

MEMORANDUM OF ASSOCIATION

and

RULES & REGULATIONS

of the

DELHI CAPITAL BADMINTON ASSOCIATION

(Effective from [insert date])

INDEX

INDEX.....	2
MEMORANDUM OF ASSOCIATION.....	6
I. NAME.....	6
II. REGISTERED OFFICE.....	6
III. OBJECTS OF DCBA.....	6
IV. INCOME AND PROPERTIES.....	8
RULES AND REGULATIONS	9
PART I: PRELIMINARY.....	9
1. SCOPE AND APPLICATION	9
2. DEFINITIONS AND INTERPRETATION	9
3. JURISDICTION.....	14
4. HEADQUARTERS.....	14
PART II: MEMBERSHIP.....	14
5. CATEGORIES OF MEMBERSHIP.....	14
5.2. Full Membership.....	14
5.3. Athlete Membership.....	15
6. ELIGIBILITY CRITERIA FOR MEMBERSHIP	15
6.2. Full Membership.....	15
6.3. Athlete Membership.....	16
7. NUMBER OF MEMBERS	16
8. PROCEDURE FOR GRANT OF MEMBERSHIP.....	16
8.1. For Full Members.....	16
8.2. For Athlete Members.....	16
9. MEMBERSHIP FEE.....	17
10. OBLIGATIONS OF MEMBERS	17
10.2. General Obligations.....	17
10.3. Full Members.....	17
11. REMOVAL, SUSPENSION AND TERMINATION OF MEMBERSHIP.....	18
PART III: GOVERNANCE AND MANAGEMENT	19

12.	BODIES OF DCBA	20
13.	THE GENERAL BODY	20
13.1.	Composition	20
13.2.	Functions, powers and duties	21
13.3.	Annual General Meeting	21
13.4.	Extra-ordinary General Meeting	22
13.5.	Power of Members to convene a General Meeting	23
13.6.	Notice and Agenda of General Meeting	23
13.7.	Quorum, Chairperson, Voting at the General Meeting	24
13.8.	Presence of EC Members at the General Meeting	25
13.9.	Minutes of the General Meeting	25
14.	THE EXECUTIVE COMMITTEE	25
14.1.	Composition	25
14.2.	Functions, powers and duties	25
14.3.	Tenure of EC Members	27
14.4.	Eligibility conditions and restrictions on terms of EC Member	27
14.5.	Vacancy	29
14.6.	Meetings of the Executive Committee	29
14.7.	Notice and Agenda for an EC Meeting	29
14.8.	Quorum, Chairperson, Voting at the EC Meeting	30
14.9.	Resolution by circulation.....	31
14.10.	Minutes of the EC Meeting	31
14.11.	Vote of no-confidence	31
15.	FUNCTIONS, POWERS AND DUTIES OF OFFICE BEARERS	32
15.1.	The President.....	32
15.2.	The General Secretary	33
15.3.	The Treasurer.....	34
15.4.	The Vice-President	35
16.	ATHLETES' BODY	35
17.	ATHLETES' COMMISSION	36

18.	SELECTION COMMITTEE	37
19.	TECHNICAL COUNCIL	37
20.	REMUNERATION AND GENERAL DISQUALIFICATION	37
21.	PROFESSIONAL MANAGERS	37
22.	GENERAL DISQUALIFICATION FOR ADMINISTRATORS.....	38
PART IV: ELECTIONS		38
23.	PROCEDURE FOR ELECTIONS.....	38
24.	THE ELECTORAL OFFICER.....	38
PART V: ACCOUNTS AND AUDIT		38
25.	ACCOUNTS	39
26.	AUDITOR(S)	39
27.	BANK ACCOUNT	39
PART VI: TRANSPARENCY, CONFLICT OF INTEREST AND ACCOUNTABILITY		40
28.	MAINTENANCE OF RECORDS	40
29.	RIGHT TO INFORMATION	40
30.	CONFLICT OF INTEREST	40
31.	ONE PERSON ONE POST	41
32.	ACCOUNTABILITY	42
33.	FAIRNESS IN ENGAGEMENTS AND EMPLOYMENTS.....	42
PART VII: ENQUIRIES, DISPUTES AND ADJUDICATION		42
34.	ATHLETES' DISCIPLINARY COMMITTEE.....	42
35.	INTERNAL COMPLAINTS COMMITTEE.....	43
36.	OMBUDSMAN.....	43
37.	GENERAL PROCEDURE AND STIPULATIONS	44
PART VII: MISCELLANEOUS		46
38.	AMENDMENT TO MEMORANDUM AND RULES AND REGULATIONS	46
39.	BYE-LAWS.....	46
40.	FORCE OF THE BYE-LAWS, POLICIES, AND RULES/ PROCEDURES	46
41.	NOTICES	46
42.	COMPLIANCE WITH LAW AND CONSTITUTIONS OF OTHER BODIES.....	47

43. INDEMNITY47

44. LEGAL PROCEEDINGS47

45. CERTIFICATION47

MEMORANDUM OF ASSOCIATION

I. NAME

The society/association shall be known as the 'Delhi Capital Badminton Association' (it is hereinafter referred to as "**DCBA**").

II. REGISTERED OFFICE

The registered office of DCBA shall remain in the National Capital Territory of Delhi and at present is at the following address [insert registered address]

III. OBJECTS OF DCBA

- A. To promote, develop and popularize the sport of Badminton in Delhi for all categories of population.
- B. To be the official and sole governing body in charge of the sport of Badminton in Delhi and act as the 'state sports association' for badminton recognized by the Badminton Association of India and the Government of India.
- C. To organize, conduct and/or sponsor district level, state level, national and international Badminton competitions and conferences, events, seminars, research etc..
- D. To select athletes, coaches and/or officials to represent Delhi in national/international competitions/events and to arrange their training for, and participation in, the same.
- E. To control and improve the quality and standards of the sport of Badminton in Delhi..
- F. To protect and promote the welfare and interest of Badminton athletes and coaches and provide suitable framework and support for development of their skills, and for that purpose, organize training programmes, establish training academies, provide sponsorship, remuneration and/or other monetary assistance to Badminton athletes and coaches, and hold tournaments/competitions, exhibition matches and any other matches and take all other required steps.
- G. To facilitate the advancement of coaching education and technical officiating in Delhi and India.
- H. To provide for measures necessary for elimination of unethical and unfair practices in the sport of Badminton.
- I. To strive for sportsmanship and professionalism in the sport of Badminton and its governance and administration; to inculcate principles of transparency and ethical standards in players, team officials, referees, judges and administrators; and to ban doping, age fraud, sexual harassment and all other forms of inequity and discrimination.

