

**Justice Shiv Kumar Sharma**  
Former Judge, Rajasthan High Court  
Member, 19<sup>th</sup> Law Commission of India

878, Mahaveer Nagar-I,  
Near Durgapura Railway Station,  
Tonk Road,  
JAIPUR-302 015 (Rajasthan-India)  
Phone : 0141-2720551  
Mobile : 09829051118

To

A.D. Salunkhe  
Learned Judge  
Court of Deputy Charity Commissioner  
Mumbai.

Sub: ELECTION BYE-LAWS, 2013

Dear Mr. Salunkhe,

All India Karate do Federation (AIKF) was registered as society in 1978 under the Societies Registration Act of 1860 and subsequently as per the law was also registered simultaneously as a Public Trust also under the Bombay Public Trust Act, 1950 bearing PTR no. F- 4945 (Bombay). The main activities of the federation are the promotion and development of game of Karate as a national sport and to ensure international recognition. Since registration of AIKF as a trust, it has its memorandum of association and rules and regulations to run its entire functions and the change of management of the federation is being looked by Charity Commissioner under the law.

The Deputy Charity Commissioner, Greater Mumbai region, Mumbai rendered a common judgment on 28.12.2012 in respect of change reports no. DYCC /300/2008 and DYCC 569/2008 and directed as under:

1. Change Report No. 300/08 and 569/2008 are rejected.
2. Last Governing body of "All India Karate Do Federation, Mumbai" (PTR No.F-4945 elected as per meeting held on 11.4.2006 (Change Report 1445/2006 allowed on 1.10.2007) is directed to initiate the election process within 60 days from the date of this order as per the

memorandum of association and rules or regulation of AIKF Mumbai, (PTR 4945 under the supervision/observation of inspector Shri AS Khairkar of this office.

3. In the case failure to commence election process for the appointment /election of the governing body within 60 days for the date of order, inspector Sh. AS Khairkar shall initiate the election process within 30 days as per memorandum of association and rules and regulations of AIKF Mumbai PTR No. F-4945 (Mumbai) and submit report accordingly.
4. The election process as per reference in above clause No. 2 and 3 be held at registered office of the AIKF Mumbai at Mumbai or any other suitable place at Mumbai.
5. The original copy of this judgment and order be kept in Change Report No., 300/2008 and its certified copy be kept in Change Report No. 569/2008.
6. The copy of this Judgment and order be sent to the concerned Central as well as State Government Department for information and necessary action.
7. No orders as to costs.

In Compliance of this order, the Emergency Governing Body meeting of the AIKF Trust was called as per the memorandum of association of the trust under the supervision of Mr. A.S. Khairkar, Inspector appointed by the Deputy Charity Commissioner in the order dated 28.12.2012.

It was unanimously resolved that the Extra Ordinary General Body meeting and election shall be convened on 15.2.2013 at 11.15 A.M. for election of 15 governing body members and office bearers. The meeting shall be held at Hotel West End, Marines Lines Opposite Bombay Hospital, Mumbai (west).

In that meeting a decision was taken to nominate me as the presiding officer of the election and I am duty bound to conduct free and fair election.

I have gone through the memorandum of association of the trust and model election guidelines to be followed by all national sports federations incorporated in the national sports development code of India 2011 issued by Ministry of Youth affairs and Sports, Government of India.

I deem it appropriate to draw election by laws for the election of 15 governing body member and office bearers of the All India Karate Do Federation, Mumbai as per the sports code, 2011 as under.

#### **ALL INDIA KARATE-do FEDERATION MUMBAI**

Election of Governing body and office bearers

#### **ELECTION BYE LAWS, 2013**

##### **SHORT TITLE OF DEFINITION**

1. These bye laws shall be called the election bye-laws, 2013 and shall govern the conduct of election of governing body and officer bearers of All India Karate-do Federation, Mumbai (AIKF Mumbai).
2. In these bye laws, unless the context otherwise requires:
  - (a) Member means the member as defined in article 6 of the memorandum of association of AIKF Mumbai
  - (b) Extraordinary general meeting means the meeting as defined in article 11 of the memorandum of association of AIKF Mumbai.

##### **2. GOVERNING BODY**

- (i) There shall be a governing body of not more than 15 and not less than 7 members.
- (ii) Since it has been resolved to have 15 governing body members and there is no provision of executive committee in the memorandum of the Federation the Officer bearers of the governing body shall consist of:

<u>OFFICE BEARERS</u>	<u>NUMBER OF POSTS</u>
1. President	1
2. Honorary General Secretary	1
3. Honorary Treasurer	1
4. Honorary Vice President	4
5. Honorary Joint General Secretary	4
6. Honorary Joint Treasurer	4

### 3. MANNER OF ELECTION

- (i) Office bearers and members of governing body shall be elected by secret ballot,
- (ii) Each corporate/affiliates member intending to participate in the election must come from its respective state body,
- (iii) There shall be only one contestant from each state who can participate in the election of governing body member,
- (iv) Nomination form of the contestant shall be signature/attested by the president and the secretary of the respective corporate/affiliate state body.
- (v) No corporate/affiliates state member shall be allowed to cast vote or contest the election whose name is not included in the list of electoral collage.
- (vi) No cell phone shall be allowed to be carried to the polling areas.

