

Shastri Bhawan, New Delhi-110001
Dated 27.10.2015.

ORDER

Sub:- Elections for the post of President of All India Tennis Association (AITA).

Ref 1:- This office letters of even no. dated 22-10-2014 and 11-03-2015.

Ref 2:- AITA letters dated 04-03-2015, 27-03-2015 & 30-03-2015

Ref 3:- Personal hearing given to the representatives of AITA on 27-05-2015.

Vide this office letter dated 22-10-2014, it was conveyed to AITA that Shri Anil Khanna cannot be deemed to have been validly elected to the office of the President of AITA, in accordance with the provision of Sports Code, as he had already served as Secretary General for two consecutive terms and for contesting to the office of President of AITA, he had to necessarily undergo a cooling off period of four years. AITA was therefore directed to ask Shri Anil Khanna to demit the office of President of AITA with immediate effect. AITA was also directed to conduct elections for the post afresh as per the provisions of the Sports Code immediately (copy enclosed).

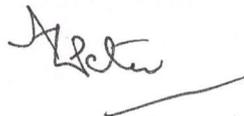
2. AITA instead of accepting the decision of the Govt. submitted a representation vide their letter dated 29-10-2014 for reconsideration of the decision taken vide this Ministry's letter of even no. dated 22-10-2014. The matter was again considered and the decision of the Ministry, conveyed to AITA, through letter of even no. dated 22-10-2014 was reiterated vide letter of even no. dated 11-03-2015 (copy enclosed).

3. For this reason, the annual recognition to AITA was given only up to 31-03-2015 and the same has not been extended.

4. AITA again submitted representations vide letters dated 04-03-2015, 27-03-2015 and 30-03-2015 for re-consideration of the decision. With a view to give a final opportunity by way of a personal hearing to AITA, Hony. Secretary General, AITA was requested to be present with their representatives on 13-05-2015 before Joint Secretary (Sports) for personal hearing. AITA vide their letter dated 06-05-2015 requested to postpone the meeting as members of the committee and their legal consultant who were looking into this matter were not available on 13-05-2015 due to prior commitments. The Ministry agreed to the request for rescheduling the hearing between 27th to 29th May, 2015. The hearing was accordingly fixed for 27-05-2015 at 11.00 a.m. in the office chamber of Joint Secretary (Sports). The representatives from AITA attended the hearing, held on the schedule date and time before JS (Sports).

5. The personal hearing was held as scheduled and the AITA representatives mainly submitted the following:-

- I. That the modified guidelines issued by the Ministry on 01-05-2010 duly states that the Secretary General/General Secretary and the Treasurer may serve a

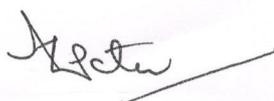


maximum of two terms of 4 years each after which a minimum cooling off period of 4 years will apply to seek fresh election to either post. President of NSF can hold the office for a maximum of 12 years with or without break and there is no mention in the order that before contesting for the post of President, Secretary General/General Secretary or Treasurer will have to undergo a cooling off period of four years.

- II. The minutes of the meeting held on 22-04-2013 under the chairmanship of former Secretary (Sports) with the representatives of IOA/NSFs regarding suggested amendments to the constitution of IOA. It was decided unanimously that (i) no member shall hold one or more Executive post for more than 5 consecutive terms or 20 years, whichever is less. However, such member can hold more than one post consecutively within the 20 years period and (ii) a member who has held any or both the posts of Secretary General/General Secretary or Treasurer shall be eligible to hold the post of President without a cooling off period but will be subject to the condition mentioned in (i) above. The minutes of the meeting were issued on 03-05-2013 to all the participants.
- III. The Ministry vide their letter dated 15-11-2012 informed Sh. Randhir Singh former Secretary General, IOA that the provisions of the National Sports Code does not specifically debar a person who has held two (or more) terms as General Secretary to contest for the post of President.
- IV. AITA is governed by IOA's approved constitution which states that a member who has held any or both the post of Secretary General/General Secretary and Treasurer shall be eligible to seek elections for the post of President without any cooling off period. It was also submitted that if, IOA amends its constitution relating to tenure clause, they will also do so. It was also mentioned that in the international federation for Tennis there is no age and tenure restrictions.
- V. The Ministry themselves in the affidavit filed in CM No.8791/2012 in affidavit filed in WP No.195/2010 filed by Sh. Rahul Mehra stated that:-
"the provisions of the Sports Code as stated by the petitioner is a matter of record. However, it is stated that the provisions of the Sports Code do not specifically debar a person who has held two (or more) terms as General Secretary to contest for the post of President. Nevertheless, the Govt. is of the opinion that such an election would not be in conformity with the spirit of the Sports Code."
- VI. The Hon'ble High Court of Delhi vide order dated 09-05-2014 in the case WP No.2310/2010 in which IOA challenged the age and tenure provisions of the Sports Code has only given their observations regarding the validity of Sports Code.
- VII. Further, it was submitted what MYAS may consider good spirit, the International Tennis Federation (ITF) may not consider it in the same manner as 'Spirit' is a subjective term.

6. Therefore, they pleaded that the election of Sh. Anil Khanna as President of AITA cannot be considered as invalid.

7. All the representations of AITA and the submission made by their representatives have again been examined in the Ministry. The Ministry vide order dated 1.5.2010, increased the tenure of President from 8 years to 12 years and the age of the office bearers was restricted to 70 years. These provisions were not available in the Ministry's guidelines of 1975. While issuing the modified guidelines on 01-05-2010 it was clearly indicated that other provisions in respect of the tenure limit as contained in the letter of 1975 mentioned above shall remain the same. In other words, the cooling off period mentioned for President, Secretary General or Treasurer in the guidelines of 1975 will also remain the same.



8. The Minutes of the meeting held on 22.4.2013 under the chairmanship of former Secretary (Sports) are only recommendations and cannot be construed as order/guidelines of the Government.

9. Since IOA was under suspension at that point of time, keeping in view the interest of sportspersons for participation in mega events, it was felt necessary to give clarification to Sh. Randhir Singh for contesting for the post of President in IOA. However, ultimately, Sh. Randhir Singh did not contest the elections of IOA. In para (2) of letter dated 15-11-2012 it was clearly indicated that the matter was sub-judice. Therefore, the point raised by the representative of AITA cannot be considered as valid.

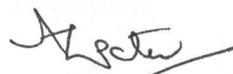
10. With regard to the affidavit of the Deptt. in CM No.8791/2012 in WP No.195/2010, it is mentioned that in the said affidavit it has been clearly stated that the Govt. is of the opinion that such an election would not be in conformity with the spirit of the Sports Code.

11. In the judgment of Hon'ble Delhi High Court, dated 09-05-2014 the Court has upheld the validity of the Sports Code. It has clearly been indicated that Central Govt. can insist on adherence of these provisions without aid of legislation. It is also held that the Sports Code does not violate freedom under Article 19(I) (c) of the Constitution. Neither are its provisions arbitrary. The tenure restrictions can be insisted upon by the Govt. as a part of good governance in NSFs.

12. The elections of AITA was held in 2012. Since the National Sports Development Code came into effect from 31-01-2011, the department is applying provisions from prospective effect only. Therefore, a case is not made out for the Ministry to revise its earlier order dated 22-10-2014.

13. Hence, AITA is directed to hold the elections, immediately for the post of the President to replace Sh. Anil Khanna failing which the Federation may be derecognized without any further notice.

This has the approval of Hon'ble Minister of State (I/C), Ministry of Youth Affairs & Sports.



(A.K.Patro)

Under Secretary to the Govt. of India

To

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