

SRINATH SRIDEVAN

SENIOR ADVOCATE

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

PROCEEDINGS No 6 OF THE RETURNING OFFICER DATED 09.02.2024

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 08.02.2024 received from the Haryana Rowing Association, Himachal Pradesh Rowing Association and Delhi Rowing Association raising objections on list of Electoral College in Form 1 dated 06.02.2024 published by Rowing Federation of India.

I have also received a letter dated 08.02.2024 from the President, Rowing Federation of India responding in detail to the allegations raised by the Associations.

I have also referred to the comprehensive judgment of the Honourable Delhi High Court in the case of Rahul Mehra v Union of India (judgment dt. 16.08.2022 made in W.P.(C)No. 195 of 2010).

Some relevant paragraphs of the judgment are extracted below:-

52. The Sports Code has prescribed 70 years as the upper age limit for Office Bearers of NSFs. Largely, the sporting fraternity has accepted the same as a reasonable limit.

And further:-

114. Consequently, this Court is of the view that the Sports Code must be made applicable to every constituent of every NSF, including IOA as well as its constituents. This is conceded by Union of India in its affidavit dated 3rd October, 2012, wherein it is stated, "In response to para 17 it is submitted that the Government Guidelines of 1st May, 2010 are binding on the National Sports Federations recognized by this Ministry. Be that as it may, as a matter of Basic Principles of Good governance and International Best Practices including restrictions on age and tenure as mandated in the Olympic Charter, what is good for the parent NSF's including IOA should also be good for their Members State/District Level Federations and/or Associations." Accordingly, respondent No. 1/Union of India is

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directed not to grant recognition or any facility (monetary or otherwise) to the IOA or to any NSF and/or any of its affiliated Associations, if they refuse to comply with the Sports Code as directed by this Court.

Ultimately, the Conclusions and Directions issued therein are extracted below:-

100. As has been discussed hereinabove, the legal regime apropos sports administration in India has to be implemented fully and effectively. Compliance with the Sports Code is non-negotiable. If a sports federation does not comply with the law of the land, it will receive no recognition from the Government. All benefits and facilities to it will stop promptly. It is better that a legitimate body represents the cause of sportspersons than one simply masquerading as the real champion of Indian sports. Fairness and legitimacy needs to imbue all public affairs. Recalcitrant entities which defy adherence to rules of the game, while continuing to unjustly enjoy government's largesse and patronage, must be called-out.

101. Governmental monitoring of compliance is expected to be prompt, robust and meticulous at all times. Annual compliances are mandatory for continued recognition. What is the compliance status of the NSFs currently, is not on record. The perceived non-monitoring or selective monitoring or permissive monitoring by the authorities gives cause to citizens to seek judicial review of the same. This needs to be remedied.

102. The history of persistent recalcitrance of the IOA for almost half a century to comply with the Sports Code, despite its consistent assurance to the Government, the societal concerns and the larger public good, make it imperative that the IOA's affairs be put in the hands of a Committee of Administrators (CoA), similar to what has been directed by the Supreme Court on 18.05.2022 in the case of another NSF in All India Football Federation vs. Rahul Mehra & Ors (SLP (Civil) Nos. 30748-30749/2017).

[omitted]

105. All NSFs complying with the Sports Code and representing Olympic sports, will automatically qualify for IOA membership subject to completion of formalities. Accordingly, the application of Indian Golf Union shall be so considered by the IOA within four weeks, for full voting rights and it shall be a part of the electoral college.

106. The logical corollary to the preceding discussion would be that IOA would disqualify itself from retention of its recognition as a sports federation because of non-compliance with the Sports Code and the law of the land. However, for the duration that the COA assists in bringing IOA's affairs in order, IOA's recognition will not be disturbed. If the compliance is not done by IOA, within the time specified



hereinabove, its recognition by the Government shall stand suspended. The urgency for cooperation with the CoA and onus for compliance with the Sports Code is upon the IOA.

