

(2013) 04 DEL CK 0106

In the Delhi High Court

Case No : O.M.P. 207 of 2013 and I.A.No. 3902 of 2013

Ravipreet Singh

APPELLANT

Vs

National Rifle Association of India(NRAI)

RESPONDENT

Date of Decision : 05-04-2013

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 9

Citation : (2013) 04 DEL CK 0106

Hon'ble Judges : Manmohan Singh, J

Bench : Single Bench

Advocate : Sandeep Sethi with Mr. Sachin Puri, Ms. Kaadambari Puri and Ms. Nitya Kalia, for the Appellant; A.M. Singhvi and Mr. N.K. Kaul, with Mr. Jaiveer Shergill and Mr. Rook Ray, for the Respondent

Judgement

Manmohan Singh, J.—The petitioner has filed the instant petition u/s 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the said "Act") seeking the following reliefs:

- i) Restrain the respondent from holding elections in the arbitrary manner;
- ii) Direct the respondents to hold elections in adherence to the model Election Guidelines provided in the National Sports Development Code of India, 2011 and to provide complete schedule for elections including appointment of impartial Returning Officer, providing dates for nomination, scrutiny, withdrawal then publishing final list of candidates followed by time of canvassing and holding of elections by secret ballot;
- iii) To stay the agenda for the meeting held on 22nd February, 2013;
- iv) Appoint retired Judge of Supreme Court/High Court as the independent Returning Officer/Observer for conducting of the elections;
- v) Direct the respondents to hold elections under videography so as to ensure no violations of the law; and

vi) To stay the decisions taken in the meeting of the governing body held on 22nd February, 2013.

The case of the petitioner is that the petitioner is a life member of the respondent Association. The respondent is the Sole Body In-charge of developing the discipline of shooting in India and has been given Government Patronage as well as recognition who has its Constitution which provides for arbitration clause.

2. The respondent had held its governing body meeting on the 1st of February, 2013 wherein it had decided to hold the elections for its governing body on 6th April, 2013. The life members of the respondent Association are all clubbed into the association under the name and style of "Wild Life Association of India" while the Annual Members for the respondent Association are all clubbed into the "Shooters Association of India". Both these associations are part and parcel of the respondent.

3. The petitioner is one of the members and is a resident of Sangroor, Punjab. It is contended that it was incumbent upon the respondent Nos. 2 and 3 to state as to the manner of the election to be held as well as to provide complete schedule inasmuch as it was important for them that they should have given a complete schedule for the elections to be held on 4th March, 2013 for "Wild Life Association of India" in a similar manner as has been done by them for the elections to be conducted on 6th April, 2013.

4. It is submitted that eight members are to be elected to the General Body from the elections to be held from 4th March, 2013 the "Wild Life Association of India" which the petitioner is also desirous of being a candidate however due to the acts of omission and commission attributable to the respondent the process have been violated completely.

5. The petitioner has also got to know that on 15th February, 2013 an emergent meeting was called which was after the announcing of the elections and as such was not permissible but was called to discuss the issues pertaining to sports and matters relating to constitution and during the course of the meeting dated 22nd February, 2013 the entire agenda for the emergent General Body Meeting was changed and the new agenda which was floated during the course of the meeting. Among other issues, one of the issues taken up was that the President Mr. Raninder Singh i.e. the respondent No. 3 was appointed as the Chairman to conduct elections to be held on 4th March, 2013. The decision was taken on emergent meeting without any procedure laid down. Mr. Raninder Singh happens to be a candidate himself for the forthcoming elections to be held on 6th April, 2013 of the respondent Body.

6. The respondent's Governing Body is not conforming with the National Sports Development Code of India 2011 has been duly noted by the General Press also and an Article to this effect was duly published on 4th February, 2013 on the online news version of NDTV Sports.

7. It is also alleged by the petitioner that keeping complexity which has arisen in these elections it is important that the elections be done by a secret ballot only and under the supervision of an impartial Returning Officer as well as the same should completely be video-graphed so that no unfair means are adopted by the members.

8. The petition was listed first time on 1st March, 2013 when at the request of the petitioner Justice S.K. Aggarwal, (Retd. Judge of this Court) was appointed as Observer for the purpose of alleged election to be held on 4th March, 2013 who accordingly visited at the site on 4th March, 2013 and filed his detailed report. The relevant paras 4 to 10 of the report are reproduced as under:

4. At about 11.30 A.M. about 950 members were present in the Auditorium when the meeting was called to order and Mr. Raninder Singh, the Chairman-cum-Returning Officer of the meeting gave a presentation of the achievements of NRAI during the last two years and steps being taken for promotion of the said Sport in India.

5. After the presentation, Mr. Raninder Singh as the Returning Officer, read out a Resolution of the General house of the NRAI stating that as per tradition, he may be authorized to nominate four members of his choice from each of the said two Associations. Immediately there was a strong protest from a section of members inter alia, raising the following objections:

(i) Mr. Raninder Singh cannot be the Returning Officer for election of eight members to the General Body of NRAI from the said two Associations, as he himself is a candidate in the forthcoming election on 6.4.2013 of NRAI, where these elected members would be entitled to vote.

