the major league over time. Entry could also be achieved by purchasing an existing minor league team and hire quality players and coaches to achieve the same result. Entry in an open league does not require approval by a franchise fee or existing team owners. (…)*

41 CAS 2017/O/5264.

42 Jasina, John and Rotthoff, Kurt W., A Model of Promotion and Relegation in League Sports (November 1, 2009). Journal of Economics and Finance, Volume 36, Issue 2, Pages 303-318, Available at SSRN: https://ssrn.com/abstract=1512144.

> *Promotion and relegation add an additional dimension to league play that is not present in closed leagues. In order to avoid relegation, teams must play at the highest level all season long. Competition among top division teams to avoid relegation produces more spending on player talent than large market teams in a closed league. Teams in lower divisions will spend more on player talent than small-market teams in a closed league since the prospect of promotion means higher expected profit. Higher spending on player talent at each hierarchical level means that the overall quality of play will be higher in an open league. If fans derive utility from the quality of on-field play, fans of open leagues will have higher utility than fans of closed leagues."*
>
> (emphasis supplied)

87. As of 03.04.2025, the Indian men's football team's international ranking is 127.[43] Taking into account the fact that Indian football began way back in time and also the fact that Indian sports have flourished with time, it is an opportune moment to decide that hereon, Indian football will not be played in silos. Healthy competition in Indian football shall only benefit and take the sport to new heights. After going through the literature on the principles of promotion and relegation, the arguments of the counsels, as well as the written material placed on record, we are of the opinion that the proposed provisions do not necessitate any amendment.

x. Re: Applicability of principles laid down in BCCI Judgment to the present case concerning football administration

88. The judgments and orders concerning the management and organisation of BCCI had far-reaching impacts. The BCCI series of cases envisaged and embarked on a new dawn of Indian sports governance, and also developed principles and best practices which can be imbibed in letter and spirit. AIFF and state associations have submitted that the BCCI judgment cannot be applied to football governance because BCCI is not an NSF and therefore does not fall within the contours of NSC 2011 as well.

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43 See, World Ranking (India) <https://inside.fifa.com/fifa-world-ranking/IND> (last accessed on 05 June 2025).

89. This argument cannot be accepted for more than one reason. While the validity of NSC 2011 has been previously upheld, this Court's order dated 03.08.2022 in the present appeals aptly clarifies that NSC 2011 must be read to effectuate its intent and purpose and not in a manner of Statute.

90. This present exercise is primarily about football, but on a broader level, is also an exercise to instil professionalism, efficiency, and fairness in sports administration, which shall take Indian football to greater heights. Distinguishing BCCI judgments only on the ground that BCCI is not an NSF, while AIFF is, does not yield any good. In this view, the arguments advanced by AIFF and State association are rejected.

xi. Re: Amendments to the AIFF Constitution and the need for the Supreme Court to retain control

91. Article 23 of the proposed Constitution deals with the mode of amendment to the AIFF Constitution. The Article reads:

> *"Article 23: Amendments to the Constitution*
>
> *23.1. The AIFF Constitution, Schedules thereto and Regulations can be amended at a Meeting of the AIFF, provided that such provisions shall not be repealed, added to, amended or altered except when a resolution to that effect is passed and adopted by a 75% (seventy five percent) majority of the members present and entitled to vote at a Special General Meeting of the General Body convened for the purpose or at any Annual General Meeting. The quorum for any such Meeting shall be 75% of the total strength of the General Body.*
>
> *23.2. Any proposals for an amendment to this Constitution must be submitted in writing by at least 3 (three) members jointly with a brief explanation to the AIFF General Secretariat by a Member or by a member of the Executive Committee 25 (twenty five) days before the date of the concerned meeting."*

92. In his suggestion to the aforesaid Article, Mr. Rahul Mehra submits that the Article be amended to provide that *"no amendments to the Constitution must take effect without leave of the Hon'ble Supreme*

Court as mandated by BCCI-II".[44] Other intervenors have supported the suggestion and sought that Article 23 be amended to insert that *"Article 23.3 - Any such amendment shall not be given effect to without the leave of the Hon'ble Supreme Court."*

