

# SRINATH SRIDEVAN

## SENIOR ADVOCATE

No. 24, JUDGE JAMBULINGAM ROAD, JAGADAMBAL COLONY,  
DURGAPURAM, MYLAPORE, CHENNAI, TAMILNADU 600 004

PROCEEDINGS No 4 OF THE RETURNING OFFICER DATED 07.02.2024

SRINATH SRIDEVAN

Senior Advocate, Madras High Court

In Re Elections to the Rowing Federation Of India

Proceedings:

These proceedings are in relation to the communication dated 07.02.2024 received from the Punjab Olympic Association in relation to nominations by the Punjab Amateur Rowing Association for the forthcoming elections.

Under the Annexure XVIII Clause 4 of the National Sports Code the Electoral College is constituted as under:

**4. Electoral College:**

(1) Each Permanent Member State/Union Territory duly affiliated by \_\_\_\_\_ (abbreviation of Federation) as its Permanent Member shall have two votes at the elections of the Office Bearers and Managing Committee Members.

(2) For the purposes of sub-clause (1), each Permanent Member State/Union Territory shall be represented by two members authorised by the President or Secretary General/Secretary of the affiliated Permanent Member State/Union Territory; however, in case President/Secretary General / Secretary nominates different person(s), the person(s) authorised by the President shall be deemed to be the duly authorised person(s). Irrespective of the date.

**(3) Each Board or Institution duly affiliated by as its Permanent member under shall be represented by only one representative.**

(4) Each Permanent Member State/Union Territory and each Permanent Member Board/Institution shall intimate the name(s) of their representative(s) mentioned in sub-clauses (2) and (3), latest by \_\_\_\_\_ ( Day - 1 - e.g. 13<sup>th</sup> December, 2010); and such intimation shall be addressed to the President / Secretary General of \_\_\_\_\_ on their letter head duly signed by President / Secretary General / Secretary of that member unit, so as to reach him on or before the aforesaid date; any change in the name of any authorized representative after \_\_\_\_\_ ( Day - 1 e.g. 13<sup>th</sup> December, 2010) or any intimation received thereafter shall be permitted only with the approval of the President of \_\_\_\_\_

(5) The President / Secretary General of \_\_\_\_\_ shall prepare the list of the authorised representatives of the Member States/Union Territories /Boards/ Institutions in Form 1, and circulate a copy of the list so prepared by him to all Member States/Union Territories/Boards/Institutions, latest by \_\_\_\_\_ (Day - 2 - e.g. 14<sup>th</sup> December, 2010), by display, on the website of \_\_\_\_\_.

(6) The President / Secretary General shall also furnish a duly authenticated copy of the list mentioned in sub-clause (5) to the Returning Officer as soon as may be after his appointment by the President of \_\_\_\_\_ under clause (5) below.

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Therefore the issue which is repeatedly arising is whether a particular affiliated Association is making a valid nomination or not.

In my view the determination as to whether a particular association is making a valid nomination or not, can be divided into two categories:

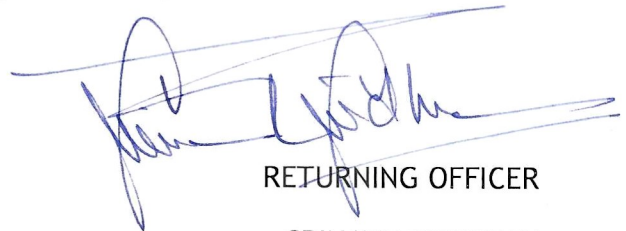
- i. Category I: There are cases where there is an issue as to whether a nominating association is in existence or not; whether the persons submitting the nomination are validly authorised to do so; and, all other cases which are intrinsic to the very eligibility/ competence of authorising body.
- ii. Category II: These are cases where the issue is whether the nomination are in proper form or are submitted within time; or are in compliance with the Election Guidelines.

In my considered view Rowing Federation of India will have to take a decision in relation to cases falling in Category I and the Returning Officer will take a decision in relation to Category II.

The issue relating to the Punjab Amateur Rowing Association falls into Category I and I see from the Electoral College List that has been published, that the Federation has made a determination.

In these circumstances the Electoral College List in Form I which has been uploaded must be taken to have been approved by the Rowing Federation. The nomination made by the Punjab Amateur Rowing Association with relation to Smt Maninder Kaur and Shri Jasbir Singh Gill, must therefore stand.

Dated this the 7<sup>th</sup> day of February 2024.



RETURNING OFFICER

SRINATH SRIDEVAN