

INDIAN OLYMPIC ASSOCIATION

Olympic Bhawan, B-29, Qutub Institutional Area,
New Delhi – 110016

ELECTION COMMISSION

(For election of the Office Bearers and Members of the
Executive Council of IOA 2017 – 2021)

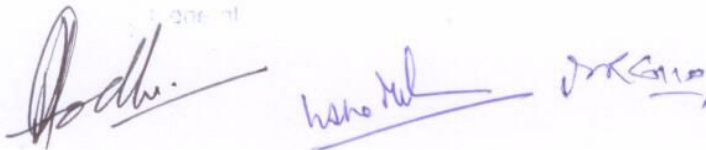
Proceedings of the Election Commission held on 11 December 2017

1. Ms. Shalini Kaul, Advocate representing Volleyball Federation of India and Mr. Swaminathan, advocate representing Mr. Avadhesh Kumar:

The Counsel on behalf of Mr. Avadhesh Kumar stated that the observations of Addl Distt. Judge are in his favour and he has to continue so long as the result is not declared in respect of the President and that if the election of VFI had been held in 2016 instead of 2017, Mr. Avadhesh Kumar would have got a chance to contest the same. On the other hand Ms. Kaul contended that the order of Additional District Judge has already been set aside by the Hon'ble High Court of Delhi vide order dated 27 April 2017 with the observation that the election of Volleyball Federation of India conducted on 11.4.2016 be declared by the Returning Officer but in respect of the post of the President be kept in a sealed cover. Thereafter elections were to be held on 1 May 2017. The result for the post of the President was also declared. However, the President elect has been directed not to assume charge as President until the pending Court proceedings are resolved. Even otherwise the term of Mr. Avadhesh Kumar as President had expired in July 2017.

In this matter, the Commission is of the view that as on today Mr. Avadhesh Kumar's name cannot be included in the Electoral College list. Therefore, the same may be removed and in view of the ineligibility, his nomination paper stands rejected.

2. Ms. Rajlaxmi Singh Deo, President of the Rowing Federation of India had objected to the inclusion of the name of Mr. Girish Phadnis (listed in Electoral College as No. 68). Now, vide letter dated 1 December 2017 she has withdrawn the objection against the inclusion of the name of Mr. Girish Phadnis.



3. Mr. Rakesh Thakran, alleging himself to be the Secretary General of Indian Amateur Boxing Federation, complained against the inclusion of names of Mr. Ajay Singh, Mr. Jay Kowli and Mr. Hemanta Kumar Kalita (listed in Electoral College No. 17, 18 and 19). The Indian Amateur Boxing Federation was disaffiliated by the Indian Olympic Association in their special general meeting held on 29.11.2017. Therefore, in view of the fact that the Boxing Federation of India is recognized by the International Boxing Association (AIBA). Therefore the complainant has no locus standi and therefore the complaint is rejected as per Olympic Charter.

4 Mr. Karate R. Thiagarajan, President of the Karate Association of India requested the inclusion of his name as President and Mr. Virat Vatcha as Treasurer, respectively, in the Electoral College representing Karate Association of India. We see no impediment in the same and is allowed.

5. Dr. S. Shantikumar Singh, Mr. D.S. Sibbal, Ms. Savita Marathe, Mr. K. Atmachandran, Mr. A Someshwar, Mr. Ashok Sahoo, Mr. Rana Khan, Mr. Kulwinder Singh, Mr. D. K. Bhattacharya and Mr. Nani Kojin jointly filed application objecting to the inclusion of Mr. Kaushik Bidiwala, Mr. Gian Singh and Mr. Sukhraj Singh (listed in Electoral College No. 35, 36 & 37). Dr. S. Shantikumar Singh was elected as Secretary General in the election held on 12 August 2015 as per the direction of the Delhi High Court. In that election Mr. Sudhakar Shetty was elected as President. On the other hand Mr. Gian Singh and others have contended that Dr. S. Shantikumar Singh was removed by the President and fresh nomination was made for the post of Secretary General.

We have considered the respective contentions and found no force in the contention of Mr. Gian Singh and others. No election has taken place after 12.8.2015. The President has no locus standi to remove Secretary General that too via nomination, as per the Constitution. The nomination of representatives No. 35, 36 & 37 has not been signed by the President and the Secretary General.

We accept the representation of Dr. S. Shantikumar Singh and the names of Mr. Kaushik Bidiwala, Mr. Gian Singh and Mr. Sukhraj Singh (listed in Electoral College No. 35,



36 & 37) be removed. The name of Dr. S. Shantikumar Singh be included in the Electoral College list as Secretary General of the Federation.

6. Mr. Deshmukh, stated to be the Secretary of Maharashtra State Amateur Aquatic Association, objected to the inclusion of name of Mr. V. D. Nanavati (listed in Electoral College No. 85) on the ground of him being above 70 years of age. As per the rules of the IOA, only the office-bearers have to be below the age of 70 years. Since the complaint is misconceived, it is rejected.