93. In *BCCI-II*, this Court approved a similar suggestion by holding as under:

> *"43. Clauses 29, 33(1), 33(2) and 45 of the draft Constitution with the modifications suggested by the Amicus Curiae read as follows:*
>
> *(…)*
>
> *Clause 45.—These Rules and Regulations of BCCI shall not be repealed, added to, amended or altered except when passed and adopted by a 3/4th majority of the members present and entitled to vote at a Special General Meeting of the General Body convened for the purpose or at the Annual General Meeting. Any such amendment will not be given effect to without the leave of the Hon'ble Supreme Court."*
>
> *44. We approve the above clauses. We are emphatically of the view that once the draft Constitution has been approved by this Court, any amendment should not be given effect to without the leave of this Court."*
>
> (emphasis supplied)

94. We have considered the above submissions. The anxiety and concerns of the stakeholders that the approved Constitution might be given a go-by by the federation officials if safety valves are not put in place are justified. In this view, the suggestion regarding insertion of "*Article 23.3 - Any such amendment shall not be given effect to without the leave of the Hon'ble Supreme Court"* is accepted for the present. However, we are of the clear view that it is not appropriate to have continuous monitoring of a sports federation by any forum, including the Supreme Court. Having taken up the matter and ensured that the Constitution is brought to this stage, it is necessary to take it to its logical end. Our monitoring will only be that far and no further.

44 BCCI v. Cricket Association of Bihar, (2018) 9 SCC 624.

xii. Re: Whether the current AIFF administration is a permanent or interim body?

95. The erstwhile Constitution drafted by the CoA contained Article 84 as the transitory provision, which provided for a fresh election after the approval of the Constitution by this Court. The said provision read:

> *"Article 84.1. Once the AIFF Constitution is approved by the Hon'ble Supreme Court, an emergent Special General Body Meeting may be convened by any 3 Full Members with a notice of 7 days to adopt the AIFF Constitution as approved by the Hon'ble Supreme Court of India, and the necessary particulars of time and date of the same will be entered in Article 85. However, in accordance with the order dated 18.05.2022 of the Hon'ble Supreme Court, the first Election under this Constitution will be conducted by the Committee of Administrators appointed by the Hon'ble Court."*

96. While the draft Constitution formulated by the CoA was in place, elections to the federation were conducted and the current executive committee was elected, pursuant to the order of this Court dated 03.08.2022. The said order specifically mentioned that the election was only an interim arrangement and no equity based on the 03.08.2022 order shall be claimed in the future. The relevant portion of the said order is set out in paragraph 17, which is as under:

> *"17. For the above reasons, we order and direct that:*
>
> *(i) The elections to the Executive Committee of AIFF should be held expeditiously and shall be concluded in terms of the time schedule which has been indicated in the tabulated statement set out above;*
>
> *(ii) The elections shall be conducted in a manner consistent with the provisions of Article 26 of the draft Constitution. The persons chosen as representatives shall have to conform to Article 26.*
>
> *(iii) This would be an interim arrangement without prejudice to the rights and contentions of the parties;*
>
> *(iv) The interim Body would continue for a period of three months subject to further orders of this Court till the Constitution is finalized;*

(v) The interim Body shall not claim any equities on the basis of this order and the present arrangement would be subject to further orders;

(vi) The CoA shall be apprised of the decisions of the elected Body; and

(vii) (…)"

(emphasis supplied)

97. The above order was modified by the order dated 22.08.2022, wherein the court issued certain directions as elections to the federation were delayed, specifically taking into account the then-commencing under-17 Women's World Cup 2022 tournament as well as the decision of FIFA to suspend AIFF from its membership. The relevant portion of the 22.08.2022 order is as under:

"11. Bearing in mind the importance of the Under-17 Women's World Cup 2022 tournament being held in India, the following directions are issued on the IA:

(i) The election programme, which was fixed in pursuance of the order dated 3 August 2022, is permitted to be modified by extending the date of election by one week;

(…)

(vi) Time for the completion of the elections which were scheduled to take place on 28 August 2022 shall stand extended by a period of one week. The Returning Officers shall, within the said period, refix the modalities for the filing of nominations from the stage which was reached on 13 August 2022 and ensure that the elections are completed on schedule;
(…)

12. The above directions have been issued in modification of the previous orders of this Court to facilitate the revocation of the suspension which has been imposed on AIFF by FIFA and the holding of the Under-17 Women's World Cup 2022 in India. In the event that the above

process is not taken to its logical conclusion, the Court would consider any further order at the subsequent stage."

