

## ARTICLE

# Athlete Responsibility vs. Procedural Fairness: A Legal Examination of Vinesh Phogat's Disqualification

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The Court of Arbitration for Sport (CAS) case involving Vinesh Phogat, a prominent Indian wrestler at the 2024 Paris Olympics, serves as a significant precedent in sports law emphasizing the importance of strict adherence to competition rules. Phogat was disqualified from the Women's Freestyle 50 kg final after failing the second weigh-in by a margin of 100 grams. Despite her appeal, the CAS upheld her disqualification citing the clarity of United World Wrestling (UWW) rules and the necessity of maintaining consistency and fairness in competition.

The dispute revolved around Article 11 of the UWW Rules which prohibits any weight tolerance for the second weigh-in. Phogat argued that her marginal weight excess was influenced by physiological factors including pre-menstrual water retention and asserted that such biological realities should be considered in applying the rules. However, the Sole Arbitrator concluded that these factors while natural cannot excuse non-compliance with weight requirements as they fall within the professional responsibilities of experienced athletes.

The CAS decision reiterates the principle that athletes are responsible for complying with competition rules regardless of mitigating circumstances. Article 7 of the UWW Rules was pivotal in this regard as it states that athletes voluntarily participate in their chosen weight category and bear full responsibility for meeting the associated requirements. As an experienced wrestler Phogat was found to have understood the rules and made efforts to comply yet ultimately failed to meet the criteria.

While the CAS ruling underscores the importance of strict liability and consistency in sports regulations it also raises questions about the balance between fairness and rigid rule enforcement. Moreover, the case highlights the challenges faced by athletes in competitions where natural biological processes like menstruation intersect with stringent weight requirements.

**Keywords:** Paris Olympics; Sports law; Court of Arbitration for Sport (CAS); United World Wrestling (UWW); United World Wrestling (UWW); Court of Arbitration for Sport (CAS); Sports law

## Introduction

The world of international sports is a complex web of rules, regulations, and adjudicatory bodies. All these aim to ensure fair play and integrity in competition. However, this can result in a dramatic and controversial outcome when these regulations collide with the high stakes of the Olympic Games. A recent example of this is the disqualification of Indian wrestler Vinesh Phogat from the 2024 Paris Summer Olympics finals. The Court of Arbitration for Sport (CAS)'s decision in the case of *Vinesh Phogat v. United World Wrestling & International Olympic Committee*<sup>1</sup> has sparked debate within the realms of international sports law.

The Olympic Games are more than just a sporting event. They are a global spectacle in which athletes from across the world compete at the highest level. The stakes are immense not only in terms of national pride but also for the athletes personally. They strive to achieve what is often the pinnacle of their sporting careers. The rules governing these games are intended to be uniformly applied to all athletes in order to ensure a level playing field. However, the rigidity of these rules can sometimes lead to contentious outcomes. This is especially true when an athlete's eligibility to compete is at stake. In the case of Vinesh Phogat, the dispute stemmed from her disqualification due to a minor infraction of the weight limit for her category.

Phogat, who was on the brink of securing a medal, was disqualified for exceeding the weight limit in her 50 kg weight category by 100 grams during the weigh-in before the finals. The CAS ruling maintained the disqualification. While the infraction might seem negligible, that is, just 100 grams over the 50 kg limit, the consequences were severe as this led to her exclusion from the final match and the loss of a potential Olympic medal. This decision has significant implications as to how sports law is interpreted especially regarding the severe enforcement of competition regulations and athlete rights.

## Background

In wrestling, bouts in each weight category are held over two days. In order to ensure wrestlers are not overweight in their category, the weigh-in takes place in the morning before the events begin. On the second morning, only the wrestlers participating in the repechages and finals must come for the weigh-in. This weigh-in lasts for 15 minutes and wrestlers have the right to get on the scale as many times as they wish.

On 6 August 2024, the first official weigh-in was conducted wherein Phogat met the required weight at 49.9 kg following which she fought and won three competitions on that day. Vinesh Phogat was set to compete in the final of the Women's Freestyle 50 kg category on 7 August 2024. The outcome of this event was of significant importance; it would determine whether she secured a gold or silver medal. However, during the second-day weigh-in on the morning of 7 August 2024, she was found to be 150 grams over the limit. After a 15-minute reprieve, she still exceeded the limit by 100 grams. As a result, the United World Wrestling (UWW) issued her a disqualification notice at 9:11 (Paris time).