- J. To foster the spirit of sportsmanship and the ideals of Badminton amongst school, college and university students and others and to educate them regarding the same.
- K. To take disciplinary action against any member, athlete, coach or anyone associated with the sport for any type of cheating, misbehavior or undesirable activity bringing discredit to the sport.
- L. To encourage democratization of, and transparency in, the governance and administration of the sport of Badminton, and, to this end, encourage the formation of district associations/federations and lay down norms for their recognition and affiliation which achieve uniformity and transparency in the structure, functioning and processes of such associations/federations.
- M. To assist Badminton associations/federations across the country.
- N. To represent Delhi at various national and international fora and organizations involved in the sport of Badminton.
- O. To affiliate with the Badminton Association of India, Delhi Olympic Association and other national and international associations/federations involved in the sport of Badminton and other sports generally.
- P. To employ and appoint various officers, employees and/or personnel for the purposes of running and administration of DCBA; to remunerate them for their services in accordance with applicable law; and to remove/terminate, dismiss, suspend and/or take other appropriate disciplinary action against such officers, employees or personnel.
- Q. To raise finance for the fulfilment of the aims and objects of DCBA.
- R. To receive and collect subscriptions, donations, gifts, trophies, grants and assistance either in cash or kind, or borrow money, and expend the same for the fulfilment of all or any of the aims and objects of DCBA.
- S. To acquire or purchase properties - movable and immovable, and assets - tangible and intangible; and to sell, manage, mortgage, lease, exchange, dispose of, transfer or otherwise deal with all or any property/assets of DCBA.
- T. To apply the capital and income from the properties and assets of DCBA, and the proceeds of the sale or transfer thereof, towards the objects of DCBA.
- U. To provide a fair and transparent grievance redressal mechanism to players, support personnel and other individuals/entities associated with Badminton.
- V. To make donations or give grants, either in cash or kind, for:
 - (1) Causes conducive to the promotion of the sport of Badminton.
 - (2) The benefit of Badminton athletes and coaches.

(3) Awarding sponsorships/scholarships in the field of Badminton.

- W. To make and modify rules and regulations and bye-laws to carry out the aims and objects of DCBA and for the purposes of governance and administration of DCBA.
- X. To carry out its activities and implement its objectives in an independent and autonomous manner, free from any government, political, religious or other influence.
- Y. To promote the Olympic spirit.
- Z. Generally, to do all such other acts and things as may be convenient and/or conducive to the carrying out of the objects of DCBA.

IV. INCOME AND PROPERTIES

- A. All the income, earning, moveable, immovable properties of DCBA shall be solely utilized and applied towards the promotion of its objects only set forth in the Memorandum of Association and no profit thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profits or in any manner whatsoever to the present and past member of the society or to any person claiming through any or more of the present or past member.
- B. No member of society shall have any personal claim on any moveable or immovable properties of the society or make any profit, whatsoever by virtue of his/her/its membership.

RULES AND REGULATIONS

PART I: PRELIMINARY

1. SCOPE AND APPLICATION

- 1.1. These Rules and Regulations shall govern the functioning, governance and administration of DCBA and the relationship between DCBA and its Members.
- 1.2. These Rules and Regulations shall come into effect on the date when they receive the approval of the Hon'ble High Court of Delhi in LPA 329/2021, *SP Dhillon v Delhi Capital Badminton Association*. or on such other date as may be appointed by the Court. The date on which these Rules and Regulations come into effect is hereinafter referred to as the "**Effective Date**"
- 1.3. These Rules and Regulations shall supersede and substitute all prior constitutions, rules, regulations and bye-laws governing DCBA.
- 1.4. However, save as otherwise provided, these Rules and Regulations shall have prospective effect, i.e., they shall not affect anything done or suffered, or any right, privilege, obligation, penalty, punishment or liability acquired, accrued or incurred, or any investigation, legal proceeding or remedy in respect of the foregoing prior to the coming into effect of these Rules and Regulations and such matters will continue to be governed by the constitution, rules, regulations and bye-laws of DCBA as applicable prior to the coming into effect of these Rules and Regulations.

2. DEFINITIONS AND INTERPRETATION

- 2.1. In these Rules and Regulations, unless otherwise expressed or the context otherwise requires, the following terms shall have the meaning as given below:
 - a) "**AC Member**" shall have the meaning given to it in Rule 17.1.
 - b) "**Adjourned General Meeting**" shall have the meaning given to it in Rule 13.7(a).
 - c) "**Admission Fee**" shall have the meaning given to it in Rule 9.1.
 - d) "**Administrator**" shall mean a natural person who is a current or former member of a Body of DCBA (including the Authorised Representative and except the Ombudsman), managers, employee, service provider and/or independent contractor and any other individual who is currently associated or, has in the past been associated, with the governance, administration, functioning and activities of DCBA in any manner whatsoever, including any officer appointed by a Court to manage the affairs of DCBA.
 - e) "**Annual Fee**" shall have the meaning given to it in Rule 9.1.
 - f) "**Annual General Meeting**" shall have the meaning given to it in Rule 13.3(a).

- g) **"Athletes' Body"** shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 16.
- h) **"Athletes' Commission"** shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 17
- i) **"Athletes' Disciplinary Committee"** shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 34.
- j) **"Athlete Member"** shall mean a Badminton Athlete who has obtained Athlete Membership in accordance with these Rules and Regulations.
- k) **"Athlete Membership"** refers to the category of membership of DCBA having the attributes set out in Rule 5.3.
- l) **"Auditor"** shall mean the auditor of the accounts of DCBA appointed by the General Body to discharge the functions set out in Rule 26.
- m) **"Authorised Representative"** shall have the meaning given to it in Rule 13.1(c).
- n) **"Badminton Athlete"** shall mean a Badminton player or a Badminton coach.
- o) **"Badminton Athlete/Official"** shall mean current or former/retired Badminton Athletes, team officials, staff of team, referees, judges, commentators and other members of the contingent in relation to the practice of the sport, such as during competitions and training sessions.
- p) **"Body of DCBA"** shall have the meaning given to it in Rule 12.1.
- q) **"Bye-laws"** shall have the meaning given to it in Rule 39.1.
- r) **"Chairperson"** shall mean the chairperson of the General Meeting or the EC Meeting (as the case maybe), who will be responsible for conducting the meeting.
- s) **"Code of Ethics"** shall mean the standards of ethical conduct for Badminton Athletes/Officials, Administrators, persons associated with the sport of Badminton and persons associated with DCBA in any capacity whatsoever, as Prescribed.
- t) **"Conflict of Interest"** shall have the meaning given to it in Rule 30.1.
- u) **"DCBA"** shall mean the Delhi Capital Badminton Association.
- v) **"Disqualification Event"** shall, with respect to a person, mean any of the following:
 - i. Being below 18 years of age.
 - ii. Not being a citizen of India or ceasing to be a citizen of India.

