

# INDIAN OLYMPIC ASSOCIATION

Olympic Bhawan, B-29, Qutub Institutional Area,  
New Delhi - 110016

## OFFICE OF THE RETURNING OFFICER


SUB: Representation dated 30<sup>th</sup> Nov 2017 submitted jointly by Mr. S. M. Hashmi and four others regarding the nomination of Mr. Anil Khanna as President


I have perused the foresaid representation dated 30<sup>th</sup> November 2017 in which the above-mentioned five representationists have raised the issue of the nomination paper of Mr. Anil Khanna as candidate for the post of the President. It is contented by them that Mr. Khanna having seconded the nomination paper of Mr. Narinder Dhruv Batra as a candidate for the post of the President, Mr. Khanna could not have later on filed a nomination paper for the same post of the President.

It is well recognised principle of electoral laws that an elector at an election has three rights - 1) Right to vote at the election, 2) Right to propose a candidate, and 3) Right to contest the election. If an elector proposes the name of a candidate for a certain post, he does not thereby lose his right to stand as a candidate himself for the same post if he so desires or decides. By becoming a proposer of a candidate, he does not forfeit his right to contest the election. Therefore, I do not find any legal infirmity or hurdle against Mr. Anil Khanna proposing the candidature of Mr. Narinder Dhruv Batra for the post of President on 26<sup>th</sup> November 2017, and later on offering his own candidature for the same post of the President on 28<sup>th</sup> November 2017. I do not find any provision in the Election Bye-Laws of the IOA nor in the General Law applicable to election in India which may prevent a proposer from becoming a candidate himself. In this context, it may be pertinent to refer to the clarification given at Page 530 of the book 'How India Votes - Election Laws, Practice and Procedure' (4<sup>th</sup> edition, 2017) authored by Ms. V. S. Rama Devi (former Law Secretary to the Government of India, Secretary General, Rajya Sabha and Governor of Himachal Pradesh and Karnataka) and Mr. S. K. Mendiratta (Returning Officer herein) to the effect that "Even a candidate himself may propose the nomination of another candidate for the same election".

In view of the above, I do not find any reason to review my order passed earlier accepting the nomination paper of Mr. Anil Khanna as candidate for the post of President.

30<sup>th</sup> November 2017 (17.16 hrs)  
Olympic Bhawan  
New Delhi

  
S. K. Mendiratta  
Returning Officer

  
30/11/17  
5/30 PM