This decision was challenged by Phogat, who submitted the application at 16:45 (Paris time). While no provisional measures were sought, she did request specific relief. Firstly, she sought the annulment of the challenged decision and all of its consequences. Secondly, she requested to remain eligible and qualified for the award of her silver medal. Lastly, she called for a re-weighing prior to the finals and requested to be eligible and qualified to participate in the finals scheduled for 7 August 2024 at 18:15 (Paris time). However, this request was later withdrawn after the finals had taken place. The sole Arbitrator, Hon. Dr. Annabelle Bennett, was appointed to preside over the case.

## Role of the Court of Arbitration for Sport (CAS)

International sports law plays a crucial role in resolving disputes that arise during global events. The Court of Arbitration for Sport (CAS) serves as the supreme judicial body in these matters. It provides a neutral platform where athletes and sports federations can seek redress. CAS operates under the principles laid down by the Olympic Charter and other international sporting regulations. It ensures that the rules are applied consistently and fairly. The CAS is empowered by Rule 61 of the Olympic Charter to resolve disputes arising during the Olympic Games. This includes those disputes related to field-of-play decisions such as weigh-ins. Such cases often involve balancing the strict application of sports rules with considerations of fairness and equity for athletes.

In this case, the CAS was confronted with a delicate balance between upholding the integrity of the competition rules and addressing the athlete's concerns about the fairness of her disqualification. The Arbitrator's decision to uphold the disqualification was grounded in a strict interpretation of the rules. It reflects that the regulatory framework in place was clear and applied uniformly. Thus leaving little room for discretionary adjustments based on individual circumstances.

## Legal Grounds for Disqualification

The CAS decision turned on the interpretation of Article 11 of the United World Wrestling International Wrestling Rules 2023<sup>2</sup> titled "Weigh-in." This rule explicitly states that no weight tolerance is allowed. Any wrestler who fails the weigh-in, either on the first or second day, must be disqualified and ranked last without a rank. This strict interpretation of the rules was central to the UWW's decision to disqualify Phogat. The Sole Arbitrator emphasized on the precise wording of Article 11 stating that it provides no flexibility for minor weight excesses. This meant that despite the marginal nature, even a 100-gram excess above the 50 kg weight category resulted in disqualification, as no discretion was provided for.

Furthermore, Article 7 of the rules outlines the weight categories for wrestling competitions, with the 50 kg category being the lowest weight class for female wrestlers. This article provides no ambiguity about the required weight for each category. Moreover, Article 8, titled "Competition System," explains the two-day competition structure and underlines that a second weigh-in is required for wrestlers competing in the finals. This article permits a 2 kg tolerance for certain international tournaments. Still, the Sole Arbitrator clarified that this does not apply to the Olympic Games as Olympic competitions are distinct from other tournaments.

## Arguments Presented by Vinesh Phogat

Phogat's case was built on several arguments challenging the fairness and appropriateness of the disqualification. Her primary argument centered around the "minimal nature" of her weight excess (100 grams) and the physiological reasons that provided an explanation for it. She argued that the 100-gram excess on the day of the final was a byproduct of normal recovery processes. These included water retention during the pre-menstrual phase, increased muscle mass from competing, or necessary food intake for recovery. She stated that she needed to rehydrate and then went into her weight loss procedure as best as she could but did not succeed. Adding to this, the Indian Olympic Association (IOA) produced a medical certificate stating Vinesh was in her "pre-menstrual phase." They argued that the biological differences between male and female wrestlers should be considered in the decision, especially considering the effects of menstruation on women.

She emphasized the principle of proportionality, stating that the consequences of her disqualification were disproportionately harsh given the minimal excess in weight did not account for the principle of fairness in sports. Furthermore, Phogat's legal team contended that the strict application of the weigh-in rule without considering individual circumstances, such as the small margin of excess and the physiological factors involved, violated her rights as an athlete.