#### 4. ELECTORAL COLLEGE

- (i) Each corporate/affiliated member of state/union territory shall have one vote at the election of the governing body members.
- (ii) Each elected member of governing body shall have one vote at the election of the office bearers
- (iii) The list of Electoral Collage has been published on the website of AIKF ([www.aikf.in](http://www.aikf.in))

#### 5. NOMINATION OF CANDIDATES

- (i) The nomination of candidate for election as member of governing body shall be made in the FORM-II appended to these by-laws.
- (ii) The nomination of all candidates for election as office bearer shall be from amongst the elected members of governing body. The candidate shall be named/proposed by one and Seconded by another elected governing body member.
- (iii) Each elected governing body member shall have right to caste one vote only for electing an office bearer on the posts prescribed.
- (iv) Each nomination paper shall be delivered personally to the election officer in person by himself.
- (v) No person shall be eligible to nominate more than one candidate for the same post, either as proposer or seconder.
- (vi) No person shall be permitted to withdraw his name as proposer/seconder, once the nomination paper subscribed by him has been delivered to election officer.
- (vii) The last date of submission of nomination form shall be 14.2.2013 by 12.30 PM. After nomination papers are received the election offices shall prepare a list of all nominations received and publish the same on the notice board of the office of election offices at hotel West End, Marina, Fort.

5. SCRUTINY OF NOMINATIONS.

- (i) On 14.2.2013 at 1.30 PM the election officer in his office, scrutinize each nomination paper one by one received by him and shall determine its validity or otherwise.
- (ii) At the scrutiny of nomination each candidate shall have the right to be present and the decision of the election officer upon such scrutiny shall be final and binding.
- (iii) As soon as may be after the scrutiny of all nomination paper has been completed by him the election office shall prepare a list of validly nominated candidates.

7. WITHDRAWAL OF CANDIDATURES

- (i) Each candidate whose nomination has been found valid on scrutiny shall be entitled to withdraw his candidature up to 3.30 P.M. on 14.2.2013.
- (ii) Notice of withdrawal of candidate shall be made in form of an application address to the election office.
- (iii) Notice of withdrawal of candidate shall be final and shall not be allowed to be cancelled.
- (iv) The election officers there after shall prepare the final list of contesting candidates and display a copy of said list on the notice board at 4 P.M. on 14.2.2013.
- (v) The name of the contesting candidates shall be arrange of in alphabetical orders according of English alphabets.

8. UNCONTESTED RETURNS AND CONTESTED ELECTIONS

- (i) Where the number of contesting candidates or posts category of post in equal to the number of post to be filled all such contesting candidates shall be deemed to be duly elected unopposed to those posts and it

shall not be necessary to take a poll for election to such post.


- (ii) Where the number of contesting candidates is more than the number of posts to be filled, Poll shall be taken secret ballot on 15.2.2013 at 11.15 AM,


#### 8. POLL

- (i) At the poll each authorized representative of state member/corporate member / affiliated member/ union territory whose name is included in the electoral college list may cast as many votes as are the number of seats to be filled for the post of member of governing body e.g. for 15 posts of governing body 15 votes i.e. one vote each to every contesting candidate may be casted by one voter.
- (ii) Each elected members of governing body shall have right to cast one vote for each of the post of office bearers.

- (iii) Each votes shall be required before he is supplied with a ballot paper to give his signature on the authenticated copy of the electoral collage list used by the election offices for taking poll.

- (iv) The voter shall be and his vote on the ballot papers in secrecy , in a voting compartment specially provided for the purpose at the polling station.

- (v) The votes shall record his not on the ballot paper by placing a swastika Mark (  ) against the name of the candidate of his choice on the ballot paper and any others mark places on the ballot paper by him shall render the ballot paper liable to rejection.

- (vi) The swastika mark (  ) to indicate the vote shall be place by the voter only by means of article specifically provided for the purpose by the returning officer and ballot paper marked otherwise by means of any pen ballpoint pen, sketch pen, holder pen etc. by the votes shall render the ballot paper liable to rejection.

- (vii) The ballot paper marked by the voter shall be

and sealed by the election officer and placed at such a conspicuous place in the polling station that shall be constantly visible to all present in the polling station.