(ii) As per the notice issued by the NRAI, meeting in question is fixed to elect four representatives to the General Body of the NRAI for the next four years, from the life members and four representatives from the annual members of the said two Associations namely Wild Life Association and Shooters Association, and that the notice does not state that Mr. Raninder Singh authorized to nominate eight members of his choice or that he would be Returning Officer.

6. Mr. Raninder Singh, in reply to the said two grievances, informed the members that he was putting the said Resolution itself to vote through a Secret Ballot. If the Resolution is defeated, only then the process of election of the four members would be undertaken by inviting nominations and elections, if necessary. Otherwise, he would nominate the members of his choice as per past practice. However, the protest continued and the members remained agitated. Some of the members also gave their objections in writing, which are collectively marked as Annexure-I (Colly.).

7. It was explained to the members by me that the matter was already pending before the Hon'ble Court and that they are at liberty to plead their grievances before the Court, but at all cost they must keep peace. The Returning Officer

then invited the members to start casting their votes for or against the said Resolution.

8. In all, 843 members voted, out of which 524 members voted in favour of resolution, 317 members voted against the Resolution and two votes were declared invalid. Consequently, the said resolution was declared carried. Mr. Raninder Singh thereafter submitted names of four persons nominated by him as representatives of the said Association in the General Body NRAI in a sealed envelope. In view of the order passed by this Hon''ble High Court, names of the said nominated persons were not announced. The proceeding sheet and the sealed envelope are Annexures II & III respectively. This process was completed at about 3.30 P.M.

9. The Returning Officer followed the similar procedure for election of four members from amongst the Shooters'' Association of India. The Resolution authorizing Mr. Raninder Singh to nominate the four members of the said Association on the General Body of NRAI was also put to vote through Secret Ballot. All 29 members present voted, of which 24 votes were in favour of the Resolution and 4 votes were against the Resolution while one vote was declared invalid. Consequently, the Resolution was declared carried. Mr. Raninder Singh then gave names of four persons nominated by him in a sealed envelope as representative of the Shooters'' Association. However, in view of the order passed by this Hon''ble Court, the names of the representatives were not announced. The proceeding sheet and the sealed cover are annexed herewith as Annexure IV and V respectively.

10. The voting process was by and large peaceful and orderly manner. The meeting was concluded at about 4.30 P.M. The report is submitted herewith.

9. Upon service, the respondent filed its reply and has raised points which are outlined as under:

i) The instant petition is not maintainable due to the lack of jurisdiction. It is submitted that for the purpose of filing a Section 9 petition under the said Act, it is imperative that the dispute has to be covered by the arbitration clause of the agreement governing the parties. It is contended that the dispute relating to election of the governing body is not covered by the arbitration clause.

ii) In the instant case the petitioner is a Life Member of the NRAI and is undisputedly governed by the Constitution read with Rules and Regulations of the NRAI. The regulation 39 of the Rules and Regulation, NRAI (hereinafter referred to as "Regulation 39") specifically contains the Arbitration clause relating to disputes that may arise between any member and NRAI. Regulation 39 is extracted hereunder for ready reference.

All cases of disputes between and I.O.A. or affiliated Association/unit of NRAI or an association/unit with NRAI or interse between any association/unit and also in respect of all issues pertaining to membership shall be referred to arbitration of a

sole arbitrator appointed by the Governing Body of NRAI. The arbitration proceeding shall be governed under the Arbitration and Conciliation Act, 1996.

On the reading of the Regulation 39 it is clear that the said Arbitration clause solely and exclusively applies to the following associations/units/members and covers the following specific disputes.

a. All cases of dispute between NRAI and IOA or affiliated association/unit of NRAI or an association/unit with NRAI or interse between any association/unit; and

b. Also in respect of all issues pertaining to membership.

iii) The petition was allegedly to ensure that the elections held on 4th March, 2013 are held in a fair manner and for this purpose, the petitioner has prayed for the appointment of the retired Judge of Supreme Court/High Court as the independent Returning Officer/Observer for conducting of the elections and has sought directions to video graph the process of election to ensure no violation of the law and this Court vide an ex-parte order dated 1st March, 2013 appointed Justice S.K. Aggarwal (Retd.) as an Observer for the purposes of the said election.

iv) The said election was held on 4th March, 2013 in a peaceful, fair and orderly manner in the presence of the observer duly appointed by this Court. In this regard, reliance is placed on the report of the Observer as submitted before this Court wherein the Observer has detailed out the form and manner in which the election were held and categorically in paragraph 10 of the said report it has been noted the voting process was by and large peaceful. The observer did not even point out a single violation or anomaly in the conduct of election held on 4th March, 2013. It is also alleged that despite being no direction from this Court, the respondent for abundant precaution and for the purposes of ensuring free and fair election agreed to the request of the Delhi Police to videograph the entire process, the same is also referred to by the Observer in his report. Thus, evidently the elections were held as per the provisions of the Constitution governing the NRAI. Therefore, the instant petition has become infructuous as the relief sought by the petitioner has already been granted by this Court by order 1st March, 2013, the petition is liable to be dismissed.