Phogat also raised concerns about the procedural aspects of the weigh-in process. She pointed out that the referee overseeing the weigh-in did not record her exact weight. He merely marked her as “NO” on the list of athletes who weighed in that morning. She argued that this indicated a lack of transparency and fairness in the process. The IOA also claims that the weighing machine, when empty, registered a weight of 50 grams, which accounted for half of the excess weight recorded. Vinesh’s legal counsel also cited logistical challenges, including the distance between the wrestling venue and the Athletes Village and the tight scheduling between bouts, as one of the key reasons for Phogat’s inability to maintain the weight requirement.

Moreover, Phogat submitted that athletes from diverse backgrounds had insufficient explanations and levels of understanding of the procedures. Phogat and the IOA also raised a number of arguments based on the construction of the Rules, stating that they are not clearly drafted and that some of the wording could bear different constructions when considered out of context.

### **Arguments Raised by UWW and IOC**

The UWW and IOC maintained that the rules governing the competition were clear and had been uniformly applied to all athletes. Article 11 of the UWW International Wrestling Rules explicitly states that no weight tolerance is allowed. Any failure to meet the weight requirement results in disqualification and ranking last without a rank. Furthermore, it was argued that the weigh-in process was conducted according to the established procedures and that the scales used were properly calibrated by Paris Olympic officials. They contended that Phogat’s disqualification was not a field-of-play decision but a matter of eligibility. It was determined based on objective criteria, her weight.

The respondents also emphasized the importance of consistency in the application of competition rules. They argued that allowing exceptions based on individual circumstances would undermine the integrity of the competition and create ambiguity in the enforcement of the rules. Lastly, the UWW pointed out that the rules did not provide for any discretion regarding the weight limit. They argued that the rules were designed to be strict to ensure fairness and that any deviation from this approach would set a dangerous precedent.

### **The CAS Decision**

The CAS decision, delivered on August 14, 2024, upheld UWW’s disqualification of Vinesh Phogat. The Sole Arbitrator ruled that the relevant rules were clear and that the application of these rules in Phogat’s case was appropriate and consistent with the principles of fairness in competition. The CAS also dismissed Phogat’s request for equitable relief including the award of a second silver medal. To that end, the Arbitrator ruled that such relief was not supported by the rules and that the CAS had no authority to alter the outcomes based on equitable considerations.

While acknowledging the severity of the consequences for Phogat, the Sole Arbitrator stated that the strict application of the rules as they are written was necessary to maintain consistency and fairness across the competition. Article 11 of the UWW Rules governing the weigh-in process was deemed to be unambiguous leaving no room for interpretation or discretion. The Arbitrator ruled that any deviation from these rules, even by a small margin, would be contrary to the principles of fair play and would undermine the very integrity of the competition. The Arbitrator further rejected the argument that Phogat’s rights as an athlete were violated given that the rules were applied uniformly and without discrimination.

The first observation was regarding the procedural concerns raised by Phogat wherein the CAS found that the process followed by UWW was in line with the established procedures. The lack of a recorded weight, while noted, was not considered sufficient to invalidate the weigh-in or the subsequent disqualification. Countering the argument regarding the faulty weight machine, the arbitrator stated that even if that was the case, it does not answer the problem that Phogat’s weight exceeded the permissible weight limit.

The second observation noted that the evidence concerning the effects of the menstrual cycle did not differentiate between the first weigh-in, where she was compliant, and the second weigh-in, where she was not. It was held that biological factors such as the menstrual cycle along with eating and drinking cannot be considered a justification for failing to comply with the weight requirements. These are normal physiological processes that experienced athletes are expected to manage as part of their professional responsibilities.

The Sole Arbitrator determined that Vinesh having “voluntarily” entered the 50 kg wrestling category was fully aware of the requirement to maintain a weight below 50 kg for competition. Article 7 of the Rules clearly states that each contestant participates of their own free will and is solely responsible for competing in the weight category corresponding to their official weigh-in weight. The fact that Vinesh made efforts to comply, both before and during the second weigh-in, utilizing the 15 minutes provided for a second attempt, is evidence that she understood the requirement to weigh under 50 kg. Moreover, Phogat, being an experienced wrestler who had previously competed under these rules provided no evidence to suggest a lack of understanding regarding the weight requirements.