- iii. Attainment of the age of 70 (seventy) years.
- iv. Framing of charges by a court of competent jurisdiction in respect of any offence for which punishment of imprisonment of 2 years or more may be awarded.
- v. Being convicted by a court of competent jurisdiction anywhere in the world for a criminal offence having imprisonment as punishment.
- vi. Being declared of unsound mind or insolvent under applicable law.
- vii. Being or becoming a Minister of the Union of India or any State Government, Member of Parliament, Member of State Legislative Council, Member of State Legislative Assembly, government servant or holding any public office.

Provided that this disqualification shall not apply to those government servants who are recruited to the service under a sports quota.

For the purpose of this sub-clause, 'public office' shall include the offices referred to in the Parliament (Prevention of Disqualification) Act, 1959, Section 3.

- viii. Being found guilty of Misconduct.
 - ix. Being subject to any disciplinary action or penalty, including suspension or ban, by any sports authority in the world.
 - x. Removal from team, post, competition etc by the Athletes' Disciplinary Committee and/or the Ombudsman.
- w) "**District**" shall mean a revenue district in the NCT of Delhi.
 - x) "**District Association**" shall mean an association/federation/society working for the promotion, development and popularisation of the sport of Badminton in a district within the NCT of Delhi.
 - y) "**EC Meeting**" shall have the meaning given to it in Rule 14.6.
 - z) "**EC Member(s)**" shall have the meaning given to it in Rule 14.2, and it is clarified that the term includes Office Bearers.
 - aa) "**Effective Date**" shall have the meaning given to it in Rule 1.2.
 - bb) "**Electoral Officer**" shall have the meaning given to it in Rule 24.1.
 - cc) "**Executive Committee**" shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 14.
 - dd) "**Extra-ordinary General Meeting**" shall have the meaning given to it in Rule 13.4(a).

- ee) "**Financial Year**" shall mean the year beginning on 1 April and ending on 31 March.
- ff) "**Full Member**" shall mean a District Association which has obtained Full Membership in accordance with these Rules and Regulations.
- gg) "**Full Membership**" refers to the category of membership of DCBA having the attributes set out in Rule 5.2.
- hh) "**General Body**" shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 13.
- ii) "**General Meeting**" shall mean either an Annual General Meeting or an Extraordinary General meeting of the General Body.
- jj) "**General Secretary**" shall mean the person who discharges the powers, functions and duties as set out in Rule 15.2.
- kk) "**Immediate Relative**" of a person shall mean his/her parent, spouse, grandchild, parent of spouse, sibling, spouse of a sibling, sibling of spouse, son, daughter, son-in-law, daughter-in-law, sibling of parent, spouse of sibling of parent, son of sibling of parent, daughter of sibling of parent, grandchild of sibling of parent.
- ll) "**Internal Complaints Committee**" shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 35.
- mm) "**Member**" shall mean a Full Member or an Athlete Member, and the term "**Membership**" shall be construed accordingly.
- nn) "**Memorandum**" shall mean the Memorandum of Association of DCBA.
- oo) "**Misconduct**", in relation to a natural person, shall include:
 - i. breach of Code of Ethics.
 - ii. working contrary to the Objects of DCBA.
 - iii. breach of these Rules and Regulations, the Bye-laws, policies, rules/procedures of DCBA/Bodies of DCBA, applicable law, and other documents and/or stipulations which apply to and govern DCBA.
 - iv. causing prejudice to the interest of DCBA and/or the sport of Badminton.
 - v. failure to discharge his/her functions and duties and/or dereliction of duties.
 - vi. breach of trust; fraud, including age fraud
 - vii. misappropriation of funds.

- viii. improper and malafide exercise of power.
 - ix. non declaring Conflict of Interest.
 - x. existence of intractable Conflict of Interest; where the Conflict of Interest is tractable, failure to resolve the same.
 - xi. sexual harassment.
 - xii. damage to property; injury to any person.
 - xiii. doping.
 - xiv. unsportsperson like behaviour, which includes insulting, making undesirable gestures, abusing the decision of the judges/referees, provoking the opponents or spectator or committing any act not in keeping with the propriety of sports.
 - xv. such other conduct as may be Prescribed.
- pp) "**National Sports Code**" shall mean the National Sports Development Code of India 2011, as amended from time to time, and any further codes which may come to substitute/supplement the National Sports Development Code of India 2011.
- qq) "**NCT of Delhi**" shall mean National Capital Territory of Delhi.
- rr) "**Objects of DCBA**" shall mean the objects of DCBA as set out in the Memorandum.
- ss) "**Office Bearers**" shall have the meaning given to it in Rule 14.1(a).
- tt) "**Ombudsman**" shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 36.
- uu) "**Prescribed**" shall mean prescribed in the Bye-laws.
- vv) "**President**" shall mean the person who discharges the powers, functions and duties as set out in Rule 15.1.
- ww) "**Rules and Regulations**" shall mean Rules and Regulations of DCBA as amended from time to time.
- xx) "**Selection Committee**" shall mean the Body of DCBA whose composition, powers, functions, duties and manner of functioning is set out in Rule 18.
- yy) "**Treasurer**" shall mean the person who discharges the powers, functions and duties as set out in Rule 15.3.
- zz) "**Vice-President**" shall mean the person who discharges the powers, functions and duties as per Rule 15.4.

2.2. In these Rules and Regulations (unless the context requires otherwise):

- a) the headings are inserted for convenience only and shall not affect the construction of these Rules and Regulations;
- b) words using the singular or plural number shall also include the plural or singular number, respectively;
- c) words of either gender shall include the other gender;
- d) the terms 'hereof', 'herein', 'hereby', 'hereto', 'hereunder' and derivative or similar words refer to these entire Rules and Regulations;
- e) any reference herein to any Rule is to such Rule in these Rules and Regulations;
- f) reference to any law shall include references to any such law as it may, from time to time, be amended, supplemented or re-enacted, and any reference to statutory provision shall include any subordinate legislation made from time to time under that provision;
- g) references to the words 'include' and 'including' shall be construed without limitation;
- h) reference to days, months and years are to calendar days, calendar months and calendar years, respectively, unless defined otherwise or inconsistent with the context or meaning thereof; and
- i) reference to any 'communication' or 'notice' is to communication / notice in writing.

