



2025:DHC:9034-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15335/2025**

REEPAK KANSAL

.....Petitioner

Through: Ms. Geeta Rani and Mr. Avinash
Lakhanpal, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: None.

Date of Decision : 8th October, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J : (ORAL)

1. Present Public Interest Litigation has been filed under Article 226 of the Constitution of India, 1950 seeking a direction to the respondents to prevent any private body from being portrayed as a national team without statutory recognition; and to restrain the respondent no.3/Prasar Bharti from projecting the cricket team of respondent no.5/Board of Control of Cricket in India (BCCI) as 'Team India' or the 'Indian National Team'.

2. Learned counsel for the petitioner states that the BCCI is a private society registered under the Tamil Nadu Societies Registration Act, 1975 and not a statutory body or a "State" within the meaning of Article 12 of the Constitution of India. He refers to replies of the Ministry of Youth Affairs and Sports dated 14.12.2017 and 11.09.2018, whereby the information requested by the petitioner under the Right to Information Act, 2005 was



denied and it was clarified that the BCCI is neither declared as a public authority nor recognized as a National Sports Federation (NSF) and Cricket is not one of the games which have been identified for support by the Ministry under the Scheme of Assistance to NSFs.

3. On this, he contends that despite the above legal position, Prasar Bharati platforms such as Doordarshan and All India Radio continue to refer to the BCCI team as 'Team India' or the 'Indian National Team', with the Indian National Flag in the cricket tournament implicitly conferring national status on a private association thereby creating a false impression in the public mind and granting unwarranted commercial legitimacy to a private entity. It is contended that this practice amounts to misrepresentation and could potentially violate the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Flag Code of India, 2002, which regulate the use of the national name, flag and symbols.

4. The basis of the present Public Interest Litigation Petition to our mind is fundamentally flawed. So far as the petitioner's grievance regarding usage of the national flag by the respondent BCCI etc. is concerned, it appears that the petitioner is not aware of the judgment of the Hon'ble Supreme Court in ***Union of India vs. Naveen Jindal: (2004) 2 SCC 510*** wherein the Hon'ble Supreme Court had held as under:

"87. The right to fly the National Flag is a fundamental right but subject to restrictions. The right is not an unfettered, unsubscribed, unrestricted and unchannelled one. Even assertion of the right to respectfully fly the flag vis-à-vis the mere right to fly the flag is regulated and controlled by two significant parliamentary enactments, namely, the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971.

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90. For the aforesaid reason, we hold that: (i) Right to fly the National Flag freely with respect and dignity is a fundamental right of a citizen within the meaning of Article 19(1)(a) of the Constitution of India being an expression and



manifestation of his allegiance and feelings and sentiments of pride for the nation. (ii) The fundamental right to fly the National Flag is not an absolute right but a qualified one being subject to reasonable restrictions under clause (2) of Article 19 of the Constitution of India. (iii) The Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971 regulate the use of the National Flag. (iv) Flag Code although is not a law within the meaning of Article 13(3)(a) of the Constitution of India for the purpose of clause (2) of Article 19 thereof, it would not restrictively regulate the free exercise of the right of flying the National Flag. However, the Flag Code to the extent it provides for preserving respect and dignity of the National Flag, the same deserves to be followed. (v) For the purpose of interpretation of the constitutional scheme and for the purpose of maintaining a balance between the fundamental/legal rights of a citizen vis-à-vis, the regulatory measures/restrictions, both Parts IV and IV-A of the Constitution of India can be taken recourse to.”

5. It is clear from the aforesaid conclusions that the right to fly the National Flag freely with respect and dignity has been held to be a fundamental right of the citizens within the meaning of Article 19(1)(a) of the Constitution of India, though, it is neither unfettered nor untrammelled. Thus, any citizen or an institution which flies the National Flag within the confines of what has been held in **Naveen Jindal** (*supra*), including BCCI, cannot be questioned.

6. So far as the contention of the petitioner that Doordarshan and All India Radio continue to refer to the team selected by BCCI as ‘Team India’ or ‘Indian National Team’ implicitly inferring national status on a private association is concerned, we are of the opinion that such contention is not tenable. No doubt, BCCI is not a “State” or a “Statutory Body” within the meaning of Article 12 of the Constitution of India and this issue is no more *res integra* in view of the judgment of the Hon’ble Supreme Court in **Zee Telefilms Ltd. vs. Union of India: (2005) 4 SCC 649**. It is also correct that BCCI is not even a national sports association nor is cricket a game which has been identified for support by the Ministry of Youth Affairs and Sports under



the Scheme of Assistance to National Sports Federations (NSFs). The team which is selected by the BCCI to play against teams of other countries may not be a team selected by the Government or any of its statutory bodies or authorities, but that by itself would not mean that the team so selected does not represent India as a country in international sphere. It is common knowledge that these sports persons who are selected to form the cricket team by the BCCI come from various States in India and one can construe that the team would represent various States of India. Cumulatively, the team would, in effect, not only reflect the unity and diversity of India but also espouse the collective emotion of the whole country when the said team plays against other teams in the international sphere. Thus, viewed in that context, the team which represents India may be coined as 'Team India' or the 'Indian National Team'. We do not see any reason to infer from the aforesaid situation that BCCI has usurped the concept of 'Team India' or 'Indian National Team' and quite the opposite, the said team irrefutably represents the whole of India. In that view, the apprehension or the fear of the petitioner that the BCCI, being purely a private body, is usurping or projecting itself as a Government recognized body or that the team selected by it cannot be 'Team India', is largely imaginative and unsubstantiated.

7. For the aforesaid reasons, we do not find any merits in this Public Interest Litigation and the same is dismissed without any order as to costs.

8. Pending applications, if any, also stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

OCTOBER 8, 2025/yrj/rl