

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

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ISSN

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THE VINESH PHOGAT CASE AT THE 2024 PARIS OLYMPICS: A COMPREHENSIVE LEGAL ANALYSIS

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Abstract

The Vinesh Phogat case at the 2024 Paris Olympics provides a compelling study of sports arbitration, focusing on eligibility and procedural fairness in Olympic wrestling. This essay meticulously examines the events leading to Phogat's disqualification from the Women's Freestyle 50 kg final due to a minor weight exceedance during the final weigh-in. It delves into the procedural intricacies, including the weigh-in process, the disqualification, and the appeal mechanisms, while analyzing the legal framework governed by the CAS Ad hoc Rules and Swiss Private International Law Act (PILA). The case underscores the strict application of the United World Wrestling (UWW) regulations, highlighting the lack of tolerance for weight deviations and the implications for athletes' eligibility. Through a detailed legal analysis, this essay explores the broader implications for sports arbitration and regulatory adherence, emphasizing the necessity for precise rule compliance and the role of arbitration in maintaining competition integrity.

Introduction

The case of Vinesh Phogat at the 2024 Paris Olympics serves as a notable example of the intricacies involved in sports arbitration, particularly in relation to eligibility and procedural fairness. This essay provides a detailed examination of the case, outlining the key facts, procedural developments, and significant legal issues that arose during the Olympic wrestling tournament. Through this analysis, we aim to understand the broader implications of the case for sports arbitration and regulatory adherence.

Background of the Case

Vinesh Phogat, a renowned Indian wrestler, was poised to compete in the final of the Women's Freestyle 50 kg category at the 2024 Paris Olympics on August 7, 2024. Phogat's performance throughout the competition had garnered considerable attention, with expectations high for her potential to secure a silver or gold medal. Despite a promising start, unforeseen complications emerged that would ultimately affect her standing in the competition¹.

Weigh-In Procedures

The weigh-in procedures for Olympic wrestling are critical to ensuring fair competition. On August 6, 2024, Phogat underwent her initial weigh-in at 7:30 AM Paris time, where she weighed in at 49.9 kg, comfortably within the 50 kg limit for her category. This successful weigh-in confirmed her eligibility for the upcoming final.

However, on the morning of August 7, 2024, Phogat faced a critical challenge during the second weigh-in. Her weight was recorded as 150 grams over the 50 kg limit. After a brief 15-minute interval, her weight was re-measured and found to be 100 grams over the limit. According to United World Wrestling (UWW) regulations, which stipulate that the weigh-in machine is calibrated daily by the Paris Olympic officials, this minor excess led to her disqualification from the final.²

Disqualification and Appeal

Phogat received a disqualification notice at 9:11 AM on August 7, 2024, due to her failure to meet the weight requirement during the second weigh-in. In response, Phogat challenged the decision, arguing that the excess weight was minimal and could be attributed to physiological factors such as water retention or the pre-menstrual phase. She submitted an application at 4:45 PM on the same day, seeking several forms of relief, including the annulment of the disqualification, the opportunity to remain eligible for a silver medal, a re-weighing before the finals, and eligibility to participate in the final match scheduled for 6:15 PM.

¹ Sports Desk, H. (2024) Why was Vinesh Phogat's Olympic silver-medal plea rejected? CAS releases full 24-page verdict on weigh-in fiasco, Hindustan Times. Available at: <https://www.hindustantimes.com/sports/olympics/why-was-vinesh-phogat-paris-olympics-silver-medal-plea-rejected-cas-releases-full-verdict-weigh-in-fiasco-101724085909426.html> (Accessed: 20 August 2024).

² *Vinesh Phogat v. United World Wrestling & IOC* (2024). Available at: https://www.tas-cas.org/fileadmin/user_upload/OG_24-17_Award__for_publication_.pdf (Accessed: 19 August 2024).

However, the absence of a request for provisional measures delayed the appointment of the Sole Arbitrator until August 8, 2024. By this time, the final competition had concluded, and medals had already been awarded. Consequently, Phogat withdrew her requests for re-weighing and participation in the final, focusing her efforts on overturning the disqualification decision.

Legal Framework

The arbitration process in this case is governed primarily by the CAS Ad hoc Rules and the Swiss Private International Law Act (PILA). The CAS Ad hoc Rules, enacted by the International Council of Arbitration for Sport (ICAS) on October 14, 2003, and amended on July 8, 2021, provide the procedural framework for resolving disputes arising from major sports events like the Olympics. These rules ensure that arbitration proceedings are conducted in a structured manner, with Lausanne, Switzerland, designated as the seat of the Ad hoc Division and its panels of arbitrators.

PILA, established on December 18, 1987, serves as the legal foundation for arbitration proceedings in this context. Article 17 of the CAS Ad hoc Rules mandates the application of PILA, which provides the legal underpinnings for the arbitration process. Article 16 of the CAS Ad hoc Rules grants the Sole Arbitrator the authority to establish the facts relevant to the application, ensuring that all pertinent details are considered in the arbitration process.³

Merits of the Case

The central issue in Phogat's case is her eligibility to compete in the finals of the Women's Freestyle 50 kg category. Despite clear evidence that Phogat exceeded the weight limit during the final weigh-in, the case hinges on the precise application of the UWW Rules.