(emphasis supplied)

98. After the executive Committee was put in place as a result of the elections held pursuant to orders dated 03.08.2022 and 22.08.2022, the modified version of the Constitution formulated by Justice L N Rao deletes Article 84; Justice L N Rao has commented on the deletion, observing that:

> *"…Owing to the fact that the existing Executive Committee and the General Body of the AIFF were elected following due process, the need has not been felt to immediately end their terms and to impose fresh elections.*
>
> *The transitory provision laid down in the draft Constitution stands deleted. The existing elected members of the Executive Committee shall stay in power and serve their permitted full term(s) of 4 (four) years, subsequent to which fresh elections shall be conducted in the manner prescribed in this amended Constitution."*[45]

99. Mr. Bhaichung Bhutia (intervenor), Mr. Rahul Mehra and other intervenors argue that the transitory provision should be reinstated in order to ensure that fresh elections are conducted after the approval of the Constitution by this Court. Ld. Amici has supported the suggestion, arguing, inter alia, that a) fresh elections be held as electoral college pursuant to this Court's earlier order will witness a shift in terms of the latest draft of the Constitution, b) that the order dated 22.08.2022 only altered the schedule of elections and no comment was made regarding the arrangement being an interim arrangement as order dated 03.08.2022 envisaged, c) that there are serious irregularities and lapses committed by interim administrators.

100. Having given out serious consideration to the above arguments, we are of the opinion that even if we assume that the current AIFF is a permanent body, its functioning would always be subject to the orders passed by this Court. Though they were elected for a term of four years, their term will expire in 2026, which means that the

45 LNR Report, para 20.

current executive committee will continue only till September 2026, which is less than a year from today.

101. In the facts and circumstances of the case, we are of the opinion that the current executive committee can be treated as a permanent body which shall discharge its function in accordance with the relevant laws as well as the AIFF Constitution.

102. **Other objection(s)/suggestion(s)-:** Till here, we have dealt with objections to certain clauses of the draft Constitution which were specifically raised and argued before us. As regards other clauses, there is no contest in the court. However, we have noted that certain objections/suggestions do exist with respect to other clauses in written submissions filed by various parties. The Amici have compiled those objections. We will now consider them.

103. ***On the definition and criteria of the Candidate***: Mr. Rahul Mehra submits that there is an inconsistency between Articles 1.11 and 25.4 so far as the dual requirement of citizenship and residence is concerned. While the former requires only Indian citizenship for being a candidate of the executive committee, the latter reads as "a candidate for the post of an AIFF Office-Bearer must be a citizen and resident of India". Mr Mehra suggested that the requirement in Article 25.4 be accepted and Article 1.11 be modified accordingly. We are in agreement with the suggestion as it brings certainty and clarity to the provision. The provision is to be amended accordingly, requiring a candidate to *be a citizen and resident of India*.

104. Further, it is important to note that in the draft Constitution, there is no prescription of the minimum age for contesting the elections. We are of the opinion that Articles 1.11 and 25.4 relating to 'candidate' and the condition for a candidate for the post of AIFF office bearer be amended to read as follows:

> *"**Article 1.11**: "Candidate" is any person standing for elections to the AIFF Executive Committee who has been proposed and seconded in the manner laid down in Art. 5.2 of Schedule III to this Constitution. The candidate shall be a citizen and resident of India who has attained at least twenty-five years of age and be a voting member of AIFF's General Body.*

> ***Article 25.4****: A candidate for the post of an AIFF Office-Bearer must be a citizen and resident of India who has attained at least twenty-five years* of age. *Such a person shall also be a voting member of the General Body."*

105. We have introduced this in view of the fact that Section 4(2) of the NSGA 2025[46] prescribed twenty-five years as a condition for participating in the election.

106. We also agree with the suggestion to insert a new provision 25.4 (A) in the draft Constitution in terms of the mandate of the 4th proviso to Section 4(2) of the 2025 Act. Article 25.4 (A) will read as follows:

> "***Article 25.4(A):*** *A person shall not be qualified to contest for election or seek nomination to, the posts of the President or the Vice Presidents or the Treasurer, unless such person is a sportsperson of outstanding merit or, has previously served as a member for at least one full term in the Executive Committee of the AIFF or as an office bearer in its affiliate unit.*"

107. ***Definition of 'immediate family'***: In Article 1.32, the definition of "immediate family" or "immediate family member" does not include sibling(s). It was suggested that the word be added in the interest of resolving conflicts of interest, administrative ethics, and fairness.

