
(2011) 05 DEL CK 0207

In the Delhi High Court

Case No : Writ Petition (C) No. 612 of 2011

Lokniti Foundation

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 31-05-2011

Acts Referred:

Citation : (2011) 05 DEL CK 0207

Hon'ble Judges : Veena Birbal, J; Badar Durrez Ahmed, J

Bench : Division Bench

Advocate : Bipul Kumar, for the Appellant; Ravinder Agarwal, CGSC, Nitish Gupta, for R-1, 2, Maninder Singh J.S. Bakshi, Standing Counsel, Abhijit Puri and Amitesh S. Bakshi for R-4 (DDCA), for the Respondent

Judgement

Badar Durrez Ahmed, J

1. This writ petition has raised a serious issue which concerns the age of players in different categories who aspire to be playing under the banner of the Delhi and District Cricket Association (DDCA). The DDCA selects players in three categories: (1) under 16; (2) under 19; and (3) under 22 years.

2. There have been a series of instances where the ages of the players have been found to be inaccurate and this leads to an unfair practice inasmuch as players who are above a particular age category manage to get themselves categorized in a lower age category and, obviously, because of their age advantage they are able to perform better. As an instance, if there is a 21 year old cricket player and he is able to get his age registered with the DDCA as being 18 years, he would be in a position to play in the under 19 category of tournaments and thereby he would have an advantage over other boys who are genuinely under the age of 19 years.

3. The requirement of creating a level playing field, insofar as the determination of age is concerned, has been raised in the present petition and has been recognized by the DDCA (Respondent No. 4). Mr Maninder Singh, appearing on

behalf of the DDCA, has informed us that the DDCA is as much concerned about the evil of age manipulation as the Petitioner and that there has been an ongoing dialogue between the DDCA and BCCI (Respondent No. 3) to arrive at a methodology which would ensure that age manipulation is rooted out.

4. Mr Maninder Singh submitted that it is now the policy of the DDCA and also of the BCCI that when a player enters in a tournament of the DDCA or of any other State Cricket Board his age determination is done through medical examination and the DDCA or the other State Cricket Boards do not rely blindly on the age documents/certificates supplied by the players or their guardians. He further submitted that once the age is determined at the entry point a database would now be maintained and the age so determined would remain unchanged throughout the playing career of the concerned player.

5. Mr Maninder Singh also informed the court that the State Cricket Boards (including the DDCA) are required to follow the rules framed by the BCCI for selection of players in the said three categories and also to follow, as far as may be possible, the rules set out by the BCCI for conduct of the medical examinations.

6. Insofar as the DDCA is concerned, Mr Maninder Singh, submitted that from now on the medical examination of all its players entering a competition for the first time would be conducted by the Medical Board comprising of three doctors. For the present, the DDCA, in view of the directions given by the BCCI, has secured the services of the Apollo Hospital at Delhi for the conduct of the medical examination.

7. The learned Counsel for the Petitioner has drawn our attention to the National Code Against Age Fraud in Sports which has been drawn up by the Ministry of Youth and Sports Affairs, Government of India. It is clear that although this National Code is not applicable to the BCCI or the DDCA, certain features referred to therein could be adopted by the DDCA. Paragraph 7 of the said National Code deals with the procedure for medical examination and Paragraph 7.1.1 stipulates that the medical and scientific testing parameters on which the medical examination is to be conducted must be as per Annexure-II to the said Code. Annexure-II is a document which is entitled - "Age Estimation Format". A plain reading of the said Annexure-II indicates that there would be a general physical examination, a dental examination and a radiological examination/MRI/CT Scan (as applicable).

8. The learned Counsel for the Petitioner submitted that the DDCA should conduct an MRI Scan of the wrist of every player undergoing the medical examination. In support of this plea, he placed before us an Article entitled - "The International Olympic Committee Consensus Statement on age determination in high-level young athletes" by Lars Engebretsen et al., (Br J Sports Med June 2010 Vol. 44 No. 7). In the said Article, we find that there is a reference to the estimation of age through the use of MRI Scans. It also refers to

a study relating to male adolescent football players between the ages of 14 and 19 years from different ethnic groups, geographical regions and altitudes, namely, Switzerland, Malaysia, Algeria and Argentina. On the basis of the study, it was suggested that the MRI scan is a viable tool for screening players in youth competitions, particularly in the under 16 and under 17 groups. The Article also suggested that the MRI approach should be extended to other ethnic groups and other age groups also after appropriate study is done. As per the said Article, it was made clear that currently there is no evidence to support the use of MRI studies of the wrist for age determination of athletes below 14 years and above 17 years of age. It was also noted that the age determination by MRI bodes well for its future use, if a more accurate age prediction algorithm can be developed. From the said Article this much is clear that for a specific age group (14-17 years), at least, the MRI Scan is a viable test for determining the age of a participant. However, that is not the only method by which the age could be reasonably accurately estimated and that is the reason why Annexure-II of the said National Code, referred to above, has given the following parameters under the head of radiological examination:

F. Radiological Examination/MRI/CT Scan (as applicable)

Note: A single film of hand and wrist is sufficient for age below 13 years. Wherever radiological examination is not indicated MRI/CT Scan may be done.

1. X-ray advised (as per requirements):

- (i). Shoulder joint: A.P view
- (ii). Elbow joint: A.P and lateral view
- (iii). Hand with wrist: A.P view
- (iv). Pelvis with hip joint: A.P view

2. Date of radiological examination:

3. Name of the radiographer:

Radiological findings:

S. No. X-ray advised Findings Age inference

9. Mr Maninder Singh submits that the above paragraph "F" of Annexure-II of the National Code can easily be adopted by the DDCA as it does not militate against the approach of the DDCA or the BCCI. Consequently, there would be no difficulty in the Medical Board at Apollo Hospital proceeding on the said basis.

10. From the foregoing discussion, the following points have emerged as a consensus:

- (i). Every player entering the DDCA for selection under any of the three categories would be required to undergo a medical examination in addition to the

age documentation that he provides;

(ii). The medical examination will be carried out by a Board of three doctors of Apollo Hospital on the basis of, inter alia, the radiological examination/MRI/CT Scan (as applicable) indicated in Annexure-II of the National Code. It would be open to the Medical Board to adopt any particular examination that it feels necessary for particular candidates. Apart from the radiological examination, the Board shall, as is usually the case, also conduct a dental examination and general physical examination for arriving at the age of the concerned player;

(iii). Once the age is determined in the manner indicated above, that would be maintained in the database of the DDCA and will be strictly adhered to by the DDCA throughout the entire career of that player;

(iv). In case of specific complaints of players having manipulated their ages, the same shall be addressed to the honorary General Secretary, DDCA. Thereafter, action thereon shall be taken by the DDCA promptly and without any inordinate delay.

11. These directions have been issued in respect of DDCA and we expect and hope that in order to provide a level playing field to all players selected under the aforesaid categories in different States, the BCCI would also Endeavour that they are adopted throughout India.

12. With these directions and observations, the writ petition stands disposed of.