3. JURISDICTION

- 3.1. DCBA shall have jurisdiction over the entire territory of NCT of Delhi

4. HEADQUARTERS

- 4.1. The headquarters of DCBA shall be located in the NCT of Delhi.

PART II: MEMBERSHIP

5. CATEGORIES OF MEMBERSHIP

- 5.1. There shall be only 2 (two) categories of membership of DCBA: (a) Full Membership; and (b) Athlete Membership.

5.2. Full Membership

- a) This shall be open to only District Associations which meet the eligibility criteria set out in Rule 6.
- b) It shall be unlimited in tenure unless terminated in accordance with these Rules and Regulations.

- c) It shall carry the right to participate in and vote at the meetings of the General Body. A Full Member shall have 1 (one) vote at the meetings of the General Body.

5.3. Athlete Membership

- a) This shall be open only to Badminton Athletes selected by the Athletes' Body.
- b) It shall be for a period of 4 (four) years unless terminated earlier in accordance with these Rules and Regulations.
- c) It shall carry the right to participate in and vote at the meetings of the General Body. An Athlete Member shall have 1 (one) vote at the meetings of the General Body.

6. ELIGIBILITY CRITERIA FOR MEMBERSHIP

- 6.1. A District Association or a Badminton Athlete (as the case maybe) shall be granted Membership only if they comply with the eligibility criteria set out in this Rule.

6.2. Full Membership

To obtain Full Membership, a District Association should:

- a) have a legal status as a not-for-profit company incorporated under Section 8 of Companies Act 2013, a society registered under the Societies Registration Act 1860 or the societies act of a state, or a public charitable trust.
- b) be an autonomous body, free from any government, political, religious or other influence.
- c) be working exclusively for the promotion, development and popularisation of the sport of Badminton in the District where it functions.
- d) should have most number the clubs/schools/academies in its District, which are working exclusively for the promotion, development and popularisation of the sport of Badminton, affiliated as its members. The eligibility criteria for the clubs/schools/academies which can be affiliated may be as Prescribed.
- e) have a governing/constitutional document which:
 - i. provides that the District Association shall comply with the Rules and Regulations, Bye-laws, policies, rules/procedures and decisions of DCBA/Bodies of DCBA; and
 - ii. at the minimum, is in line and not in contradiction with the provisions of the National Sports Code and the Memorandum, Rules and Regulations, Bye-laws, polices, rules/procedures of DCBA.
 - iii. provides that members of all its bodies, including executive bodies and office bearers, are residents of / domiciled in NCT of Delhi.

6.3. Athlete Membership

To obtain Athlete Membership, a Badminton Athlete:

- a) must be member of the Athletes' Body;
- b) must be selected by the Athletes' Body by way on an election;
- c) must not be an AC Member; and
- d) must not be subject to a Disqualification Event.

6.4. The General Body may prescribe rules of eligibility in addition to the foregoing.

6.5. Where a District Association which is already a Member of DCBA, does not meet the foregoing eligibility criteria as on the Effective Date, it shall have a period of 180 (one-hundred eighty) days, or such further period as may be granted by the General Body, for fulfilling the eligibility criteria.

7. NUMBER OF MEMBERS

- 7.1. The maximum number of Full Members shall be the total number of Districts.
- 7.2. The number of Athlete Members shall be 25 (twenty-five) % (rounded up to the next number) of the total maximum number of Full Members and Athlete Members. 50 (fifty) % (rounded up to the next number) of Athlete Members shall be women.

8. PROCEDURE FOR GRANT OF MEMBERSHIP

8.1. For Full Members

- a) The eligible District Association shall submit an application to the Executive Committee containing such particulars and documents as may be Prescribed.
- b) After satisfying itself that the application is complete in all regards and that the applicant meets the eligibility criteria set out in Rule 6, the Executive Committee shall place the application with its comments thereon before the General Body in the next General Meeting for the General Body's approval.
- c) In case of deficiencies in the application or the eligibility of the applicant, the Executive Committee shall return the application to the concerned District Association and such District Association shall be eligible to reapply for membership after curing such deficiencies.
- d) On approval of the General Body, the concerned District Association shall be admitted as a Full Member.

8.2. For Athlete Members

- a) The Athletes' Commission/ Executive Commission (as the case may be) shall send the names of the Badminton Athletes selected by the Athletes' Body by way of an election to the Executive Committee.

- b) The Executive Committee shall include the names of the selected Badminton Athletes in the list of Members and circulate their names to the other Members.

9. MEMBERSHIP FEE

- 9.1. Each Full Member shall be required to pay a fee for admission to Membership "**Admission Fee**" (if they are not Members as on the Effective Date) and an annual Membership fee "**Annual Fee**". The Athlete Member shall not be required to pay either Admission Fee or Annual Fee.
- 9.2. The Admission Fee and Annual Fee shall be as Prescribed.
- 9.3. The Admission Fee shall be paid immediately on grant of approval of Membership. The Annual Fee shall be paid before the end of the Financial Year, i.e., on or before March 31 of each year.
- 9.4. The Annual Fee for a new Full Member shall be pro-rated according to the months remaining in the Financial Year from the date of obtainment of Membership.

10. OBLIGATIONS OF MEMBERS

- 10.1. In addition to the obligations of Members as set out in these Rules and Regulations and Bye-laws, the Members shall fulfil the obligations as set out in this Rule.
- 10.2. General Obligations
 - a) To comply with the Rules and Regulations, Bye-laws, policies and rules/procedure and directives of DCBA.
 - b) To not work against the Objects of DCBA and/or cause harm to the sport of Badminton.
 - c) To not undermine the authority of DCBA as the state sports association and the sole governing body for the sport of Badminton in Delhi.
 - d) To not interfere in the affairs of other Members.
 - e) To attend all meetings of the General Body.
- 10.3. Full Members
 - a) To submit their respective governing documents/constitutional documents, a list of their respective members, list of their office bearers and members of their executive bodies, a copy of annual report, annual balance-sheet and audited statement of accounts, a report of their activities, calendar of sports for the year, and such other information/document as may be Prescribed within 3 (three) months of the closing of the Financial Year and as and when there is any change in the aforementioned information/documents.