v) It is also alleged that the reliance of the petitioner on Rule 8 of the Rules and Regulations NRAI dealing with the voting rights is completely misplaced as they relate to the elections of the Governing Body of NRAI and have nothing to do with the election of the General Body NRAI even the other reliance on the applicability of the National Sports Development Sports Code of India, 2011 to the elections held on 4th March, 2013 to highlight the manner and procedure prescribed by the sports code which should be followed by the NRAI for holding elections for the purposes of electing representatives to the General Body, NRAI. It is contended that on the reading of the said Sports Code it is clear that it prescribes model election guidelines to be followed by National Sports

Federations. It is also averred that the election in question are not election of national sports federation but only of a sub-unit of NRAI and hence, there is not requirement per se to follow the said Sports Code.

vi) It is stated that the petitioner has incorrectly stated that a meeting of the General Body was called whereas a meeting of the Governing Body in accordance with the provision of the Constitution was held on 22nd February, 2013 by giving one week prior notice dated 15th February, 2013 to the members of the Governing Body. This fact is clear from the notice dated 15th February, 2013 and agenda of the meeting held on 22nd February, 2013 which is annexed along with his petition. It is submitted that the petitioner has not correctly stated the fact that Regulation 16, Rules and Regulations NRAI specifically authorizes the President to call for an emergent Governing Body meeting by giving one week prior notice which has been done as per petitioner on record in this case. Therefore, the meeting held on 22nd February, 2013 was in complete conformity with applicable Rules and Regulations.

vii) The petitioner also raised a frivolous allegation regarding the appointment of the President, NRAI as the Returning Officer/Chairman to conduct the elections held on 4th March, 2013 without showing any awareness to the Rules and Regulations authorizing the Governing Body NRAI to appoint the President as the Returning Officer for holding elections of the members to the General Body. In this regard, reliance is placed on Rule 3 explanation (III), which authorizes the Governing Body NRAI to decide the manner of elections to the General Body. The Governing Body NRAI in exercise of this power under Rule 3 explanation (III) appointed the President as a Chairman/Returning Officer for the election held on 4th March, 2013 vide proper resolution passed by the Governing Body in its meeting held on 22nd February, 2013. Therefore, there is no infirmity in the appointment of the President NRAI as the Returning Officer/Chairman to conduct the election held on 4th March, 2013.

10. The petitioner after filing the report by the Observer also filed fresh application in which it was stated that the respondents decided not to hold elections and instead held a ballot for "The Proposal to Authorize the President, NRAI to nominate four representatives from Life Members to represent on the General Body of NRAI. Though the Court appointed the Hon'ble Observer "...for the purpose of above said elections of the Respondent to be held on 4th March, 2013....".

11. Mr. Sethi, learned Senior counsel for the petitioner appearing on behalf of the petitioner has made his submissions which can be outlined in the following manner:

a) Firstly, Mr. Sethi submitted that the respondent No. 1 is an association which has the significant role in the management of the rifles and is an institution having participants from various spheres of activities which show the democracy in the functioning of the association. As such, the process of elections has to be

free, fair and should not regulated by selected few in order to fulfil the limited goals. As per Mr. Sethi, it is necessary that the constituents of governing body thus have to be independent in selection and thus this Court should grant the prayers contained in interim application in interest of fairness of the process of the election.

b) Secondly, Mr. Sethi contended that the office bearers of the respondent have violated the rules of the constitution of the respondent in as much as the governing body did not prescribe the mechanism for holding the election. The governing body also went wrong by authorising the president to become a returning officer and to do all steps for the purposes of election. All this vitiates the process of the free elections. The second election is directed to be held on 6th April 2013. Therefore, this court should ensure that the rules should not be allowed to violated considering the urgency of the matter.

c) Thirdly, Mr. Sethi argued that even the observers report suggest that there were protestors during the election process which was also against the rules held on 4.3.2013. The said report makes the situation more graver whereunder this court should consider the granting of interim reliefs as contained in the application.

d) Fourthly, Mr. Sethi, learned Senior counsel for the petitioner has argued that the respondent in the election process of the governing body is not following the guidelines provided under the sports code. The said guidelines provide the manner of conducting the election process. In view of the same, the process of the election is vitiated. Mr. Sethi relied upon the judgment passed in the case of Rahul Mehra v. Union of India in the case of WP(c) 195/2010 decided on 15th October, 2012, wherein the Division Bench insisted upon the following the sports code in relation to conducting of election of Archery Association of India.

e) Mr. Sethi contended that the prayers of the petitioner have not become infructuous as it relates to the election process of two units of NRAI which is governed by the common constitution. The election process relating another unit is yet to be held which is scheduled for 6th April 2013. Therefore, this court can monitor the election process and that is why the interim directions are required to be passed by this court.