The third observation was regarding the 2 kg tolerance allowed for certain events. The CAS clarified that this tolerance applies only to the World Cup, UWW Ranking Series Tournaments, and International Tournaments excluding UWW Ranking Events. The CAS ruling explicitly stated that Article 8, which permits a 2 kg tolerance, does not apply to international competitions such as the Olympic Games but to “International Tournaments,” a category distinct from the Olympics. The CAS emphasized that the distinction between “competitions” and “tournaments” is evident in UWW’s

rules and further clarified on their website which lists International Tournaments separately from the Olympic Games. Additionally, Article 8 clearly specifies that no weight tolerance is allowed for the second weigh-in of the competition, despite such allowances in other events.

Lastly, the Sole Arbitrator noted that the consequences appear to be severe as they do not result from any illegal or wrongful conduct by the athlete. According to her, a more equitable outcome would have been to limit the consequences to elimination from the specific round for which the Applicant was ineligible rather than applying the penalties to the entire competition in which she had previously been eligible. However, it is important to reiterate that the formation and validity of the UWW policy were not under consideration in this case, and no evidence or submissions were provided regarding the rationale behind such a policy.

### Implications of the Decision

The decision reinforces the principle of strict liability in sports. Athletes are held accountable for meeting all competition requirements regardless of intent or mitigating circumstances. This approach emphasizes the importance of clear and consistent rules but also raises questions about the flexibility of such rules in accommodating individual circumstances. The decision sets a precedent for how similar cases may be handled in the future, especially those involving eligibility criteria and procedural fairness.

The decision also serves as a call for potential reform in the way weight-class sports are regulated. The current approach which allows for no tolerance in weight measurements may need to be re-evaluated to ensure that it does not unfairly penalize athletes for minor infractions that do not confer any competitive advantage. On the other hand, it underscores the need for athletes and their teams to be fully aware of the regulations governing their sport and to take all necessary precautions to ensure compliance since even minor infractions can have serious consequences.

One of the broader themes that emerges from the decision is recognizing that athletes are not just competitors. They are human beings with complex physiological and psychological needs. The case raises important questions about the potential for flexibility within sports regulations to account for physiological variations that may impact an athlete's ability to meet these requirements. The CAS decision leaves little doubt that the current regulatory framework prioritizes consistency and fairness in competition over individual considerations.

Therefore, international sports law must continually evolve to address these challenges. It should ensure that while rules are applied consistently they also reflect the realities faced by athletes. This might involve introducing regulations that allow for minor deviations in cases wherein the infraction does not significantly impact the fairness of the competition.

### Conclusion

The legal dilemma at the heart of Phogat's case is a common one in international sports law, that is, the tension between strict compliance with the rules and the broader concept of fairness. On one hand, the rules governing weight classes in wrestling are clear and leave little room for interpretation. Any athlete exceeding the weight limit (even by a small margin) is subject to disqualification. This strict approach is intended to maintain the integrity of the competition and to ensure that no athlete gains an unfair advantage.

On the other hand, rigidly applying these rules can sometimes lead to disproportionate outcomes, especially when the infraction is minimal and does not significantly impact the fairness of the competition. In Phogat's case, the fact that she was only 100 grams over the limit and that this excess could be attributed to natural physiological factors raises questions about whether the punishment was too harsh for the infraction. The ruling also raised a moving question: should Vinesh's efforts and successes from the previous day not be honored?

For Phogat, the decision is a bitter disappointment marking the end of her Olympic medal hopes despite her exceptional performance. However, her case has brought critical issues in sports law to the forefront that may lead to future reforms and a re-examination of how rules are applied in high-stakes competitions. For athletes, this case is a crucial lesson in the importance of careful preparation and awareness of all regulatory aspects that could impact their performance in high-stakes events like the Olympic Games.

### Notes

<sup>1</sup> *Vinesh Phogat v United World Wrestling and International Olympic Committee* (Court of Arbitration for Sport, OG 24/17, 14 August 2024).

<sup>2</sup> United World Wrestling, *International Wrestling Rules* (2023), [https://cdn.uww.org/2023-01/wrestling\\_rules.pdf](https://cdn.uww.org/2023-01/wrestling_rules.pdf).

### Competing Interests

[[COMPETING INTEREST STATEMENT TO BE PROVIDED]]

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