- (viii) The voters shall form the queue and deposit the vote in the ballot box one by one it will be ensured that the polling area shall not be over crowded.
- (ix) Only those voters shall be allowed to cast vote who shall have photo identity issued by the AIKF, Mumbai and in order to verify their identity they shall keep with them a government issued ID viz original passport, Driving License, PAN card etc.
- (x) The election officer shall close poll at 01.15 PM on 15.2.13.

#### 10. COUNTING OF VOTES

- (i) The election offices shall take up counting of votes as soon as may be after the polling for the election of governing body is complete.
- (ii) If any ballot paper has been marked in contravention of polling guidelines it shall be rejected by election offices.  
The votes validly casted shall be counted and recorded in the counting sheet.
- (iii) The election officer shall thereafter ascertain the result of counting.

#### 11. DECLARATION OF RESULTS.

- (i) The name of contesting candidate who shall be deemed to have been elected at the election shall be declared as having been duly elected by the election officer in FORM-XV appended to these bye-laws.

#### 12. ELECTION OF OFFICE BEARERS



- (i) The aforesaid procedure shall mutatis mutandis apply to the election of office bearers from amongst the elected governing body members, whose election shall take place immediately after the declaration of the results for the post of governing body.
- (ii) The nominations for the post of office bearers may be filled before the election officer immediately after the declaration of the result of the governing body members by 3.15 PM last on 15.2.13.
- (iii) Election of the contested candidates shall be held at 3.30PM prior to that withdrawal and scrutiny of nomination papers shall be clone and names untested candidates shall be incorporated in the result sheet along with the particulars of the post of office bearer on which be shall be declared elected.
- (iv) The ballot paper of contesting candidates shall be ready before poll began and result shall be declared after the counting of the votes is complete in Form-III.

### 13. RESIDUARY

- i) For clearance of doubt the National sports Code, 2011 and the Memorandum of Association of the Federation shall be the final guiding forces.
- ii) FORMS as prescribed by election guidelines incorporated in the National Sports Code, 2011 for various purposes and the Model election guidelines there under shall be adhered to with suitable modifications in the present elections.



### **JUSTICE SHIV KUMAR SHARMA**

Election officer, AIKF

CC to:-

1. Mr. A S Khairkar, Inspector, Charity Commissioner, Mumbai
2. Mr. Rameshwar Nirwan, President, AIKF, Mumbai.



FORM II

Election of the Office Bearers and Members of Managing Committee/ Governing Body of All India Karate do Federation

Nomination Paper for the post the post of \_\_\_\_\_

To,

Justice Shiv Kumar Sharma  
Member of 19<sup>th</sup> Law Commission of India  
878, Mahaveer Nagar Near Durgapura  
Railway Station Jaipur302015

Affix your  
Latest  
passport  
Size  
photograph  
here

We nominate Shri/Smt/

Ms \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ whose name is entered at SL NO \_\_\_\_\_ in

the Electoral College list for the above post.

Our particulars are given below

Name of Candidate	Name and member of state/Union territory /Board/institution	SL No in the Electoral College list	Signature
Proposer			
Secondar			

I, the candidate above named, do hereby give my assent to my nomination for the above post

Name of the

Candidate \_\_\_\_\_

Name of member State \_\_\_\_\_

SL No in the Electoral College list \_\_\_\_\_

Signature of

Candidate \_\_\_\_\_

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Form-III

ALL INDIA KARATE DO FEDERATION, MUMBAI

PTR NO. 4945

ELECTIONS OF MEMBERS OF GOVERNING BODY. 2013

DECLARATION OF RESULTS OF GOVERNING BODY

I Justice Shiv Kumar Sharma (Rtd.) Election officer for the above elections here by declare the following candidates as duly elected to the post of members of governing body.

<u>Particulars/Name of the Post</u>	<u>Names of Elected Candidate</u>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	

Sd/-

A.S. Kharkar (Inspector)  
Observer  
Charity Commissioner

Sd/-

Justice Shiv Kumar Sharma  
Election officer Mumbai

Form-IV

ALL INDIA KARATE DO FEDERATION, MUMBAI

PTR NO. 4945

ELECTIONS OF OFFICE BEARERS OF GOVERNING BODY.

2013

DECLARATION OF RESULTS OF OFFICE BEARERS

I Justice Shiv Kumar Sharma (Rtd.) Election officer for the above elections here by declares the following candidates as duly elected to the post of :

<u>Particulars/Name of the Post</u>	<u>Names of Elected office bearers</u>
PRESIDENT (1)	_____
Hon. GENERAL SECRETARY (1)	_____
Hon. TREASURAR (1)	_____
Hon. VICE PRESIDENT (4)	_____
	_____
	_____
Hon. JOINT GENERAL SECRETARY (4)	_____
	_____
Hon. JOINT TREASURAR (4)	_____
	_____
	_____

Sd/-

A.S. Kharkar (Inspector)  
Observer  
Charity Commissioner, Mumbai.

Sd/-

Justice Shiv Kumar Sharma  
Election officer Mumbai