12. Per contra, Dr. Singhvi, learned Senior counsel appearing on behalf of the respondent has made his submissions which can be outlined in the following manner:

a. Firstly, Dr. Singhvi has argued while reading the arbitration Rule 39 of the Constitution that the said clause provides for the arbitration relating to certain kinds of disputes relating to membership. The said disputes cover the disputes between NRAI and IOA or affiliated association or unit of NRAI or association\ \unit with NRAI and also in respect of all issues pertaining to membership. The said disputes however, no where cover the disputes related to election. Therefore, as per Dr. Singhvi, this court cannot pass the interim direction as the

said dispute falls outside the purview of the arbitration clause contained in Regulation 39 of the Constitution.

b. Dr. Singhvi has further argued that the present petition has become infructuous in as much as the petition was aimed at seeking relief towards the fair and peaceful conducting of elections which were supposed to be held on 4th March, 2013. The said elections were held peacefully and the observer's report also testifies the said fact. It has been stated that no flaws in the election process have been pointed which indicate towards violation of the rules/regulations of the Constitution of the respondent. It has been argued by the learned Senior counsel that the scope of the petition cannot be extended to obtain a general relief towards all the upcoming elections in the respondent. Therefore, the petition should be dismissed as infructuous.

c. Thirdly, Dr. Singhvi has argued that the respondent has conducted the elections as per the regulations contained in the constitution. As per Dr. Singhvi, the petitioner who has been complaining about the election process has been failed to point out any contravention to the rules and regulations of the constitution. Learned Senior counsel for the respondent on the other hand pointed out Rule 3 Explanation 3 of the Constitution of the respondent which clearly states that the election for the four representatives for General body from each category of membership will be conducted by the NRAI in a manner decided by the Governing Body of NRAI after giving the notice of one month.

d. It has been argued that what is provided under the Rule 3 is one month notice prior to the elections to the members after the decision of the Governing Body. It is not stipulated that the one month notice is required as prior notification for the members to participate in devising the election process. Therefore, the respondent while holding the meeting on 1st February, 2013 and thereafter dispatching the notice on 1st February, 2013 resolving to hold election on 4th March, 2013 clearly followed the Rule 3 Explanation III and no illegality can be ascribed to the actions of the respondent or its governing body.

e. Dr. Singhvi has argued that the petitioner has relied upon the applicability of National Sports Development Sports Code of India 2011 in order to urge that the respondent is not following the said code for the purposes of electing representatives of General Body NRAI. It has been argued by Dr. Singhvi that the applicability of the said code is inconsequential as the election of the Governing Body of the association is internal matter of the association like the respondent which is governed by the constitution and regulations contained therein. Till the time, the regulations are followed, the court cannot compel the respondent to follow additional framework of Code of 2011 though the respondent has taken numerous measures to ensure free and fair elections.

f. Dr. Singhvi has also argued that there is no ground which has been made out even on prima facie basis to exercise the powers conferred upon the court u/s 9 of the Act. It is submitted that the previous elections held on 4th March 2013

clearly evidence the fact that there is no illegality in the election process. Thus, the present petition requires nothing but a dismissal.

13. I have gone through the petition filed by the petitioner along with the documents and reply filed by the respondent thereof. I have also given careful consideration to the submissions advanced by the learned counsel for the parties across the bar. I shall now proceed to discuss the said submissions after analysing the various aspects arising in the instant case.

14. The matter came up for the hearing when Mr. Sandeep Sethi, learned Senior counsel appeared on behalf of the petitioner and Dr. Singhvi, learned Senior counsel appeared on behalf of the respondent.

15. I think the first and foremost enquiry in the instant case is that what the rules of the constitution of respondent provide for the election of the representatives from the units namely wild life association of India and shooters association of India into the governing body of NRAI. Once the said enquiry is done then the question which arises is whether any contravention of any such rules can be found in the process of the election process of the said representatives which can ex facie vitiate the election process. Let me therefore consider the Rules of the respondent association.

16. For the purposes of discussion, the relevant rules of the respondent association are reproduced hereunder:

INTERPRETATION:

In the interpretation of these Articles unless there be some thing inconsistent with the subject or context

a) "NRAI" or "N.R.A.I." shall mean "The National Rifle Association of India".

b) "Office Bearers" shall mean and include the President, Sr. Vice President, Vice Presidents, Hony. Secretary General, and Hony. Treasurer of the NRAI and such other office bearer(s) as may be decided by the Governing Body from time to time

f) General Body shall be composed of the representatives of the Life and Annual Members, affiliated States Associations, Union Territories Associations and other Units having a right to vote

3. CATEGORY OF MEMBERSHIP:

(f) The present Life and Annual members of NRAI will be grouped into two separate units namely: "Wild Life Association of India" and "Shooters Association of India" respectively and will be given the same status and voting rights as are given to other State Associations.