The UWW Rules stipulate daily weigh-ins for each weight category, with a final weigh-in on the day of the finals or repechages. These rules explicitly prohibit any weight tolerance for the final weigh-in, emphasizing the importance of strict compliance. Article 11 of the Rules outlines the weigh-in procedures, indicating that only athletes competing in the finals must weigh in on the final day. This regulation underscores that no tolerance is allowed for the

³ *Ad hoc divisions (2024) Ad hoc Divisions - Tribunal Arbitral du Sport / Court of Arbitration for Sport.* Available at: <https://www.tas-cas.org/en/arbitration/ad-hoc-division.html> (Accessed: 18 August 2024).

weight limit, and failure to meet the limit results in elimination.⁴

The UWW's adherence to these regulations highlights the importance of precise compliance. Phogat's weight was slightly over the limit, but the rules do not accommodate any excess. The case focuses on the current regulations governing the competition, rather than considering weight tolerance practices from other sports or previous rule versions.

The Indian Olympic Association's suggestion that Rule 59 of the Olympic Charter should apply is rejected. Rule 61 of the Olympic Charter affirms the jurisdiction of CAS, with the UWW regulations being the applicable rules for this case. This reinforces the necessity of adhering to the specific regulations set forth for the event⁵.

Weight Compliance

In Phogat's case, the failure to comply with the weight limit during the second weigh-in raises several factors and arguments. According to Article 11 of the UWW Rules, weigh-ins are conducted each morning for relevant weight categories, with a crucial second weigh-in scheduled for wrestlers in the finals or repechages. Failure to meet the weight limit during either weigh-in results in elimination from the competition and a ranking of last.⁶

Phogat's weight was confirmed to be 100 grams over the limit during the second weigh-in. The documentation indicated that her weight was recorded as "NO" and lacked a signature, suggesting she failed the weigh-in. Despite initial questions about the accuracy and procedures of the weigh-in process, these issues were not pursued further after oral evidence was presented.

Several reasons were provided by Phogat and the Indian Olympic Association (IOA) for the weight limit failure. Phogat cited the physical demands of competing in three matches on August 6, which necessitated eating and drinking for health. Additionally, logistical challenges between the venue and the Athletes' Village limited her time for weight management before the second weigh-in.

⁴ *International Wrestling Rules*. Available at: https://uww.org/sites/default/files/2019-12/wrestling_rules.pdf (Accessed: 18 August 2024).

⁵ *Olympic charter*. Available at: <https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf> (Accessed: 18 August 2024).

⁶ *Supra note 4*, at pg. 9

A medical certificate indicated that Phogat was in a pre-menstrual phase, which could contribute to weight fluctuations due to fluid retention. However, evidence suggested that these physiological factors did not significantly impact the weight measurement. The rules require athletes to account for such factors and maintain their weight below the limit.

The IOA argued that minor discrepancies in weighing scales, potentially caused by environmental factors such as temperature or humidity, might have affected the weight measurement. However, this argument was speculative and lacked quantifiable evidence. Phogat's claim that adhering to the weight limit compromised her bodily integrity was countered by the fact that she had chosen the 50 kg category and had previously met the weight requirements successfully.⁷

Rule Construction and International Tournaments

The athlete and the IOA contended that Article 8 of the UWW Rules, which allows a 2 kg weight tolerance for International Tournaments, should apply to the Olympic Games as an International Tournament. However, the rules differentiate between "international competitions" and "International Tournaments," with the latter referring to specific events listed in the UWW calendar and not including the Olympic Games.⁸

The Sole Arbitrator concluded that the 2 kg tolerance specified in Article 8 does not apply to the Olympic Games. This interpretation is supported by the distinction in terminology and the clear statement in Article 8 that no weight tolerance is allowed for the second weigh-in. Consequently, Phogat was required to meet the strict 50 kg limit for the final weigh-in, and her failure to do so resulted in her disqualification.

Interpretation of "No More Weight Tolerance" in Article 8

Article 8 of the rules specifies that weight tolerance is no longer permitted for the second weigh-in, except for events explicitly listed. The term "no more" indicates that weight tolerance is no longer allowed for the second weigh-in. This interpretation clarifies that previous rules allowing a general 2 kg tolerance do not apply.

⁷ *Supra* note 2, at pg. 10

⁸ *Supra* note 4, at pgs. 9-12

Consequences of Failing the Weigh-In as per Article 11

Article 11 states that failure to attend or pass the weigh-in results in elimination from the competition and a ranking of last, without any rank. The Sole Arbitrator emphasized that this rule applies uniformly and does not allow for interpretation based on fairness or equity. The failure to meet the weight limit affects the entire competition, not just the final round. The Arbitrator cannot alter the rules or apply general principles of equity, as the rules do not allow discretion.⁹

Applicability of Article 11 to Female Wrestlers

Despite Article 11 using "he," the Sole Arbitrator determined that this pronoun is used generically and applies to all wrestlers, including females. The rules are not intended to exclude female wrestlers, and the consequences outlined in Article 11 apply equally to them.

