

GI – FINAL ROUND

PREPARED BY INDUS LAW

V RGNUL SEMC
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Organised by
CADR, RGNUL

GENERAL INFORMATION

BACKGROUND –

Pooja Padukone is a professional tennis player. She has represented her country - India in many international tournaments in single's, double's, and mixed doubles. She is already an established tennis star at the young age of 26 years and is world-ranked 63rd in tennis. Pooja started playing tennis at the age of 4 and won her first U-8 State Level Tournament at the age of 8. Impressed by her performance at U-8 State Level Tournament, Ramakant Achrekar (tennis coach) decided to take Pooja under her tutelage. Pooja was honored with Arjuna Award in the year 2018 and Khel Ratna Award in the year 2020.

The **Board of Tennis Control in India** (BTCI) is the national governing body of Tennis in India. BTCI is registered as a society in the state of Karnataka under the societies registration act and represents Indian Tennis at the global level. Only the players registered with BTCI are eligible to play for and represent India at world tournaments for tennis.

THE DISPUTE –

Pooja was selected for the contingent representing India at the 2021 Olympics hosted by North Korea. Pooja achieved tremendous success during the North Korean Olympics and achieved a silver medal for India. However, once the attention shifted from the applause that Pooja lured, it was noticed that the National Coach – Mr. Banerjee was nowhere to be found on the sidelines during her high-octane matches.

It was later discovered by BTCI that Pooja expressly refused to take assistance from the National Coach and instead trained with her personal coach – Mr. Achrekar during the North Korean Olympics.

Miffed by this, BTCI sent a show cause notice to Pooja asking her to explain her decision of not taking the help of the National Coach during the North Korean Olympics. Pooja responded to the show cause notice and alleged that the National Coach had asked her to throw away matches during the Olympic qualifiers, presumably for a benefit of another Tennis player who trains at the National Coach's personal academy. Pooja clearly stated that she has the necessary proof and evidence to corroborate her side of the story.

Subsequently, Pooja was asked to join the national training camp organized by BTCI for selections for the Asia Cup Tournament. Notably, the training camp was headed by the National Coach. BTCI received no confirmation from Pooja for the national training camp.

BTCI thereafter sent a reminder to Pooja, asking her to confirm her presence at the national training camp. The second mail further mentioned, "If you are not joining the camp then you will not be considered for the Asia Cup Tournament." Pooja did not respond to either of the emails. Owing to this, BTCI decided to rule out Pooja as they found her ineligible for selection for the upcoming Asia Cup Tournament.

Clause 2.1 of the code of conduct of BTCI, which every individual registered with BTCI must follow, specifies that –

“...it is mandatory for each player registered with BCCI to attend the national training camps organized from time to time, in order to be eligible for selection in the Indian tennis contingent for international tournaments.

Clause 2.4 of the code of conduct penalizes any player, who fails to attend national training camps by debarring the player from selection in the Indian tennis contingent for international tournaments for a period of two years. The proviso to Clause 2.4 of the code of conduct further provides that BCCI, at its discretion, may waive off the applicability of this clause for a particular player, if BCCI thinks it necessary to do so for the improvement of the player's skill.

Pooja challenged the constitutionality of Clause 2.1 of the Code of Conduct before the High Court of Karnataka.

Considering the sensitivities involved, BCCI requested the High Court to refer the parties to mediation to negotiate and settle the matter at hand. The parties agreed to mediate.