EXPLANATION:

(I) Life Members: The Governing Body may induct any person of good status and

position or eminence who is interested in the development of Shooting sport and is resident of India and is also interested in the furtherance of the aims and object of the NRAI on payment of such one time fee as may be laid down by the Governing Body from time to time. Such members shall be life members of NRAI and grouped under the category of "Wild Life Association of India".

(II) Annual Members: The Governing Body may induct any person of good status and position of eminence who is interested in the development of Shooting sport and is resident of India and who is also interested in furtherance of aims and objects of the NRAI as "Annual Member" of NRAI and grouped under the category of "Shooters Association of India". Such persons shall be admitted to membership on payment of such initial fee and yearly annual subscription as may be laid down by the Governing Body from time to time. The annual subscription fee payable to NRAI by Annual member shall fall due on 1st day of April every year, irrespective of the date of their admission. If a member does not pay within the stipulated time or within the grace period of 30 days, he/she could pay the same with a late fee of 10%. However his membership shall stand terminated automatically if the fee with the late fee is not paid for two consecutive financial years. The renewal of annual membership shall be at the discretion of the governing body of NRAI.

(III) All the present and future life and annual members of NRAI having valid membership will continue to be grouped into two separate units namely "Wild Life Association of India" and "Shooters Association of India" respectively.

These will continue to be part of NRAI and will be given the same status and voting rights as are given to other State Association/Units. That both these units namely "Wild Life Association of India" and "Shooters Association of India" would for all intents and purposes continue to function as constituents of NRAI under complete supervision and control of NRAI. The election for the four representatives for General Body from each category of membership will be conducted by the NRAI in a manner decided by Governing Body of NRAI after giving notice of one month. Voting right to Life and Annual members will be restricted only to those members who have completed one year membership in their respective category and are not disqualified by any other Rule.

8. VOTING RIGHTS:

All States and Union Territories, Rifle Shooting Associations and Units as defined in clauses 3 (d) where the voting right has been given, (e) & (f) above and affiliated to the NRAI and elected representatives of LIFE and Annual members as defined and explained in 3 (I) to (IV) above shall have the right to vote at every General Body Meeting of the NRAI. Each State Rifle Shooting Association and representatives of Life and Annual members as defined in 3 (f) shall have four votes and each Union Territory Rifle Shooting Association shall have one vote, provided that all dues of the NRAI are paid and belongings of the NRAI are restored to the NRAI. The units affiliated with the voting right as defined in 3 (d),

(e) and (f) above shall have the right to vote at every General Body Meeting of the NRAI, provided they comply with other rules. No other class of member of the NRAI shall have any right to vote. District Rifle Associations and other Rifle Clubs directly affiliated to NRAI shall not have any voting right. No individual member, nominated representative of an affiliated association/unit or an affiliated association/unit against whom disciplinary action has been taken by NRAI, shall have a right to vote in any NRAI election or to any privilege from NRAI.

12. GOVERNING BODY:

(a) The General Body shall elect the President, office bearers and other members to constitute the Governing Body.

(b) The Governing Body of the NRAI shall consist of the following Hon'y. Office Bearers and other members, the strength of which will be maximum Thirty six excluding the ex-officio members mentioned below:-

11. ELECTION:

(a) Name of each member, qualified to vote for election shall be duly proposed and seconded individually by the Members of the General Body.

(b) Voting shall be conducted either by ballot or by show of hands as may be decided by the Chairman of the meeting.

(c) The result of the voting or polling, when declared by the Chairman shall be treated as final.

(d) Every member present at the meeting shall be entitled to vote and shall have one vote each. The Chairman of the meeting shall have a casting vote, in addition to the vote, which he is entitled to as a member.

The Governing Body shall have the powers:-

(a) To make rules, regulations and bye-laws not inconsistent with the Constitution or the Memorandum of Association for proper administration, control as well as general management of the affairs of the NRAI, including control of arms and ammunition, and for carrying out the aims and objects of the NRAI, and 17 to alter amend and modify, suspend and abrogate, from time to time, any or all the rules and regulation as well as bye-laws, already made by it.

(b) To appoint committee (s) or Sub Committee (s) from amongst its members, in order to assist the Governing Body in its functions and may vest in these committee (s) such powers for proper conduct of business, as it deems fit.

(c) To manage all the properties, movable and immovable and affairs of the NRAI and the income arising there from, and to pay any taxes, rents and salaries, as also other expenses of the NRAI which may become payable.

(d) To make appointment of the office Secretary.

(e) To open bank account with a scheduled bank, which shall be jointly operated upon by the Hony. Treasurer and the Secretary. In absence of the Hony. Treasurer any of the following office bearers would operate the accounts jointly with the Secretary:-

(I) President

(II) Senior Vice President

(III) Hony. Secretary General

(IV) Any Hony. Joint Secretary General

(f) To receive and submit at the Annual General Meeting a Statement of audited accounts of the NRAI and the report of the Hony. Secretary General in connection with the affairs of the NRAI for the outgoing year.

(g) To approve Banks, in which the account (s) of the Association shall be opened and maintained.