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46 **Section 4: Compliance with certain requirements by National Sports Bodies**
(1) (…)
(2) A person shall not be qualified to contest for election or seek nomination to, the Executive Committee, unless—
(a) such person is a citizen of India who has attained at least twenty-five years of age;
(b) the nomination of such person is duly proposed and seconded by a voting member of the General Body;
(c) such person is not declared to be of unsound mind;
(d) such person complies with the International Charters and Statutes and bye-laws relating to age and term of the Executive Committee:
Provided that such person shall not be more than seventy years of age on the last date of nomination for election:
Provided further that any person, aged between seventy and seventy-five years, may contest elections or seek nominations, if permitted by the International Charters and Statutes and the bye-laws and in case such person is elected, he shall serve for a full term;
Provided that such person, if he is a government servant, has necessary approvals from the Government, as applicable:
Provided that a person shall not be qualified to contest for election or seek nomination to, the posts of the President or the Secretary General or the Treasurer, unless such person is a sportsperson of outstanding merit or, has previously served as a member for at least one full term in the Executive Committee of the National Sports Body or as the President, or the Secretary General or the Treasurer in its affiliate unit (…).

(emphasis supplied)

We are in agreement with the suggestion. The Article is amended accordingly.

108. ***Obligation of member associations***: We have previously held that the AIFF Constitution can be extended to member associations and local bodies. In the same vein, it was submitted that Article 15 must include the word 'disqualification event(s)' as one of the domains to be looked after by the member associations, alongside age, tenure, and cooling-off period, etc. We accept the suggestion.

109. ***Suspension and Resignations***: AIFF suggests that while Article 17 requires 75% votes to revoke a suspension, no mirror provision requiring a minimum percentage of votes for imposing the suspension in the first place is given. It is suggested that an equivalent voting requirement for suspension be given. We are of the view that such a requirement will be in the interest of fairness and certainty. It is therefore directed that the provision be amended to include an equivalent percentage of votes for imposing the suspension.

110. ***Executive committee and concurrent memberships:*** The original draft Article 25 by CoA read as under:

> *"Article 25.3. At any given point of time:*
>
> *(a) (….)*
>
> *b) In the event a person is elected as an Office-Bearer in the Executive Committee of the AIFF and holds a position of an Office-Bearer in a Member Association, he/she shall automatically be deemed to have vacated his/her position in the Member Association.*
>
> *c) Similarly, in the event that a person is elected as an Office-Bearer in a Member Association and holds a position of an Office-Bearer in the Executive Committee of the AIFF, he/she shall automatically be deemed to have vacated his/her position in the Member Association.*
>
> *d) In case of suspension / expulsion of the Member of which the individual is a representative, the office held by its representative shall be deemed to have been vacated.*
>
> *e) (….)"*

111. The aforesaid clauses (b) to (d) were deleted by the Constitution formulated by Justice L N Rao with insertion of an unrelated clause (b), noting that while *"no direct conflict of interest could be assumed qua clauses (b) and (c), clause (d) is an unjust disqualification given that "when a Member of General body gets elected to EC, the member is not only representing his/her member association but also acting in his administrative capacity in the EC".*

112. Some stakeholders have sought reinstatement of the deleted clauses in the latest draft of the proposed Constitution. On prima facie analysis, clauses (b) and (c) of the erstwhile provision seem very important. Firstly, they are against holding two offices at the same time. Second, they will ensure that an official at the national federation is not overworked with responsibilities at a member association and vice versa.[47] In this view of the matter, we reinstate the above extract clauses (b) and (c) as clauses (c) and (d) in the proposed Article 25 of the Constitution.

113. So far, deletion of clause (d) is concerned, we find merit in the observations of Justice L N Rao with respect to its deletion. A member of the executive committee is primarily not for taking care of her association's interest, but rather for the AIFF at large. The suspension of the member association of such an elected member should not hamper her from discharging her duties as a member of the executive committee. We are therefore not inclined to reinstate the erstwhile clause (d) in the proposed provision.