- b) To register all Badminton Athletes and referees in their respective District / organisation. To prepare and maintain a database of such Badminton Athletes and referees. To furnish such database to DCBA on a quarterly basis.
- c) To conduct elections in their bodies, including the executive bodies and athletes commission, where members of such bodies are required to be appointed by election as per their governing document, in accordance with the governing document.
- d) To comply with and implement anti-doping guidelines and measures.
- e) To comply with applicable law. To ensure all statutory and legal compliances.
- f) To ensure that there are no factional disputes within the Members and there is no mismanagement within the Members.
- g) To arrange for participation of athletes and teams state level badminton competitions.
- h) To permit observers from DCBA for elections in their bodies and meetings of their general body.
- i) To honour its commitment or any other obligation to DCBA and other Members.
- j) To conduct a district level badminton championship and competitions every year for each age group and state and national level badminton competitions as and when allotted.

11. REMOVAL, SUSPENSION AND TERMINATION OF MEMBERSHIP

- 11.1. A Member shall be liable to be suspended and/or removed from Membership in case of the following events ("**Event(s) of Default**"):
- a) the Member's order, decision, conduct or any other action / omission is:
 - i. in violation of these Rules and Regulations, the Bye-laws, the policies of DCBA/Bodies of DCBA, the rules and procedure of DCBA/Bodies of DCBA, applicable law, and other documents and or stipulations which apply to and govern DCBA;
 - ii. prejudicial to the interest of DCBA and/or the sport of Badminton; and/or
 - iii. contrary to the Objects of DCBA.
 - b) the Member has obtained Membership by fraud, misrepresentation and/or concealment.
 - c) the Member ceases to meet the eligibility criteria for Membership.

- 11.2. Where an Event of Default is alleged to have occurred, the Executive Committee shall investigate the Event of Default and submit its report containing its findings and recommended action to the General Body for consideration and decision.

Provided that, with respect to an Event of Default no investigation by the Executive Committee shall be necessary if a finding on the Event of Default has already been rendered by the Ombudsman pursuant to Rule 36. If the Ombudsman has found that the Event of Default has not occurred, then the proceedings under this Clause shall terminate. If the Ombudsman has found that the Event of Default has occurred, then the decision of the Ombudsman along with Executive Committee's report on recommended action qua the defaulting Member shall be submitted to the General Body for consideration and decision.

- 11.3. The General Body may take such action as it deems fit, including directing the Executive Committee to further investigate the matter (except where the Ombudsman has already given a finding), granting the defaulting Member time to cure the Event of Default, suspending the Member's Membership and removing the Member from Membership. However, the General Body cannot override the decisions and findings of the Ombudsman. The decision of the General Body shall be final and binding on all concerned parties.
- 11.4. Where a Full Member is removed from Membership, DCBA shall have the power to appoint an ad-hoc committee to assume control over the affairs of the Full Member and re-establishing governance and curing the cause of removal, within a specified timeframe.
- 11.5. A District Association which has been removed from Membership, shall be eligible to apply for and re-obtain Membership after 1 (one) year of removal, subject to removing the cause of removal of Membership and subject to conditions laid down by the General Body for re-joining the Membership.
- 11.6. A Badminton athlete who has been removed as an Athlete Member, shall not be eligible to reobtain Membership of DCBA.
- 11.7. A Member's Membership shall terminate:
- a) In case of removal.
 - b) In case of a Full Member, upon their resignation, dissolution or declaration of insolvency.
 - c) With respect to an Athlete Member, upon death or resignation.
- 11.8. Where the Membership of an Athlete Member terminates, the Athletes' Body shall elect a new Athlete Member.

PART III: GOVERNANCE AND MANAGEMENT

12. BODIES OF DCBA

12.1. The management, administration and governance of DCBA shall be undertaken by and/or include the following bodies ("**Body of DCBA**"):

- a) the General Body,
- b) the Executive Committee, and such other sub-committees that may be constituted by the Executive Committee from time to time,
- c) the Athletes' Body,
- d) the Athletes' Commission,
- e) the Selection Committee,
- f) the Technical Council
- g) the Athletes' Disciplinary Committee,
- h) the Internal Complaints Committee,
- i) the Ombudsman, and
- j) such other committees that may be constituted by the General Body from time to time.

13. THE GENERAL BODY

13.1. Composition

- a) The General Body shall be composed of all the Members.
- b) The Athlete Members shall represent themselves. They shall not be represented through any other person, including proxies.
- c) The Full Members shall be represented at the General Body through an authorised representative ("**Authorised Representative**"), with each Full Member being represented by one Authorised Representative each.
 - i. The Authorised Representative shall be a member of the executive body of the concerned Full Member.
 - ii. The Authorised Representative cannot be a person who is subject to any Disqualification Event.
 - iii. The Authorised Representative cannot be a person who holds any position (whether elected or otherwise) and/or is employed in DCBA.
 - iv. One person shall act as the Authorised Representative for only one Member.
 - v. An Athlete Member cannot act as the Authorised Representative for any Member.

- vi. An Authorised Representative cannot authorise any other person, including proxies, to appear on his/her behalf.
- vii. The Full Members shall communicate the names of their respective Authorised Representatives prior to the General Meeting.
- viii. The nomination of the Authorised Representative shall be supported by a resolution of the executive body of the concerned Full Member.
- ix. The Authorised Representative shall act solely in accordance with the instructions of the Member he/she is representing.

13.2. Functions, powers and duties

The functions, powers and duties of the General Body shall be as follows:

- a) To be the supreme Body of DCBA, having overall control and responsibility of the functioning of DCBA and Bodies of DCBA and having all powers of governance, management and decision making.
- b) To carry into effect the objects of DCBA.
- c) To formulate and enforce the policies of DCBA.
- d) To hold, control and administer the funds and other properties of DCBA.
- e) To provide funding to its Members only if the resources so permit.
- f) To explain and interpret these Rules and Regulations and to take a decision on any issue which is not covered under these Rules and Regulations.
- g) To call for, and review, any record, including accounts and financial statements, of DCBA and its Members.
- h) To constitute/dissolve committees or sub-committees (other than those provided under Rules 12.1(a) to (i)), as and when necessary.
- i) To frame the Code of Ethics and rules for prevention of, protection against, and punishment for, doping, sexual harassment and age fraud.
- j) To decide on all proposals submitted for consideration by the Members and the Executive Committee.
- k) To admit, suspend and remove Members to/from Membership.
- l) To delegate such powers to the other Bodies of DCBA as it deems fit.
- m) To discharge the functions, exercise the powers and perform the duties as provided in these Rules and Regulations.
- n) To exercise such other powers and to perform such other duties as are necessary for carrying out the Objects of DCBA.

