

The Vinesh Phogat Case: Weigh-In Rules Draconian or Justified?

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Abstract

Indian wrestler Vinesh Phogat's disqualification from the Paris 2024 Olympics due to a failed weigh-in came as a shock to the entire nation. This case commentary shall examine the legal framework behind the Court of Arbitration for Sport's decision in rejecting Phogat's appeal for a joint silver medal. The significance of this case lies in the fact that it prompted sport regulatory bodies, litigators and academicians around the world to scrutinize the stringent and arguably inhumane nature of the wrestling regulations whereby athletes' physiological and psychological needs are compromised.² The interpretation of the United World Wrestling International Wrestling Rules 2023 was questioned, and the resulting decision helped elucidate the strict nature of the rules which allows for absolutely no deviance from the same on the part of wrestlers, even in the presence of mitigating factors or extenuating circumstances. Accordingly, this case commentary shall explore the detailed facts of the case, the applicable rules and the rationale applied by CAS in rendering its decision. The author shall conclude by providing an opinion on whether the United World Wrestling Rules were justified or merit a second glance for revising them, considering the draconian and overly harsh consequences that arose from their application.

Keywords

Vinesh Phogat, Wrestling, Indian Olympic Association, Court of Arbitration for Sport, United World Wrestling, International Olympic Committee.

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² The Hindu (2024).

1. Introduction

Vinesh Phogat is an Indian athlete, widely regarded as one of the finest wrestlers hailing from India.² She is a three-time Olympian, and has won three Commonwealth Games golds, two World Championships bronze medals and a gold medal at the Asian Games and the Asian Championships.³ She had also reached the Paris 2024 Olympics wrestling final, but was disqualified after failing a weigh-in on the morning of her gold medal match. This case commentary shall discuss the legal and regulatory aspects of Vinesh Phogat's disqualification and her subsequent appeal to the Court of Arbitration for Sport wherein she asked for a joint silver medal.

Phogat made history when she defeated defending Olympic champion Yui Sasaki of Japan in the opening round, and later on European champion Oksana Livach of Ukraine, before besting the reigning Pan American Games champion Yusneylis Guzman of Cuba in the semi-finals.⁵ She was set to become the first Indian woman to ever compete in a wrestling final at the Olympics, however, tragedy struck after she failed to pass the weigh-in on the morning of the gold medal bout against USA's Sarah Hildebrandt. She was competing in the women's 50kg category, and being found overweight by a mere 100 grams led to her disqualification from the event. Weigh-in is the systematic process which takes place in the morning before the beginning of the wrestling events to ensure that the wrestlers are not overweight in their category.⁴ In the event that a wrestler exceeds their weight limit at the weigh-in, they are immediately disqualified.

As per the statement given by Dr. Dinshaw Pardiwala, the Chief Medical Officer of the Indian Olympic Association (IOA), the process of weight cut involves a calculated restriction of food and water, along with sweating from exercises and sauna till the

² Ministry of Youth Affairs and Sports (2024).

³ Olympics, 'Vinesh Phogat – Biography'. ⁵ Olympics (2024).

⁴ Olympics (2024).

morning weigh-in.⁵ Further, since this weight-cut causes depletion of energy and exhaustion, the athlete is provided with a limited quantity of water and high-energy food after their weigh-in so that they may recover their energy.⁶ Intense exercise or competition also leads to athletes experiencing temporary weight gain due to exercise-induced inflammation and muscle growth.⁷ Since Phogat had three bouts, small amounts of water were given to her to prevent dehydration, however, this resulted in an increase in her postparticipation weight which she was unable to reduce through the process of weight cut employed by her nutritionist and team, despite drastic measures such as cutting off her hair, drawing blood, starving and not drinking water.¹⁰ After this gut-wrenching disqualification and exit from the Olympics, Phogat announced her retirement from the sport.¹¹

This entire situation prompted Phogat to challenge her disqualification before the Court of Arbitration for Sport, titled *CAS OG 24/17 Vinesh Phogat v. United World Wrestling & IOC*. The case was presented before the sole arbitrator Dr. Annabelle Bennett.