114. ***Acting President***: AIFF suggests that Article 25.6 be amended to *"include a scenario wherein the elected Senior Vice President is also incapacitated from discharging his duties, along with the President. In the absence of such Senior Vice President, one of the other Vice Presidents or a member of the Executive Committee elected by ballot with a simple majority, could serve as Acting President, till the subsequent AGM*." We are inclined to accept the suggestion and modify the provision to include that in the absence of vice presidents, an executive committee member may be elected with a simple majority to serve as acting president till the subsequent AGM.

47 *Board of Control for Cricket v. Cricket Assn. of Bihar*, (2016) 8 SCC 535.

115. ***Quorum***: It was suggested that in Article 41.2, no business transaction pertaining to "commercial arrangements and agreements pertaining to commercial and other rights for a period of more than four years or for an amount exceeding Rs. 5,00,00,000 (Indian Rupees Five Crore)" be inserted. Such an insertion will bring Article 41.2 into consonance with Article 20.9(m),[48] it is argued. We accept this suggestion.

116. ***Disciplinary Committee*****:** Article 46.1 of the AIFF Constitution provides for a disciplinary committee to consist of a chairperson, a deputy chairperson, and such other members as may be deemed necessary. The provision requires all members of the committee to have a legal background. AIFF has suggested that the provision be modified to mandate a legal background only for the chairperson and deputy chairperson. It is argued that such a change will bring the provision into agreement with the structure of FIFA's disciplinary committee.[49] We find merit in the contention. The objectives of the disciplinary committee shall only be furthered if it is more inclusive, consisting of persons from varied fields, spearheaded by legal minds who will ensure due procedure in its decision. In this view, we accept this suggestion.

117. ***Appeal Committee*****:** On the same lines as the disciplinary committee, we are inclined to modify Article 47 to provide that only the chairperson and deputy chairperson shall be required to have a legal background.

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48 *"20.9. The General Body of the AIFF shall have the following powers and functions:*
Subject to the provisions of this Constitution regarding manner of dealing with Rights and maintaining overall control of the AIFF over its Competitions and Rights therein, to decide regarding whether to renew existing commercial arrangements and agreements pertaining to commercial and other rights as well as and to decide regarding whether to enter into any new commercial arrangements and agreements pertaining to commercial and other rights as well as determining a transparent, judicious and equitable process for the above keeping the best interests of Football in mind.
Provided that any decision regarding such agreement and/or arrangement for a period longer than 4 (four) years must be approved at an AGM/SGM by at least 75% (seventy five percent) of the Members present and eligible to vote. Further, in the event that there is any decision to be made regarding such agreement and/or arrangement exceeding amount Rs. 5,00,00,000 (Indian Rupees Five Crore), it must be approved at an AGM/SGM by at least 75% (seventy five percent) of the Members present and eligible to vote"

49 See, generally, <https://inside.fifa.com/legal/judicial-bodies> *"Disciplinary Committee (Composition)*
The Disciplinary Committee shall consist of a chairperson, a deputy chairperson and a specific number of other members. The chairperson and deputy chairperson of the Disciplinary Committee must be qualified to practise law. The committee shall act in accordance with the FIFA Disciplinary Code. It shall take its decisions in the presence of at least three members. In special cases, the chairman may decide alone. The Disciplinary Committee pronounces the sanctions described in the FIFA Statutes and the FIFA Disciplinary Code on member associations, clubs, officials, players, intermediaries and licensed match agents. The disciplinary competence of the Congress and the Executive Committee with regard to the suspension and expulsion of members is reserved."

This amendment will bring the provision into consonance with the composition of the appeal committee of FIFA.[50]

118. ***Dispute Resolution and Grievance Redressal***: It was suggested that, as sports events are time sensitive for athletes, a time limit (of no more than 30 days) must be prescribed for rendering decisions by first instance and appellate bodies. Ld. Amici has supported this argument and suggested that a proviso may be inserted signifying that "when the decision would be concerning a matter of expediency, the time limit would be 30 days". Article 51.1 of the draft Constitution provides that *"Any and all disputes affecting or involving the AIFF, Full, Associate or Provisional Members, including the individual members thereof, Clubs or their members, Leagues or other Competitions, and members of such Leagues, Officials, Referees and Licensed Match Agents shall be referred by the AIFF in the first instance for hearing and redressal to the Ethics and Disputes Resolution Committee".*

119. The provision deals with various stakeholders, including individual members and disputes pertaining to competitive events. We find merit in the suggestion so far as the players' case is concerned. We direct that the Article 51 be modified to insert a proviso stating that "Provided that when the decision would be concerning a matter having a bearing on a player's participation in an upcoming event/ competition or a case concerning a matter of expediency, the matter be taken on priority and an expeditious decision be taken, preferably within a period of 30 days".