(h) To negotiate and enter into contracts for and on behalf of the NRAI.

(i) To invest the funds of the NRAI in a scheduled bank or in Government securities.

(j) To acquire for, and in the name of the NRAI, by gift, purchase, exchange, lease or hire or by Government grants any lands, buildings, easement rights in common or privilege for the purposes of the NRAI.

(k) To select teams or contingent (s) for International competitions or meets.

(l) To acquire any property or to borrow or mortgage the assets of the NRAI and to sell the same for the purposes and in the interest of the NRAI as and when necessary.

(m) To import arms and ammunition, equipment, etc. and for this purpose to make necessary applications/representations to Government for the grant of import licences or other permits. (n) To consider any other item for agenda, duly proposed and seconded by the members if it reaches the NRAI office not less than 7 days in advance of the date fixed for the meeting and of which notice has been duly given to the members.

17. The plain reading of the Rule 3 Explanation (III) it is apparent that the NRAI is required to give one month prior notice to members intimating them about the elections to the General Body NRAI. Rule 3 explanation (III) does not specify any other pre-requisite apart from the formality of giving prior notice to the members concerned. The respondent in compliance with the Rule 3 explanation (III) held a meeting of the Governing Body and fixed the date for holding elections on 4th March, 2013 for the purposes of electing four representative each "Wild Life Association of India" and "Shooters Association of India" to the General Body of NRAI. Subsequently, admittedly the respondent on the very same day dispatched

notice dated 1st February, 2013 [in compliance with the one month prior notice requirement specified by Rule 3 explanation (III)] to all the life members of the NRAI intimating them about the election held on 4th March, 2013.

18. There exists no other provision in the entire Constitution read with Rules & Regulations other than Rule 3 Explanation (III) pertaining to the conduct of the elections to the General Body NRAI.

19. Apart from the compliance with the Rule 3 explanation (III), the Respondent took the following step for ensuring fair and free election:

a. For the first time in the history of the NRAI, the elections were held by way of secret ballot as compared to the recorded past practice of show of hands;

b. Elections were held in absolute democratic manner wherein 843 members belonging to the Wild Life Association of India and 29 members belonging to Shooters Association of India voted;

c. Entire election was held in the presence of Justice S.K. Aggarwal (Retd.) appointed as an observer by this Court vide order dated 1st March, 2013.

d. Elections were held with adequate security arrangement including presence of police personnel both inside and outside the venue.

e. Each ballot paper was numbered and counter-signed;

f. For the purposes of avoiding double voting, the hand of each person was stamped at the time of issuance of ballot paper to such person.

g. Identify card of each voting member was duly checked prior to entry into the venue wherein election was held.

h. The entire election process from the very beginning including but not limited to the initial meeting, entire ballot process, counting process was duly video-graphed to ensure fair elections by the Delhi Police.

20. Upon the conjoint reading of the aforementioned Rules of the Constitution of the respondent, the following position is clearly discernible: Firstly, from the reading of the rules (especially the definition clause, clause 3 and 12), it is clear that the said rules provide for distinct kinds of the memberships and bodies formed thereunder. The said bodies and memberships comprise of the distinct composition from each other. For example, there is body called governing body which consists of life and annual members and all other associations as defined under clause (f) of the definition clause. The General Body shall consist of members as given in para 3 (d), 3 (e), 3 (f) and 8 (supra) who are not otherwise disqualified as against the same, there is Governing Body which shall consist of the office bearers and other members, the strength of which will be maximum 36. The said Governing Body includes all important members and executives like president, secretary general, vice president etc. Thus, there is a difference between the General Body and governing body.

? The reading of the rules further clarify that besides providing the different kinds of membership and bodies formed under the rules, the constitution also prescribe the distinct role of the said bodies in election processes of their respective members. For examples, the members of the governing body shall be elected by the general body as provided in clause 12. Likewise, the General Body shall consist of the representatives of life and annual member, representatives affiliated to states, union territories association etc having right to vote. Thus, the said General Body consists of several kinds of members who are elected by the distinct modes of election. Some of the members of the General Body like annual members and life members are elected by the Governing Body. The other members of affiliated institutions are elected as per the election process held by the respective institution under the rules which is evident from reading of Rule 4 (b) which mandates that every unit or association shall hold the general body election.

? It is also apparent from the reading of the rules that just like the nature of membership and the role of respective members varies in the bodies, depending upon the same varies the right to vote provided to the different kinds of members. For example, the members of the governing bodies are appointed by the general body, the members of the General Body shall exercise their right to vote. Similarly, the elected representatives of life members and annual members have right to vote in the General Body meeting which is evident from reading of clause 8. Therefore, the conferment of the right to vote under the rules has to be understood in the context provided under the same and not in general sense that there exists a right to vote to a member in each and every respect. The right to vote shall thus be exercised by the respective kinds of the members to the extent provided by the rules or constitution. This is necessary to understand so that the distinction in the election process and right to vote under the various kinds of the membership can be appropriately realised.