However, Phogat's application was dismissed on the grounds that United World Wrestling International Wrestling Rules 2023 were clear regarding the weight limit and there could be no exception provided to any participant regarding the same.⁸ This case commentary shall delve into the facts of the case to provide readers with a holistic summary of the issue at hand, along with the applicable law and rationale for the decision that was issued. Through an analysis of the CAS judgement, the author shall attempt to provide an opinion regarding the fairness and viability of these rules.

2. Facts of the case:

It is imperative to understand the exact chronology of events that led to Phogat's disqualification. She was due to compete in the final of the wrestling event at the Paris

⁵ Ibid.

⁶ Dey (2024).

⁷ Times of India (2024). ¹⁰

The Economic Times

2024) ¹¹ The Hindu

(2024).

⁸ SCC Times (2024).

2024 Olympics in the category of women's freestyle 50kg on 7 August 2024, which means that she would have won either the silver or the gold medal had she been able to compete.⁹ On 6 August 2024 at 7:30 hours (Paris time), an official weight verification ('weigh-in') was conducted on Phogat, with the result being 49.9 kg, post which she fought three competitions on the same day, meaning that she was well within the qualification of being under 50kg for those competitions.¹⁴

On the morning of 7 August 2024 for the purpose of the final, a second weigh-in took place in which she weighed 150 grams over the weight limit of 50kg. She was permitted by the United World Wrestling International Wrestling Rules 2023 to repeat that weighin after another 15 minutes, and since her weight was still 100 grams over the 50kg weight limit, she received a notice of disqualification at 9:11 hours (Paris time) on 7 August 2024, which prevented her from competing in the final.¹⁰

Phogat contended that since the amount of excess weight was only 100 grams, a tolerance should be applied considering the small amount of excess and the fact that the excess was explainable due to reasons of water retention and being in the pre-menstrual phase.¹¹ Consequently, she filed an application at 16:45 hours (Paris time) on 7 August 2024 seeking the following reliefs: setting aside of the disqualification decision, remaining eligible and qualified to be awarded a silver medal, requesting a weigh-in before the finals, and being eligible and qualified to participate in the finals at 18:15 hours on 7 August 2024. The sole arbitrator for this case was appointed on 8 August 2024 by which time the final had already been completed and medals for the same had been awarded, leading to modification of the reliefs sought whereby Phogat sought to be eligible for a joint silver medal.

3. Applicable Law

⁹ *Vinesh Phogat v. United World Wrestling & IOC*, CAS OG 24/17.

¹⁴ Sports Bureau (2024).

¹⁰ Ibid.

¹¹ Team Sportstar (2024).

Firstly, regarding the jurisdiction and admissibility of the dispute before CAS, Rule 61.2 of the Olympic Charter as provided below, is applicable:

“Any dispute arising on the occasion of, or in connection with, the Olympic Games shall be submitted exclusively to the Court of Arbitration for Sport (CAS), in accordance with the Code of Sports-Related Arbitration.”

Further, under Article 17 of the CAS Ad Hoc Rules, the Sole Arbitrator must decide the dispute “pursuant to the Olympic Charter, the applicable regulations, general principles of law and the rules of law, the application of which it deems appropriate”, and in this case the sole arbitrator determined that the applicable regulations for this case were the United World Wrestling International Wrestling Rules 2023 (“UWW Rules”).

Article 11 – Weigh-In of the United World Wrestling International Wrestling Rules 2023 (UWW Rules) being applicable in this case, relevantly provides the following:

“For all competitions, the weigh-in is organized each morning of the concerned weight category. The weigh-in and the medical control lasts 30 minutes.

The second morning of the concerned weight category only the wrestlers who participate in the repechages and finals have to come for the weigh-in. This weigh-in will last 15 minutes.

The only uniform allowed for the weigh-in is the singlet. No weight tolerance will be allowed for the singlet.

The referees responsible for the weigh-in must check that all wrestlers are of the weight corresponding to the category in which they are entered for the competition.

If an athlete does not attend or fail the weigh-in (the 1st or the 2nd weigh-in), he will be eliminated of the competition and ranked last, without rank (Exception: cf. Article 55 – Medical Service Intervention).”

In addition, Article 8 – Competition System of the United World Wrestling International Wrestling Rules 2023 relevantly provides the below:

“Each weight category is organized in two days. The draw takes place the day before the beginning of the category concerned at the latest.