Ineligibility vs. Sanction

A finding of ineligibility due to failing the weigh-in is not considered a sanction but a consequence of not fulfilling eligibility requirements. This distinction is important as sanctions are typically associated with penalties for wrongdoing, which is not the case here.¹⁰

Proportionality and Application of Consequences

Although the consequences for a failed weigh-in may seem harsh, the Sole Arbitrator must apply the rules as they stand. There is no provision for discretion or proportionality in the rules regarding ineligibility. The rules dictate that failing the weigh-in results in elimination from the entire competition, not just the final round.¹¹

Additional Considerations

The arguments presented by Phogat and the Indian Olympic Association (IOA) regarding ambiguities in the rules and claims of loss of acquired rights were thoroughly examined but ultimately dismissed by the Sole Arbitrator. The rules governing the weigh-in procedures and eligibility are designed to be clear and unambiguous, ensuring that all athletes are held to the

⁹ *Supra* note 4, at pg. 14

¹⁰ *Supra* note 2, at pg. 18

¹¹ *Supra* note 2, at pg. 19

same standards. The assertion that Phogat's situation constituted a breach of legal certainty or an infringement on acquired rights was not upheld, as the rules require athletes to maintain their eligibility throughout the competition.

The Sole Arbitrator emphasized that the rules are unequivocal in their stipulation that athletes must meet the weight limit for the final weigh-in. The claim that the rules should accommodate individual circumstances or deviations based on fairness was rejected. The responsibility to adhere to the weight requirements lies with the athlete, and the application of the rules must be consistent to maintain the integrity of the competition.

Relief Sought by the Applicant: Request for Silver Medal

Phogat's primary request was for the overturning of the disqualification decision and the awarding of a silver medal. She argued that since the disqualification occurred due to a minor exceedance of the weight limit, she should be considered for a silver medal, given her performance up to that point.¹²

IOC's Position

The International Olympic Committee (IOC) contended that since Phogat did not participate in the final match due to her failure in the second weigh-in, she was not eligible to claim a silver medal. The IOC maintained that the Sole Arbitrator lacked the authority to grant such relief and that the awarding of medals is under the exclusive purview of the IOC.

Sole Arbitrator's Findings

The Sole Arbitrator concurred with the IOC's position, affirming that the authority to award medals rests with the IOC, not with the Sole Arbitrator. The rules governing the competition and the disqualification process do not provide for the award of a silver medal in the event of a weigh-in failure. Article 11 of the UWW Rules clearly states the consequences of failing the weigh-in: elimination from the competition and being ranked last, without any rank. There is no provision within the rules to accommodate personal circumstances or to adjust the weight limit for individual situations.

Application of Article 11: No Personal Tolerance

The Sole Arbitrator reinforced that the rules specify a strict weight limit with no tolerance for

¹² *Supra* note 2, at pg. 21

personal circumstances. Phogat's request to adjust the weight limit due to her specific situation was not supported by the rules. The strict adherence to the weight limit is integral to maintaining the fairness and integrity of the competition, and the rules do not allow for deviations based on individual circumstances.

Impact on Medal Allocation

Phogat's failure to meet the weight limit during the final weigh-in precluded her from receiving a silver medal. The rules require ongoing eligibility throughout the competition, and failing to meet the weight limit results in elimination from the entire competition. As a result, the Sole Arbitrator determined that Phogat's disqualification and subsequent ineligibility for a silver medal were consistent with the established regulations.

Conclusion

The Sole Arbitrator ultimately denied Phogat's request for a silver medal and dismissed her application. The ruling underscored the importance of adhering to the established rules and regulations governing the competition. The failure to meet the weigh-in requirements resulted in Phogat's elimination from the competition, and her request for a silver medal was deemed unfounded based on the clear provisions of Article 11 of the UWW Rules.

The CAS Ad hoc Division's services are provided free of charge, and each party is responsible for bearing its own costs. No specific costs or legal fees were requested by the parties in this case.

The Vinesh Phogat case highlights several critical aspects of sports arbitration and regulatory compliance. It underscores the necessity for athletes to adhere strictly to competition rules, particularly in high-stakes events such as the Olympics. The case also reflects the role of arbitration in ensuring that disputes are resolved fairly and according to the established rules. The ruling reinforces the principle that adherence to competition rules is paramount and that deviations based on personal circumstances cannot be accommodated within the framework of established regulations. This decision serves as a precedent for future cases involving similar issues of eligibility and procedural fairness, emphasizing the importance of consistency and clarity in sports regulations.

In conclusion, the Vinesh Phogat case at the 2024 Paris Olympics exemplifies the complex interplay between sports regulations and arbitration. It illustrates the challenges faced by athletes in meeting strict eligibility criteria and the role of arbitration in upholding the integrity of sports competitions. The case serves as a reminder of the critical importance of regulatory adherence and the need for clear and consistent application of rules in the world of competitive sports.

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