

PROCEEDINGS OF THE RETURNING OFFICER

Present

JUSTICE.R.BALASUBRAMANIAN

Former Judge of Madras High Court

C.No.092023-GFI Elections- 2023-1

Dated 23rd September 2023

Sub: Scrutiny of the nominations of Office Bearers and Managing Committee
Of Gymnastics Federation of India – Reg.

Ref:

1. Proceedings of the President GFI dated 16/09/2023
2. Amended Constitution of Gymnastics Federation of India.
3. National Sports Code – 2011.
4. Judgment the Division Bench of Hon'ble Delhi High Court in W.P.(C) 195 of 2010 dated 16/08/2022
5. Order of the Division Bench of Hon'ble Delhi High Court in W.P.(C) 8691/2020 etc., dated 01/09/2023.
6. Order of the Hon'ble Delhi High Court in W.P.(C) 10138 of 2023 dated 22/09/2023.
7. Order of the Hon'ble Kerala High Court in W.P.(C) 29508 of 2023 dated 11/09/2023.
8. Order of the Hon'ble Telangana High Court in W.P.No.25513 of 2023 dated 13/09/2023.

1. I assumed the office of the Returning Officer of the Gymnastics Federation of India on 16/09/2023 vide the proceedings first referred above.
2. I had perused the documents cited in reference 2-8 from Gymnastics Federation of India (GFI).
3. In so far as the pending court cases in the reference 4-8 are concerned, I have given due consideration and found that there is no restraint, injunction or Stay against the Election process, I had decided to proceed further in accordance with law.

4. I was provided with the official email account and the List of Electoral College dated 17/09/2023 in Form 1. As many as 54 representatives from 27 State were found in the Electoral College.
5. On receipt of the Electoral College, I had issued the Schedule for the Election on 19/09/2023 along with Form 2 nomination of candidates to fill up the vacancies of Office Bearers and Managing Committee of Gymnastics Federation of India. The members of the Electoral College had submitted their nominations. On 22/09/2023 the List of nominated Candidates were published in Form 3. The nominations were scrutinised today from 10.00, the candidates were given liberty to be present either on their own or through their authorised representatives. None appeared either in person or through their representative or virtually. After the scrutiny of the nominations the list of validly nominated candidates is issued herewith in Form 4. I am informed that the Gymnastics Federation of India is the second respondent in W.P.(C) 10138/2023 on file of the High Court of Delhi. I have perused that order there is a direction by the Hon'ble Delhi High Court in para 5 there in as follows:

“5.Upon a query put forth by this court to the learned senior counsel appearing on behalf of respondent no.2 to show from the pleadings as to where such a stand has been taken, he has referred certain paragraphs to indicate that the Federation is complying with the aforesaid requirement. However, on a perusal of the averments made in the affidavit filed by respondent no.2, it is seen that the response is not satisfactory; and therefore, this court directs respondent no.2 to take a specific stand as to how the mandate under the Sports Code and the directions passed by the Hon'ble Hon'ble Division Bench of this court in W.P.(C) No.195/2010 are being complied with in their full rigour.”

I am informed that Gymnastics Federation of India would be filing an affidavit the Delhi High Court in compliance with the directions and that the said affidavit would be placed before me on the day of General Body Meeting to be held on 29th September, 2023 or any date before it. I make it very clear that once the affidavit is placed before me, it would be received and treated as part of General Body Meeting proceedings. From the various orders referred to in the subject, I am unable to find any order restraining the conduct of the General body meeting of Gymnastics Federation of India scheduled to be held on 29th September, 2023 at Bangaluru.

6. Before commencing the scrutiny I noticed that either the “ Model Election Guidelines issued in National Sports Code 2011 in Annexure XXXVII” or the GFI Election Procedure annexed with the GFI Constitution, has no provision to verify the age, antecedents (regard to involvement in criminal cases), their successive contest to the particular post, whether they are sports persons etc., Hence, I requested the GFI to get a declaration from the candidates and submit the same before completion of the scrutiny. The declaration in Appendix 1 was duly filled by the candidates and submitted. Claims from the unauthorised persons and bodies were referred to President, GFI for considerations.
7. In my considered view the dictum of the Hon’ble Delhi High Court Judgment dated 16.08.2022 applicable to extent of GFI Election, would constitute these points. In addition, there is no post for Life President. After perusing the response from the candidate, who are contesting the elections. I had scrutinised the nominations and issued the List of Validly nominated Candidates in **Form 4**, who in my considered view fulfil these requirements.

8. Invalid Nominations

The following 5 nominations are rejected for the following grounds:

- i) Nomination of Mr.G.Bala from the State of Tamilnadu to the post of Vice President is hereby rejected since the seconder had already seconded another candidate to the same post.
- ii) The nomination of Major Deepak Choudhary from Chandigarh to the post of Vice President is hereby rejected since the proposed had already seconded another candidate for the same post further he has failed to enclose the identity card along with the nomination.
- iii) The nomination of Mr.Parameshwar Prajapat from the State of Rajasthan is hereby rejected as he has failed to enclose the identity card along with the nomination.
- iv) The nomination of Mr.K.Maheswar from the State of Telangana to the post of Executive Committee Member is hereby rejected (in Sl.No. 20 of Form 3) as the proposed had already seconded another member.
- v) The Nomination of Mr.Samir Deb from the State of Arunachal Pradesh is hereby rejected based on his request and also he has failed to enclose the identity card along with the nomination.

1. Total number of Valid Nominations are – 22
2. Total number of Sports Persons are _ 13



23rd September 2023

Justice R. Balasubramanian
Former Judge of Madras High Court,
Returning Officer