13.3. Annual General Meeting

- a) The General Body shall meet at least once in every Financial Year, before 30th June. Such meeting is referred to as the "**Annual General Meeting**".
- b) The Annual General Meeting shall be called by the Executive Committee and take place at such date, time and place as may be decided by the Executive Committee.
- c) The following business shall be transacted at every Annual General Meeting:
 - i. Confirmation of the minutes of the previous Annual General Meeting and of the Extra-ordinary General Meeting, if any.
 - ii. Consideration and adoption of the annual report on the working of DCBA.
 - iii. Consideration and adoption of the audited accounts for the year under review.
 - iv. Consideration and adoption of the annual budget.
 - v. Consideration and adoption of the long-term development plan for the sport of Badminton.
 - vi. Appointment and removal of Auditors and fixing their remuneration.
 - vii. Appointment and removal of the members of the Ombudsman.
 - viii. Election of the Executive Committee (if due).
 - ix. Consideration of the annual calendar of competition and events.
 - x. Consideration of the reports and recommendations of the Executive Committee and other Bodies of DCBA and to propose policy directions for DCBA.
 - xi. Approval of the decisions of the Executive Committee.
 - xii. Consideration of any motion moved by a Member, notice whereof is given in advance.
 - xiii. Consideration of any other business which may be included in the agenda for the meeting.
 - xiv. Transaction of any other business of informal character as may be permitted by the Chairperson.

13.4. Extra-ordinary General Meeting

- a) All meetings of the General Body other than the Annual General Meeting are referred to as "**Extra-ordinary General Meetings**".
- b) An Extra-ordinary General Meeting shall be called by the Executive Committee:

- i. on a resolution of the Executive Committee, specifically stating the business to be transacted at such meeting;
 - ii. on a resolution of the General Body, specifically stating the business to be transacted at such meeting.; or
 - iii. on a requisition signed by Members having at least 1/3rd (one-third) of the total votes in a General Meeting, specifically stating the business to be transacted at such meeting.
- c) Such meeting shall be called for within 30 (thirty) days of passing of the resolution or receipt of requisition, as the case may be, giving notice in accordance with Rule 13.6. The date, time and place of the meeting shall be as decided by the Executive Committee.

13.5. Power of Members to convene a General Meeting

- a) If the Executive Committee fails to call for an Annual General Meeting within the time period stipulated in Rule 13.3(a) or an Extra-ordinary General Meeting within the time period stipulated in Rule 13.4(c), then Members having at least 1/3rd (one-third) of the total votes in a General Meeting may call for and convene such a meeting by giving notice in accordance with Rule 13.6.
- b) In such a case, the General Meeting shall be held only at the Headquarters of DCBA or if the same is not available, then at another location in NCT of Delhi.

13.6. Notice and Agenda of General Meeting

- a) For a General Meeting, 45 (forty-five) days' notice shall be given to all Members.
- b) The notice shall be accompanied by the resolution of the Executive Committee, resolution of the General Body or the requisition of the Members, as the case may be, calling for the meeting, and an agenda setting out the business to be transacted at the meeting along with explanatory notes and documents relevant for discussing the business to be transacted.
- c) Any Member may seek addition of an agenda item up to 30 (thirty) days before the date of the General Meeting by sending the same to the Executive Committee.
- d) After receiving the additional agenda items proposed by Members, the Executive Committee shall circulate a revised agenda to all Members, not later than 20 (twenty) days before the date of the General Meeting.
- e) A General Meeting may be called at a shorter notice if consented to by Members having at least $\frac{3}{4}$ (three-fourth) of the total votes in a General Meeting or if so deemed fit by the Executive Committee. In such a case,

business items other than those specified in the agenda with the notice, shall not be raised at the meeting.

- f) Notice of all General Meetings shall also be given to the Government of India in accordance with Rule 13.6. The Government of India shall be entitled to send its observer to such a meeting.

13.7. Quorum, Chairperson, Voting at the General Meeting

- a) Except as otherwise provided in these Rules and Regulations:
 - i. the quorum for a General Meeting shall be Members having at least 1/3rd (one-third) of the total votes in a General Meeting, with the Full Members constituting the voting majority. No business shall be transacted at the General Meeting unless the quorum requisite is present at the commencement of the business of the meeting. If the requisite quorum is not present, then the meeting held shall be invalid and all resolutions passed, or discussions made therein shall be without any force.
 - ii. If, within an hour from the time appointed for the General Meeting a quorum is not present, the meeting shall stand adjourned by 10 (ten) days at the same place and time ("**Adjourned General Meeting**"). A notice of the Adjourned General Meeting shall be circulated to all Members. If, at the Adjourned General Meeting, the quorum is not present within an hour from the time of the meeting, the Members present shall form the quorum provided that notice for the Adjourned General Meeting has been duly served on all Members of DCBA. No decision shall be taken at such Adjourned General Meeting in respect of any matter which was not part of the original agenda for such meeting.
- b) A General Meeting may be held through video-conferencing. Members shall be permitted to join a General Meeting through video-conferencing.
- c) The President shall preside over the General Meeting as the Chairperson and in his/her absence, the General Secretary. In the absence of both the President and the General Secretary, the Members / Authorised Representatives present shall select a Chairperson from amongst themselves. The Chairperson shall not have any casting vote.
- d) At the General Meeting, every Full Member and Athlete Member shall have 1 (one) vote. Voting shall be by show of hands or by a ballot. In either case, the Chairperson shall record how a Member / Authorised Representative has voted. There shall be no secret ballot. Unless otherwise provided, decisions at the General Meetings shall be taken by simple majority of votes present. Voting by proxy is not allowed.

- e) In case of a tie in votes, the concerned business item(s) shall be put to vote again after one hour, and if the need arises, the General Meeting shall stand adjourned by one hour to enable the second vote. If there is a tie in votes even in the second vote, then the business item shall be stood over for consideration at the next General Meeting.

13.8. Presence of EC Members at the General Meeting

- a) All EC Members shall be present at the General Meeting.
- b) They shall be required to answer all such queries raised by Members which have been sent by the Members to the Executive Committee at least 10 (ten) days prior to the date of the General Meeting.