? The reading of the Rule 3 (f) make it clear that the annual and life members of the respondent shall be grouped into two parts namely "Wild Life Association of India" and "Shooters Association of India". The said units shall be given same voting rights and status as are given to other state association. The reading of the Rule 3 (f) thus only provide that the annual members and life members are to be given voting right and status which shall be at par with the other state associations. Even if such voting rights are conferred upon the annual members and life members. The said voting rights are to be exercised in the General Body meetings and at the relevant places as contained in the rules like election of the general body etc. The said voting right of the life members and annual members cannot be extended to mean that the same can be exercised even at the places where the same is not conferred or where the decision making lies solely within the domain of governing body. Therefore, the conferment of the voting right and the status of the state association does not automatically lead to conclusion that the life members and annual members have right to vote or have their say in decision making qua any election process when the same is not expressly

provided under the rules.

? The reading of the Clause 3 Explanation 3 makes it clear that the manner of the election of the 4 representatives from each group of annual and life members is to be decided by the governing body within one month prior notice. Therefore, the domain of deciding the manner of election of the 4 representatives of the each category of the said members lies with the governing body. Accordingly, the annual members and life members cannot interfere with the said decision making process of laying down by the manner of election of the 4 representatives of each of the life and annual members from mere reading of the rules.

21. In view of the aforementioned pointers, after reading the Rules of the constitution, it is apparent that the rules of the respondent prescribe different kinds of membership in the bodies and assign different roles so far as the election and other aspects of functioning of the bodies are concerned. Once it is clear that the manner of the election of the 4 representatives of the annual and life members in the General Body has to be decided by the Governing Body, the decision taken by the Governing Body in its meeting dated 1st February 2013 which clearly prescribe the mode of the election of the representatives of life members and annual members from their groups cannot be faulted with. The said is view is prima facie one which has been taken on the basis of the mere reading of the rules of the constitution. I agree with Dr. Singhvi that the Rule 3 Explanation III merely prescribe a one month prior notice after the decision of the governing body. It does not actually mean that the Governing Body must involve other members in their decision making qua the election process relating to 8 representatives total from special categories of members like life members and annual members. This is clear from the plain reading of the Rule 3 Explanation III. Therefore, the resolution taken on 1st February 2013 whereby election was declared and process of election was prescribed is in conformity with the Rules.

22. It is noteworthy to mention that the minutes of the resolution passed in the meeting held on 1st February 2013 which are also provided in the minutes of the emergent meeting held on 22nd February 2013 also indicate that the Governing Body has taken decision towards the appointment of the president NRAI as a returning officer as per the rules. It is also indicated that the respondent's president further appointed Justice Mehtab Singh Gill as a returning officer from outside and the said decision was unanimously approved by Governing Body. Likewise, there are other steps which are necessary to define the manner of holding elections to be held on 6th April 2013 are mentioned in the resolution.

23. The said resolution passed on 1st February 2013 is not before the Court as a challenge by the petition to say that the resolution passed by the governing body is beyond powers or ultra vires. The fair and meaningful reading of the Rules as done above clearly gives the hint that the election of the 4 representatives from annual and life members in the general body are to be conducted in the manner provided and decided by the governing body. Therefore, prima facie, it does not

appear to this court that the actions of the Governing Body of the respondent are in contravention to the rules. As such no illegalities can be ascribed to the election process conducted by the respondent which clearly falls within the framework of the Rules of the Constitution.

24. It is well settled that the Articles of Association of the Society are in the nature of Bye-laws which are made for internal functioning and management of the society and the Court's interference in such matters where the decisions of the Society are challenged on the basis of violation of Bye-laws or the Articles is extremely limited as it is generally understood that the court will not lightly interfere with the internal management of the society unless there is a manifest illegality which goes into the root of the matter.

25. Thus, the court's interference in such matters is an exception to the general rule that the internal management of the Society must be preserved, the societies are not allowed to be run by the courts direction and the decision taken by the society should be respected. This view is prevalent in the field and it is also said that the normal rule of suits between private individuals must be distinguished from the suits between the social club, societies and its members. In the case of clubs and societies, the general principle governing the right of the individual shareholder or member of the company would apply. Hence, it is clear that not every violation of Articles or rules or Bye-laws of the society may give cause of action to the individual member to insist the compliance of the rules and quashment of decision making of the society

26. Applying the said principle of the law to the instant case, it is clear that once the respondent's actions are prima facie appearing to be within its powers under the Bye laws and rules, it cannot be said that there exists any manifest illegality which goes into the root of the matter which may enable this Court to pass the interim measures under the provisions of Section 9 of the Act. Of course, this view is prima facie one, if the arbitration carries on and there exist a departure from any Rule, the same shall be considered by the arbitrator independently to the view which this Court is taking now. But, at this stage, when the law seems to be pretty well settled in the field that the Courts should not regulate the working of the societies or association at the behest of fewer members of the societies or associations who are equivalent to shareholders of the company, it cannot be said that any prima facie case is made out by the petition to pass any orders of interim nature at this stage.