120. It was further suggested that the time limit of 3 months imposed in Article 51.15 on the arbitral tribunal[51] to conclude the proceedings

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50 Ibid. *"Appeal Committee (Composition) The Appeal Committee is composed of a chairman, a vice-chairman and the number of members deemed necessary. The chairman and the vice-chairman must have legal training. The Commission shall act in accordance with the FIFA Disciplinary Code Decisions are made in the presence of at least three members. In special cases, the chairman may decide alone. The Appeals Committee is responsible for the handling of appeals against decisions of the Disciplinary Commission, which FIFA regulations do not define as final. The decisions of the Appeals Committee are final and binding on all parties concerned. All rights to appeal to the Court of Arbitration for Sport (CAS) are reserved".*

51 Article 51.15 - The Arbitral Tribunal shall make best efforts, if possible, to conclude the proceeding in summary process at the earliest within 3 (three) months from reference being so made. The conclusive award of the Tribunal shall be final and binding on all the parties including the AIFF. The seat and the venue of the Tribunal shall be at New Delhi and appropriate jurisdictional Court, namely the Delhi High Court, would have exclusive jurisdiction to entertain any proceeding as per the applicable provisions of the Arbitration and Conciliation Act 1996, as amended from time to time.

be reduced to 30 days. We find merit in the suggestion and direct insertion of a proviso on a similar line of Article 51.1. The proviso shall read: *"Provided that when the decision would be concerning a matter having a bearing on a player's participation in an upcoming event/competition or a case concerning a matter of expediency, the matter be taken on priority and an expeditious decision be taken, preferably within a period of 30 days".*

121. ***Schedule III: Election Bye-Laws of All India Football Federation***: It was suggested that the erstwhile Article 9.2 of the third schedule drafted by CoA[52] contained a provision of contesting candidates nominating their agents during polls, the latest draft of the Constitution deletes the provision of nomination and only allows contesting candidates to submit the name of such persons to the returning officer.[53] The procedure for nomination remains, but the right to nominate has been extinguished. We have considered the argument and decided to restore Article 9.2 as it was drafted by CoA in its original form.

122. ***Conclusion*****:** Thus, we have approved the provisions of the Constitution in the above terms. We direct the AIFF administration to call for a special general body meeting and adopt the draft Constitution with the modifications in this judgment. This shall be done at the earliest, preferably within 4 weeks. We are of the firm opinion that the Constitution, once adopted in terms of Article 84, will mark a new beginning for Indian football and take the sport to greater heights.

123. Before we part with the judgment, we must record our appreciation for the assistance rendered by all counsels, accompanied by young members of the bar, who argued their points with precision, passion and patience. We also record our appreciation for the invaluable assistance rendered by Ld. Amici, Mr. Gopal Sankaranarayanan and Mr. Samar Bansal to this Court.

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52 Article 9.2. Each contesting candidate can nominate one person (if he/she so desires) to be present at the Poll (Polling station). All candidates must submitted the name of such person to the Returning Officer within 2 days of publication of final list of contesting candidates in Form 6 along with valid government ID proof of the same which must be carried by the representative on the polling day.

53 Article 9.2. All candidates must submit the name of such person to the Returning Officer within 2 (two) days of publication of final list of contesting candidates in Form 6 along with valid government ID proof of the same which must be carried by the representative on the polling day.

124. Our country is brimming with promising sporting talent which seeks suitable avenues and organisational support. We need to channelise this talent efficiently – from village fields to international platforms. We believe that the Constitution of AIFF is an important structural foundation in this regard and the stakeholders of Indian sports will have an important role in ensuring that Indian football remains thrilling, competitive and value oriented and continue to make its mark in the national and international landscape.

125. Order accordingly.

Result of the case: Directions issued.

†*Headnotes prepared by:* Divya Pandey