13.9. Minutes of the General Meeting

- a) The minutes recording the proceedings of the General Meeting shall be prepared by the Chairperson and circulated to all the Members.
- b) The minutes should accurately reflect the proceedings of the General Meeting and the discussions by the Members. Objections raised by a Member shall be recorded in the minutes.
- c) A Member shall communicate to the Chairperson and all Members any deficiencies and/or inaccuracies in the minutes within 7 (seven) days of receipt of the minutes. The Chairperson shall make corrections, if necessary, and circulate the revised minutes to the Members.
- d) The minutes shall be placed for approval of the Members in the next General Meeting.

14. THE EXECUTIVE COMMITTEE

14.1. Composition

The Executive Committee shall be composed of the following members ("**EC Members**"):

- a) the office bearers of DCBA, namely the (A) President, (B) General Secretary, (C) Treasurer and (D) Vice-President ("**Office Bearers**"), who shall be elected by the General Body.
- b) 7 (seven) other members, who shall be elected by the General Body.
- c) 2 (two) members of the Athletes' Commission - 1 (one) female member and 1 (one) male member, as nominated by the Athletes' Commission.
- d) 2 (two) eminent Badminton Athletes – 1 (one) female member and 1 (one) male member, as appointed by the Executive Committee.

14.2. Functions, powers and duties

The functions, powers and duties of the Executive Committee shall be as follows:

- a) To conduct the business of DCBA during the interval between the meetings of the General Body and report all the decisions and actions to the General Body, to which the Executive Committee is accountable.
- b) To ensure affiliation of District Associations with DCBA.
- c) To consider and approve the annual report on the working of DCBA, the audited accounts and the annual budget estimates and present the same to the General Body for approval.
- d) To consider names of Auditor(s) and terms of their engagement and propose the same to the General Body for approval.
- e) To propose removal of the Auditor if the circumstances so warrant.
- f) To consider names of members of Ombudsman and terms of their engagement and propose the same to the General Body for approval.
- g) To consider and approve the long term development plan for the sport of Badminton and present the same to the General Body for approval.
- h) To propose removal of any member of the Ombudsman, if the circumstances so warrant.
- i) To consider and approve the annual calendar of competition and events and present the same to the General Body for approval.
- j) To initiate and recommend to the General Body different schemes for the promotion and development of Badminton.
- k) To constitute sub-committees within the Executive Committee with specific tasks assigned to them.
- l) To decide the officials, entourage, staff etc. who will accompany the Badminton athletes in national and international competitions/ tours.
- m) To organise the state level badminton competitions and championship annually.
- n) To collect, procure, accept and receive subscriptions, donations, sports goods or assistance in kind, gifts and endowments.
- o) To manage, supervise, and administer the funds and properties of DCBA.
- p) To enter into, vary, carry out and cancel contracts on behalf of DCBA.
- q) To purchase, administer, transfer or sell movable or immovable properties for and on behalf of DCBA.

- r) To employ/engage various officers, employees, specialists, experts and/or personnel for the purposes of running and administration of DCBA; to remunerate them for their services in accordance with applicable law; and to remove/terminate, dismiss, suspend and/or take other appropriate disciplinary action against such officers, employees or personnel.
- s) To take penal action against a Badminton Athlete/Official pursuant to the recommendations of the Athletes' Disciplinary Committee.
- t) To mediate issues between Members.
- u) To interact and consult with the Athletes' Commission regarding issues concerning Badminton athletes.
- v) To appoint observers for the elections and meetings of Full Members.
- w) To institute or defend any action or proceedings for or against DCBA or against any Office Bearer or employee of the DCBA.
- x) To interpret the Rules and Regulations of DCBA.
- y) To frame policies, and rules/ procedures generally for the management of the affairs of DCBA.
- z) To recommend Bye-laws to the General Body.
- aa) To raise loans for DCBA.
- bb) To delegate any of its powers to any (special purpose) committee/ commission.
- cc) To decide on all issues which have not been placed under the authority of any other Body of DCBA, subject to ratification by the General Body.
- dd) To ensure that DCBA maintains its recognition by, and affiliation with, the Badminton Association of India, the Delhi Olympic Association and other state, national and international sports bodies.
- ee) To discharge the functions, exercise the powers and perform the duties as provided in these Rules and Regulations.
- ff) To do all such acts and things as are incidental and conducive to the doing of the forgoing acts or and/or the Objects of DCBA.

14.3. Tenure of EC Members

- a) The tenure of all EC Members shall be 4 (four) years.

14.4. Eligibility conditions and restrictions on terms of EC Member

- a) A person shall be ineligible to be an EC Member, if, the person:
 - i. is subject to a Disqualification Event.

- ii. holds any office or post in a sports or athletic association or federation, including District Associations, or is a member of the executive body (called by whatever name) of such association / federation, and fails to demit such office/post or renounce such membership within 3 (three) days of becoming an EC Member.
 - iii. has been an EC Member for a cumulative period of 12 (twelve years) in any capacity whatsoever.
 - iv. is an Immediate Relative of any other EC Member.
 - v. is an Immediate Relative of any person who was as an EC Member, provided that this condition will operate till 4 (four) years from the date of the concerned EC Member demitting office.
 - vi. is / has been associated with the same District Association as another EC Member.
- b) The General Secretary shall be a Badminton Athlete who has taken part in the senior category of the Indian National Badminton Championship, National Games, Commonwealth Games or Olympics. The Treasurer shall be a chartered accountant or person having a degree of Bachelor of Commerce or any other equivalent degree.
 - c) The eminent Badminton athletes appointed by the Executive Committee should be athletes who have won medals at Olympic Games or other international competitions or at national competitions or coaches whose athletes/ teams have won medals at Olympic Games or other international competitions or at national competitions. Further eligibility criteria shall be as Prescribed.
 - d) Candidates seeking election as Office Bearers and EC Members elected by the General Body, and candidates seeking nomination to the Executive Committee by the Athletes' Commission, shall be required to submit their vision document/manifesto before the election/nomination.
 - e) An EC Member may hold such position for 2 (two) consecutive terms of up to 4 (four) years each, upon the completion of which, such person shall be eligible to become an EC Member again only after serving a cooling-off period of 4 (four) years.
 - f) An Office Bearer shall be re-elected as an Office Bearer only if he/she secures 2/3 of the votes cast.
 - g) Rules 14.4(a), (e) and (f) shall have retrospective effect, i.e., the period already served by a person or his/her Immediate Relative in their capacity as officer bearer and/or member of the executive committee of DCBA prior to the

Effective Date, shall be included for the purposes of calculating periods set out in these Rules in their application to such persons.