27. It is true that the democracy is a necessary part in the functioning of any association. Free and fair elections are equally important. However, the associations and clubs are within their powers to decide their Bye laws and Rules under which they may have different kinds of the post prescribing different kinds of election process for them and the manner of holding the election. The learned counsel for the respondent has read over para 15 of the reply by pointing out the steps taken by the respondent to ensure the free and fair elections. The petitioner denies the said fact, the same are thus disputed questions of facts.

Suffice it would be to say, that no prima facie view can be formed in favour of the petitioner at this considering that the respondent has seeming taken steps towards conducting the election in the fair manner as per the rules. Further, the most important part is that this court cannot insist the respondent to deviate from its own bye laws. If the Bye laws clearly permit the respondent's governing body to decide the manner of the election and the same has been done by the governing body by taking its decision in the meeting held on 1st February 2013, this court cannot lay down a separate process by interfering with the management of the association contrary to the Rules.

28. Learned counsel for the petitioner stated that under clause 39(f) the elections were to be conducted and no proposal for nomination could be put to vote. The said procedure is totally different and cannot be considered as election. Counsel has referred to various dictionaries in order to show the different meanings of election and nomination. I do not find merit in the submission of the learned counsel for the petitioner in view of the prima facie view that the decision of the respondent's governing body has neither been questioned in the form of challenge before this court under this petition nor the same can be held to be manifestly illegal going into root of the matter which can vitiate the election process. Therefore, there is no point providing meaning of the word election and nomination from dictionaries when the manner of doing the same falls within the domain of the governing body under Rule 3 (Explanation III) and the said power has been exercised validly. The said of violation of clause 39 (f) is also such which can be doubted at this stage as to whether it is so or not considering that it is Governing Body as per clause 3 which inducts the life members and annual members considering their special status and eminence in the various spheres. It is Governing Body which decides the manner of the election of the said members in the general body. There exists no reason to doubt why the said Governing Body or its designate cannot nominate members and put to vote and till the time voting happens fairly and the results are favourable, it is difficult to draw on any inference as to how any illegality can be ascribed to the said process. This is due to the reason that the election of the said members is within its powers of the governing body.

29. I also do not find force in the argument of Mr. Sethi that merely there is some dissatisfaction amongst the members of the association, the same by itself lead to conclusion of the illegalities in the process of the election. After reading the report of the court's observer, it is seen that the majority of the members present voted and the results were declared. It was only the group of the members who protested during the election time which were held in March 2013. The said persons are those who are either acting on the behalf of the person who intend to become members of governing body or themselves aspirant of becoming the members. I find nothing unusual in the same. In a democratic environment of any association or anywhere, there exists person favouring the election as well against the same. Thus, no presumption as to illegality can be drawn on the said counts as well.

30. The judgment relied upon by Mr. Sethi in Rahul Mehra's case is also not applicable to the instant case. The said judgment was concerning the election of Archery Association of India, however in the instant case, the same is concerning the election of the representatives of 4 representatives of life members and annual members in the governing body which falls on distinct footing and are permitted by the rules to be carried out under the decision of the governing body. Therefore, no strict insistence of the sports code due to distinct nature of the election can be made and applied to the instant case.

31. This court has to decide the present petition also keeping in the mind the limits and bounds of Section 9 of the Act. It is no doubt true that the power of the Court u/s 9 of the Act is akin to power to pass injunction orders in nature of civil court. However, it is also to be realised that Section 9 petition is not the Civil Suit in the strict sense of term. The said petition is moved with the limited aim that prior to or during or after the arbitration but before enforcement some preservation of evidence or property or thing is required or it is just and convenient for the court to pass such order in the interim. The said orders of interim measures are aimed at safeguarding the right of a party to the arbitration agreement pending the arbitration or its enforcement so that no prejudice can be caused to the said party on account of pendency of the proceedings. However, the said orders of interim protection are not passed on the mere asking when there exists no possibility of safeguarding any private right of the party. In that way Section 9 is distinct from ordinary civil proceedings.

32. It is well settled principle of law that a person who joins the society or forms an association as a member enters into contract with the bye laws or regulations of the association. His rights merge in the rights of the society or association and are controlled by the Act and the bye-laws of the society or association. His right to remain in the society or association and all other rights are regulated by the qualifications prescribed in the bye laws or regulations. Beyond the same, there exist no absolute independent right of the member of the society or association to get himself elected in the body of the society unless the same is done as per the bye laws. In the instant case, after reading the rules, I have already come to prima facie finding that there is no violation in the process of the election of the representatives from the units of annual members and life members and the same are being conducted as per the rules. Thus, there exist no private right to safeguard at this stage which makes it just and convenient for this court to pass interim measures within the meaning of Section 9 of the Act. As such, the reliefs claimed in the application cannot be granted. The petition is hereby dismissed. Interim order stands vacated. No costs. Copy of the judgment be given dasti to both parties under the signatures of the Court Master.