I have also reviewed the judgment of the Hon'ble Delhi High Court dated 02.05.2023, in W.P.C.No. 1731 of 2023, in the case of **Pondicherry Basketball Association v Union of India**, wherein it was held as under:-

In terms of the Government of India Notification dated 17.05.2010, the elections of all NSFs are to be held in a democratic manner and should be governed by clear, fair and transparent rules. The Model Elections Guidelines are part of the Sports Code and they are under an obligation to comply with the provisions thereto. As per MEG, Electoral College is to consist of each permanent member State/Union Territory duly affiliated to the NSF.

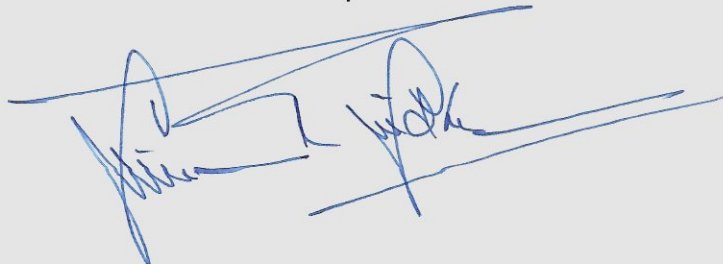
On a comprehensive reading of the National Sports Code, the Articles of Association of Rowing Federation of India and the Election Guidelines, the Rowing Federation of India will have to take a decision in relation to cases falling in Category I and the Returning Officer will take a decision in relation to Category II.

Ultimately, the Hon'ble High Court concluded as under:-

It is to be noted that there were a total of 30 nomination forms which submitted by different candidates. Out of 30 nominations, 15 nominations have been rejected only on the above-detailed singular ground. Out of remaining 15 nominations, 05 candidates withdrew their nominations and there was no contest for electing office-bearers of respondent-BFI which is a national level Sports Federation. As has been noted in preceding paragraphs, 27 members of electoral college are against the manner in which the candidates have been selected. Three of the office-bearers who have been declared as deemed elected namely, Ajay K. Sood, Munish Sharma and Surya Singh have filed their affidavits to state that they are ready to sacrifice their status of deemed elected candidates and are willing to face free and fair election process. The aforesaid facts leave no manner of doubt that the RO has erred in rejecting en bloc nomination forms of a large number of candidates on a singular non-significant ground. The reason of rejection of nomination form being insignificant and flimsy. Hence, this court is of the considered view that the rejection order passed by the RO deserves to be set aside.

A conjoint reading of the above suggests to me that no person can stand for any office in any NSF, who has breached the age or the tenure requirements.

I have seen the Federation's communication dated 08.02.2024, and their further communication via e-mail. Based on the above, I note as under:-



- (a) The Presidents of Assam Boat Racing and Rowing Association, Karnataka Amateur Rowing Association, and Rowing Association of Madhya Pradesh have resigned and communicated their resignations to the Federation;
- (b) As regards Uttar Pradesh Rowing Association, I have been informed that the association has only an acting President until the next elections which are due to take place in the next few months.
- (c) The nomination forms for the purpose of preparing the Form – 1 were not signed by these presidents; and
- (d) None of these presidents have been nominated to constitute the electoral college.

There is no doubt that this issue could have been avoided or obviated by action taken earlier. However, the democratic process of electing a representative body for an NSF has begun.

There is an electoral process that has commenced, and is ongoing, and it must be seen through to its logical conclusion. The Courts of India have never countenanced or approved any stoppages of an electoral process midway, and I do not propose to do so now.

As regards the allegations pertaining to Societe D' Aviron Pondicherry, the Federation has replied stating that the said association was only given temporary affiliation without any voting power and subsequently I have also been informed that said association's affiliation itself has been terminated in 2022. Being an election officer appointed to conduct election, I am not vested with any power to grant vote to an association whose membership has been terminated.

With respect to Manipur association, I have already passed orders by my proceedings No.4 dated 07.02.2024. Therefore, the same requires no reconsideration.

Having regard to all of the above, I am of the view that the Form I which has been published on 06.02.2024, cannot be cancelled or modified.

Dated this the 9th day of February 2024.



RETURNING OFFICER
SRINATH SRIDEVAN