7. We have perused the complaint of Mr. Rajendra Palkar and six others and found the same is misconceived. It is rejected.

8. Mr. Rakesh Kaushik and Pratyush Kaushik advocates representing Mr. Yashpal Solanki and Mr. Mukesh Kumar in person:

Mr. Kaushik drew our attention to various provisions of the IOA. According to him, election of Mr. Mukesh Kumar as President of JFI was considered as invalid vide letter of Government of India dated 15 Oct 2016. The Govt. of India issued guidelines on the tenure and age of sports administrators. Therefore, according to him Mr. Mukesh Kumar could not have been elected for the third time. But Mukesh Kumar said that he became President not the Secretary General for the 3rd time and the said guidelines are to be applied in future elections and not retrospectively. Moreover, the High Court has now appointed a Returning Officer who has postponed the scheduled election. The date of the next election of JFI is not yet decided. Accordingly, Mr. Mukesh Kumar will continue as President of JFI.

However, the nominations of the representatives sent by JFI have not been signed by the President and Secretary General as required by rule 10(b) of the IOA Constitution. Therefore, the name of the representatives of JFI Mr. Mukesh Kumar, Mr. Man Mohan Jaiswal and Mr. Yeshbeer Singh (listed in the Electoral College No. 50, 51 & 52) be removed from the Electoral College list. Consequently, the nomination paper of Mr. Mukesh Kumar stands rejected.



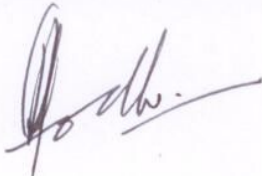
9. Mr. J.C. Pavan Reddy, General Secretary of Andhra Pradesh Olympic Association, raised the question of inclusion of names of other representatives Mr. Galla Jayadev and Mr. R. K. Pusrushotham of Andhra Pradesh Olympic Association in the Electoral College list.

After the bifurcation of Andhra Pradesh, the High Court of Andhra Pradesh directed State Olympic Committee to conduct the election of Andhra Pradesh Olympic Association and Telangana Olympic Association. In pursuance of the order of the High Court, elections of Andhra Pradesh Olympic Association and Telangana Olympic Association were held under the supervision of a retired High Court judge. Another faction of Andhra Pradesh Olympic Association held separate election to which the President of the IOA gave affiliation. The matter was agitated in the High Court of Andhra Pradesh, who directed the IOA to resolve the dispute by its own Arbitration Commission. The President of IOA on his own appointed arbitrators who were neither part of the standing IOA Arbitration Commission nor approved by the General Body. In consequence, the election held by the order of the High Court stands valid.

Being bound by that order of the High Court, the name of Mr. Galla Jayadev and Mr. R. K. Pusrushotham be removed and the name of Mr. C. M. Ramesh and Mr. J.C. Pavan Reddy, elected President and General Secretary of the Andhra Pradesh Olympic Association be included in the Electoral College list.

10. Mr. P. V. Rathee appearing in person objected to the inclusion of Haryana Olympic Association allegedly headed by Mr. Abhay Singh Chautala and others. According to him, there is a stay order from the Court of Panchkula dated 14 November 2013, stating that

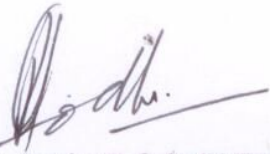
“the defendants are restrained from acting as office-bearers of the plaintiff Association, using the name of/ goodwill of the plaintiff Association, using the name of plaintiff Association for seeking or continuing affiliation and recognition with any government department or any national or international sports body using the name, banner and emblem or any document, etc of the plaintiff Association in any manner specially for conducting State Games or



representing the state of Haryana in the National or International Games, from participating in election of the governing body of the Olympic Association or inducting with any government department or any national or international sports body, from conducting and managing any sports event or games in Haryana state level or district level, from doing any acts in the name and style of Haryana Olympic Association or posing to anybody or authority or before IOA and from collecting, receiving any funds donations in money or in kind from anybody or public till the final decision of the case on merits."

The Counsel appearing for Mr. Abhay Singh Chautala contended that the order does not bind him, as the petition/ suit was not against him by name. Be that as it may, we see no force in his argument since the order of the Court specifically debar anybody other than the Association headed by Mr. P. V Rathee to represent Haryana Olympic Association. Consequently, we allow the petition of Mr. P. V. Rathee and the nomination of representatives sent by him, be included in the Electoral College list.

11. The request of Indian Golf Union (IGU) to replace the name of Maj Gen Bibhuti Bhushan with Col. H. S. Baidwan be permitted.


Mr. Justice R. S. Sodhi (Retd.)


Mr. Justice M.R. Calla (Retd.)


Mrs. Justice Usha Mehra (Retd.)

Copy to:

1. Indian Olympic Association
2. Returning Officer