The medical control and a first weigh-in will be held the morning of the concerned weight category. The qualified athletes for the finals and repechages will be weigh-in again the second morning of the concerned weight category. No more weight tolerance will be allowed for the second weigh-in.

2 kg weight tolerance is allowed for World Cup, UWW Ranking Series Tournaments and for the International Tournaments (Except UWW Ranking Events).”

According to the above UWW Rules, in cases where no weight tolerance applies, the athlete fails the weigh-in as soon as he/she is above the applicable weight limit.

4. Rationale and Decision given by the Court of Arbitration for Sport

Basis the aforementioned rules, the Court of Arbitration for Sport made certain observations in the present case. It noted that compliance with the UWW Rules regarding the weigh-in was necessary for the eligibility to compete. The Sole Arbitrator further noted that since this was a decision relating to eligibility, it was not a field of play decision and hence was admissible before it.

More importantly, the Sole Arbitrator observed that the UWW Rules provided for strict compliance with the weight categories, that is, as per the rules, the athlete must have ensured that her weight, including the singlet, was below the 50kg limit in order to be eligible. Further, the rules did not provide for any weight tolerance for the second weighin, which meant that the maximum weight for Phogat’s category was 50kg and no excess or tolerance was to be allowed, no matter how small the excess may be (in this case, 100 grams). While the IOA had submitted that it was unusual and unfair to apply such a small difference, the Sole Arbitrator opined that limits had to be set and applied as per the

UWW Rules, no matter how small. The Sole Arbitrator also held that the ‘broader standards’ of other competitions had nothing to do with the Olympic Rules, as the UWW Rules clearly stated that the weight tolerance was only for those other specified international competitions, and not the Olympics. This was because the construction of “International Tournaments” in Article 8 of the UWW Rules did not include the Olympic Games.

Additionally, since Article 11 of the UWW Rules clearly stated that any failure of the weigh-in would result in elimination from the competition and being ranked last without a rank, Phogat’s plea that she be awarded a silver medal for successfully reaching the final was held inadmissible. And while Phogat and the IOA presented a number of reasons before the Court of Arbitration of Sport for the failure of the second weigh-in, the Sole Arbitrator concluded that Phogat being an experienced athlete should have been cognizant of the rules and it was incumbent upon her to ensure that her weight does not exceed the specified limit.¹² The Sole Arbitrator did not attribute any wrongdoing to Vinesh Phogat, but held that the disqualification was a rightful consequence of failing the weigh-in.¹³

Therefore, the application filed by Vinesh Phogat was dismissed by the CAS Sole Arbitrator, and since there was no basis on which the sole Arbitrator could grant the relief of awarding a second silver medal to Phogat, the relief sought was declined as well.¹⁴

5. Disqualifying Vinesh Phogat from the entire wrestling competition: Draconian or Justified?

The CAS Sole Arbitrator observed that Article 11 of the UWW Rules did not draw a distinction between failing a weigh-in at the beginning of a competition or after a wrestler has qualified for a number of rounds and reached the final. The IOA argued in Phogat’s favour, stating that the consequences of failing the weigh-in for that final round should

¹² India Today (2024).

¹³ Mukherjee (2024).

¹⁴ Kalidas and Kamath (2024).

not mean that Vinesh Phogat was ranked last in the whole competition, but rather that the consequences of the failed weigh-in should apply to the round for which that failure occurred, through which, Phogat could have been deemed to have reached but not competed in the final. Hence, the IOA's contention was that Phogat should only be ranked last for the round that she failed the weigh-in, that is ranked last for only the final and therefore still entitled to a silver medal. However, this contention was not accepted by the CAS Sole Arbitrator because this argument depended on interpreting the second day of competition (that is, the final) as a different competition from that of the first day. As per the UWW Rules, both days were one single competition – which meant that Phogat was to be ranked last for the entire wrestling competition at the Olympics. The International Olympic Committee pointed out that medals were awarded basis the competition rankings, and since Phogat was not ranked, she was not entitled to any medal. The Sole Arbitrator further stated that the bronze and silver medals had already been awarded and there was no provision in the UWW Rules to award a second silver medal.

