

PETITIONER:
MADHYA PRADESH TRIATHLON ASSOCIATION THROUGH ITS SECRETARY &

Vs.

RESPONDENT:
INDIAN TRIATHLON FEDERATION & ORS. ETC.

DATE OF JUDGMENT: 08/11/1996

BENCH:
K. RAMASWAMY, G.B. PATTANAIK

ACT:

HEADNOTE:

JUDGMENT:

WITH
TRANSFER PETITION (C) NOS. 384-396 OF 1996
O R D E R

It is rather unfortunate and we feel that every Indian citizen would feel ashamed of the fact that not even on sports-person out of the huge population of 94 crores would find a place in the victory stand in the Olympic Games 1996 held at Atlanta. Instead, all these Associations are busy in the court proceedings and spending their spirit on the litigation instead of inculcating spirit of sports in the track and field. These cases are some instances of the deplorable state of affairs. But, it is heartening to note that all of them have agreed for the settlement of the disputes in terms of Rule XIX of the Indian Olympic Association Rules which reads as under:

"Settlement of Disputes/Conflicts
in the National Sports
Federations/State Olympic
Associations

(i) All National sports
federations/ Associations/State
Olympic Associations affiliated to
I.O.A. shall include in their
Constitution a provision that the
Federations/ Associations would
have all unresolved disputes
settled by the I.O.A., and their
Members shall voluntarily surrender
their right of seeking redress in
any Court or Law.

(ii) Every Member shall be deemed
to continue its membership of the
I.O.A. on the specific condition
that it voluntarily surrenders its
right of seeking redress in any
Court of Law.

(iii) All unresolved disputes
arising within the National Sports
Federations/Associations/State
Olympic Association affiliated to

the IOA, shall be referred by the Federations/Associations to the IOA for settlement by the IOA. For this purpose, the IOA Executive Council, on recommendation of the president IOA, shall recommend 9 names to the disputing parties, to select one name, consultation with the president IOA, which is acceptable to both the parties. The Arbitration proceedings shall be completed within the period specified by the IOA Executive Council. President IOA, based on the circumstances of the case, has the authority to extend, or vary, the period.

(IV) In the even of an unresolved dispute within an affiliated Unit of IOA by Member, and which affects normal working to the Unit, or prevents preparation and training of the sport/team under the charge of the Unit for purposes of international representation/Competition, the IOA Executive Council will constitute an ad-hoc body from within the Members of the General Assembly, as may be necessary until the dispute within the Unit is resolved.

(v) All disputes between National Sports Federations/Associations and the IOA, or within the IOA itself, will be dealt with in the same manner as laid down in (iii) above.

In the furtherance thereof the Annual General Body meeting of IOA held on November 29, 1995 decided as under:

"Dispute in Federations/Olympic Associations

Regarding the disputes in Indian Triathlon Federation, Uttar Pradesh Olympic Association and J & K Olympic Association Dr. B. Sivanthi Adityan stated that he would appoint a two or three member Committee which will be requested to submit its report before the next Executive Council meeting of the IOA.

Decision:

The President, IOA, is to constitute a two or three member committee to look into all aspects or disputes and submit its recommendations for the consideration of the Executive Council IOA.

In the light of the above decision, we direct the President of IOA to flow the procedure prescribed in Rule XIX referred to hereinbefore, in particular clauses (i), (ii) and (iii) and appoint an Arbitration Board in terms thereof.

The Transfer Petitions are accordingly disposed of. All the suits are transferred to the Arbitration Board. No

costs.

In view of the order passed by us on 4.11.1996, Shri Ranjit Kumar, learned counsel has appeared for all the respondents though he states that he did not receive any instruction from any one of them. He acted merely on directions of this Court.

JUDIS