

OFFICE OF THE RETURNING OFFICER

W.F.I. ELECTIONS 2023.

**(In the matter of formation of Electoral College-
Rajasthan State)**

**Rajasthan Wrestling Association (Ummed Singh, party
One) and Rajasthan Wrestling Association (I. K.
Dutta, party Two)**

Corum: Justice Shri M.M. Kumar,
Former Chief Justice, J&K
High Court and Returning
Officer, WFI Elections 2023

Present: Representatives of party
One, Party Two and
Wrestling Federation of
India

Date: 20/07/2023

ORDER

The Election process for conducting the election of the Executive Committee of Wrestling Federation of India was issued on 13.06.2023 notifying various stages and their dates. It was also notified that recognized and eligible Wrestling Federations of the State/UT were to nominate two of their Executive Member as representatives by 19.06.2023 (later extended to 25.06.2023). This was in keeping with Article XIII (b) & (d) of the Constitution of the Wrestling Federation of India which provided that each of the eligible Wrestling

Federations were required to nominate two Executive Members of their unit to represent that State/UT in the elections. The members so nominated by the State/UT units were to constitute Electoral College and to enable them to vote to elect a new Executive Committee of the Wrestling Federation of India.

On the last date of the receipt of such nominations Hon'ble Gauhati High Court issued interim directions by its order dated 25.06.2023 (Sunday) not to proceed with the election of the Executive Committee of Wrestling Federation of India. It is appropriate to mention that as per the election notifications dated 13.06.2023/21.06.2023, the nominations received for Electoral College were to be finally prepared and displayed by the Returning Officer on 27.06.2023 by 1:00 P.M. On account of interim directions issued by the Gauhati High Court, the election process came to standstill. However, the aforesaid interim direction of Gauhati High Court has now been challenged before the Hon'ble Supreme Court in the case titled Andhra Pradesh Amateur Wrestling Association vs Assam Wrestling Association in an SLP, diary no. 25626/2023. A communication to that effect has been received on my office mail from Sh. Hemant Raj Phalpher, Advocate late in the evening on 18.07.2023 (yesterday) disclosing that the Hon'ble Supreme Court has stayed the interim direction issued by the Gauhati High Court on 25.06.2023 & a copy of order dated 18.07.2023 has also been sent. Accordingly, we proceed from the stage where we were on 25.06.2023. The rescheduled process from that day onwards is being issued separately.

There are some state units where rival factions have claimed right to nominate members to constitute Electoral College. State of Rajasthan is one of those states. Accordingly, it was decided to hear their point of view on 21.06.2023, the rival factions from the State of Rajasthan being the State units were heard, the order was reserved because Indian Olympic Association [IOA] and WFI sought and were granted five days time to resolve the issues themselves between rival factions citing the reason to avoid embarrassment at international level. Then on 25/06/2023 the Gauhati High Court stayed the election process by an interim order but the same was vacated by the Hon'ble Supreme Court of India (supra). Therefore the order is pronounced today. A copy of the Order is being sent to the respective parties on their respective email addresses and the same can be seen on the website: - <https://olympic.ind.in/>, <http://wrestlingfederationofindia.org/>

Two sets of nominations dated 15.06.2023 and 18.06.2023 were received from the state of Rajasthan before the last date i.e. 25/06/2023.

Party No.1: Shri Ummed Singh & Shri Nanu Singh nominated themselves as President and General Secretary respectively from the "*Rajasthan State Wrestling Association*". The other two names were received from Party No. 2: Shri I. K. Dutta & Shri Bharat Singh nominated themselves as President and General Secretary respectively from the "*Rajasthan Wrestling Association*".

In terms of Article IV of the said constitution only two representatives can vote at the election, notice dated

15th June, 2023 was issued for hearing on 21st June, 2023 to both the factions to file clarifications/evidence to substantiate their respective claims before the undersigned.

The Party No.1 led by Shri Ummed Singh was represented by Sh. Nanu Singh, Sh. Ummed Singh themselves. It has been submitted by them that they are the real unit representing the Wrestling Federation of the State having been granted recognition and affiliation by the Rajasthan State Olympic Association on 12.02.2021 and by the WFI on 01.07.2020. Further its name is shown on the official website of the WFI. It has been asserted that other group consisting of person from Haryana are trying to grab the Federation in Rajasthan; a state which is poor comparatively. During the hearing, they mentioned that they represent the real Association and have been recognized by both the WFI and the State Olympic Association.

The Party No. 2 led by Sh. Sh. I. K Dutta has submitted that in compliance of the order of the Hon'ble Rajasthan High Court, the elections were held by their association and the matter was got inquired into by the Registrar, Co-operative Societies, Rajasthan and their election has been found to be in order. The submission of Mr. Dutta may be correct but Party No. 2 fails to meet the requirement of Article XXIV Clause (f) of the constitution of WFI. No copy of the affiliation, if any, granted by the WFI or the State Olympic Association has been filed nor is available in the records of WFI. It has been brought to my notice that at the instance of Party No.2, a petition was filed before Hon'ble Delhi High Court

which has not been taken to its logical ends. The representative of WFI who is present during the hearing has submitted a copy of the order of the Hon'ble Delhi High Court dated 23.02.2023 which is taken on record. The High Court in that case title as Bhupender Singh Vs Union of India others (W.P (C) 1837/2019 & CM APLs. 8580/2019, 53225/2022 has held as under. *"The present petition essentially seeks to challenge the conduct of the election dated 24.02.2019. During the pendency of the petition, it is stated that the election had already been conducted and a new body has already been taken over the functioning of the concerned society. In view thereto, leaving all questions open, let the petitioner to take appropriate recourse in accordance with the law to challenge the outcome of the election dated 24.02.2019, including the conduction of the election also. With the aforesaid observation petition stand disposed of along with pending applications."* According to oral submission made by representative of WFI, the said judgment has not been pursued further or challenged in appeal. On being asked, the Party No.2 has admitted the same. On 24.06.2023, this faction made a request to substitute the name of Shri Bharat Singh with that of Shri Prem Chand Lochab;

I have gone through the information made available by Party No.1 and Party No.2 and the WFI. Representative of IOA and WFI (Mr. Bhupender Singh Bajwa, Sh. V.N. Prasood and Sh. Vinod Tomar) are present with the record. I find that there is no issue with respect to their own elections in their state unit. However, it is seen that the State Olympic Association

and the WFI have recognized the Party No.1 led by Sh. Ummed Singh and Sh. Nanu Singh as the authorized State units. As per Article XXIV Clause (f) of the constitution of WFI recognition by State Olympic Association and by WFI are essential requirement to grant legal status to the State/ UTs unit of Wrestling Federation of the State. This requirement stands satisfied by Party No.1 whereas Party No.2 fails to satisfy that eligibility criteria. Accordingly, I hold that nomination submitted by Sh. Ummed Singh and Sh. Nanu Singh are to be included in the Electoral College for the election.



**[Justice M.M. Kumar]
Returning Officer &
Chief Justice, High Court of J&K [Retd.]**

**M.M. Kumar
Chief Justice, J&K High Court (Retd.)
Returning Officer
WFI Elections 2023**