It is worth noting that the CAS Sole Arbitrator opined that the consequences of the failed second weigh-in (Phogat's disqualification from the Olympics) were draconian as they did not arise from any illegal or wrongful act on the part of Phogat; and that a fairer solution would have been to eliminate Phogat without ranking from the round for which she was found ineligible (that is the final) and not for all the previous rounds which she had completed as an eligible athlete.¹⁵ However, as per the UWW Rules, any rights that Phogat had acquired by reason of competing in the rounds of the competition (such as medals) were conditional upon her maintaining eligibility until and including the weighin for all days on which her rounds took place, including the final. Since the formation and validity of the UWW policy behind the UWW Rules did not fall under the scope and purview of the CAS Sole Arbitrator, no solution or relief could be found for Vinesh Phogat's case.

From the above, it can be gathered that the onus is on UWW to revisit its rules to make them fairer and more viable for athletes. Possible solutions include: one day weigh-ins as

¹⁵ *Vinesh Phogat v. United World Wrestling & IOC*, CAS OG 24/17.

opposed to two-day weigh-ins to reduce the health risks associated with weight cuts, extending the 2kg weight allowance provision to the Olympic Games, staggered weigh-ins for different wrestlers (that is for wrestling finalists competing in the late evening session – such as Vinesh Phogat – holding afternoon weigh-ins instead of morning weigh-ins), conducting studies on women’s physiology for each Olympic weight class, and ensuring that the punishment for failing weigh-ins is proportional to the offence (and not resulting in an Olympic finalist walking away empty-handed!).¹⁶

6. Conclusion

Basis a critical analysis of Vinesh Phogat’s case, it can be concluded that the decision rendered by the Court of Arbitration for Sport was wholly accurate and justified. There was no ambiguity in the application of the UWW Rules, as the rules clearly stated the maximum permissible weight limit. However, a strong case can be made for changing the rules from a policy perspective. This is because the devastating consequences of this strict imposition of rules can be observed distinctly in the Vinesh Phogat case (her disqualification from a life-changing event, subsequent hospitalization for dehydration, and retirement). Further, since the UWW Rules do provide for a 2kg weight tolerance for other competitions, perhaps weight tolerance as a concept can be explored for the Olympics as well, especially in such nuanced cases wherein the excess weight is a very small figure and has arisen from reasonably plausible biological challenges such as water retention.

Moreover, certain studies have shown that when boxers engage in acute body mass loss practices before the official competition weigh-in, it does not appear to affect competition outcomes due to the weight regain between weigh-in and fighting; implying that weight may not always be the primary factor influencing success in boxing matches.¹⁷ Researchers have also criticized the typical boxing approach to reaching the weight categories via severe acute and/or chronic energy restriction and dehydration, on the grounds that such practices adversely affect physical performance and carry health risks

¹⁶ Menon (2024).

¹⁷ Reale et al (2017)

– recommending instead that a more gradual approach to making weight in professional boxing can be adopted through a combination of controlled energy intake and increased energy expenditure.¹⁸ Such studies are worth considering while exploring possible amendments to the rules and regulations of professional boxing.

Phogat and the IOA in their submissions raised reasons pertaining to the basic health and welfare of the athlete, contending that since she had fought three difficult competitions on 6 August 2024, she needed to eat and drink for her health and that there was very little time for her to complete the process of losing weight before the second weigh-in on 7 August 2024 due to the short time between her bouts and the distance between the Olympic Village and the venue for the final. Moreover, the IOA submitted that “the biological difference in the bodies of male and female wrestlers, particularly in light of the menstruation of women, needs to be taken into account whilst determining the eligibility of female wrestlers on the second day of the weigh-in”, to support their argument that the pre-menstrual phase caused fluid retention and bloating which led to Phogat exceeding the weight limit. Though all of these reasons were held to be speculative and unsupported by evidence by CAS, it is worth considering that these are all real challenges faced by female wrestlers. Hence, re-examining the UWW rules on humanitarian grounds to uplift the well-being of wrestlers would certainly be a worthy cause. In fact, the IOA did submit that these rules were inequitable and too severe, however since it was not upon the CAS Sole Arbitrator to make UWW policy, the CAS decision was given from a pure interpretation of the rules promulgated by the UWW. Thus, the author hopes that this case commentary may spark a discussion for re-evaluating the UWW rules from a policy perspective to ensure increased fairness for all athletes in the long-term.

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¹⁸ James P Morton et al (2010).

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