- h) Where a person, who is already an EC Member, ceases to meet the eligibility criteria as provided in these Rules and Regulations, he/she shall demit (or, in the event of failure to do so, shall be deemed to have demitted) his/her position immediately.

14.5. Vacancy

- a) Any vacancy in the Executive Committee due to death, resignation, removal or ineligibility of an EC Member shall be filled up for the remaining period his/her term:
 - i. in the case of an elected EC Member, by elections at a General Meeting to be held within 50 (fifty) days of the vacancy arising.
 - ii. in the case of an EC Member appointed by the Executive Committee or nominated by the Athletes' Commission, by the Executive Committee / Athletes' Commission appointing/nominating a substitute within 20 (twenty) days of the vacancy arising.

14.6. Meetings of the Executive Committee

- a) An EC Meeting shall be held at such frequency as may be necessary to discharge its duties, but in any case, at least once every 3 (three) months. A meeting of the Executive Committee is referred to herein as an "**EC Meeting**". The EC Meeting shall be convened by the General Secretary. The meeting shall be held at such time and place as the Executive Committee may decide.
- b) An EC Meeting shall be convened on a requisition to that effect being made to the Executive Committee by not less than 4 (four) EC Members. Any such requisition shall express the object of the meeting proposed to be called. Such meeting shall be convened by the General Secretary within 2 (two) days of receipt of the requisition, by giving notice in accordance with Rule 14.7.
- c) Where the General Secretary fails to convene an EC Meeting in accordance with Rule 14.6(a) or Rule 14.6(b), then 4 (four) EC Members may call for and convene such a meeting by giving notice in accordance with Rule 14.7. In such a case, the EC Meeting shall be held only at the Headquarters of DCBA or if the same is not available, then at another location in NCT of Delhi.
- d) EC Members shall attend all meetings.

14.7. Notice and Agenda for an EC Meeting

- a) For an EC Meeting, 15 (fifteen) days' notice shall be given to all EC Members. The notice shall be accompanied by an agenda setting out the business to be

transacted at the meeting along with explanatory notes and documents relevant for discussing the business to be transacted.

- b) Any EC Member may seek addition of an agenda item up to 10 (ten) days before the date of the meeting by sending the same to the General Secretary. After receiving the additional agenda items proposed by the EC Members, the General Secretary shall circulate a revised agenda to all EC Members, not later than 7 (seven) days before the date of the General Meeting.
- c) An EC Meeting may be called at a shorter notice if consented to by all EC Members. In such a case, business items other than those specified in the agenda with the notice, shall not be raised at the meeting.

14.8. Quorum, Chairperson, Voting at the EC Meeting

- a) The quorum for an EC Meeting shall be 4 (four) EC Members out of which at least 1 (one) EC Member should be an Office Bearer and 1 (one) EC Member should be the nominee of the Athletes' Commission. Where any business related to a financial matter is to be transacted at a meeting, the presence of the Treasurer shall be mandatory to constitute valid quorum. The EC Members may invite the Auditor / its representative to attend an EC Meeting if the agenda involves a matter pertaining to finances of DCBA.
- b) The EC Members shall be personally present at the meetings of the Executive Committee and shall not be represented through any authorised person or proxy.
- c) An EC Meeting may be held through video-conferencing. EC Members shall be permitted to join an EC Meeting through video-conferencing.
- d) No business shall be transacted at the meeting unless the quorum requisite is present at the commencement of the business of the meeting. If the requisite quorum is not present, then the meeting held shall be invalid and all resolutions passed, or discussions made therein shall be without any force.
- e) The President shall preside over the EC Meeting as the Chairperson and in his/her absence, the General Secretary. In the absence of both the President and the General Secretary, the EC Members present shall select a Chairperson from amongst themselves. The Chairperson shall not have any casting vote.
- f) At the EC Meeting, each EC Member shall exercise 1 (one) vote. The Chairperson shall record how each EC Member has voted. There shall be no secret ballot. Decisions at the EC Meetings shall be taken by simple majority of votes of those present.
- g) In case of a tie in votes, the concerned business item(s) shall be put to vote again after one hour, and if the need arises, the EC Meeting shall stand

adjourned by one hour to enable the second vote. If there is a tie in votes even in the second vote, then the business item shall be stood over for consideration at the next EC Meeting.

14.9. Resolution by circulation

- a) The Executive Committee may pass a resolution through circulation on all matters on which it can pass a resolution in an EC Meeting, provided that such resolution:
 - i. has been circulated in draft form, together with the relevant documents, if any, to all the EC Members in advance.
 - ii. is approved by a majority of the EC Members.
- b) A resolution so passed shall be as valid and effective as a resolution duly passed at a duly held EC Meeting.
- c) All resolutions passed by circulation shall be taken on record at the next EC Meeting.

14.10. Minutes of the EC Meeting

- a) The minutes recording the proceedings of the EC Meeting shall be prepared by the Chairperson and circulated to all EC Members, within 3 (three) days of the meeting.
- b) The minutes should accurately reflect the proceedings of the EC Meeting and the discussions by the EC Members. Objections raised by an EC Member shall be recorded in the minutes.
- c) An EC Member shall communicate to the Chairperson and all EC Members any deficiencies and/or inaccuracies in the minutes within 5 (five) days of receipt of the minutes. The Chairperson shall make corrections, if necessary, and circulate the revised minutes to the EC Members.
- d) The minutes shall be placed for approval of the EC Members in the next EC Meeting.

14.11. Vote of no-confidence

- a) The Executive Committee shall be liable to dissolved if the General Body loses confidence in it and passes a vote of no-confidence at a General Meeting.
- b) A resolution for no-confidence against the Executive Committee:
 - i. shall be sponsored by Members having at least 1/3 (one-third) of the total votes in a General Meeting, with the Full Members constituting the voting majority;

- ii. shall be considered at a General Meeting, including an Adjourned Meeting, where Members having at least $\frac{3}{4}$ (three-fourth) of the total votes in a General Meeting, with the Full Members constituting the voting majority, are present; and
 - iii. shall be passed only if supported by 2/3 majority of the total votes of the Members present at such General Meeting.
- c) After dissolution of the Executive Committee, new EC Members shall be selected as per the procedure provided in these Rules and Regulations. The persons who were members of the dissolved Executive Committee shall not be eligible for selection as EC Members for a period of 3 (three) years from the date of dissolution of the Executive Committee.

15. FUNCTIONS, POWERS AND DUTIES OF OFFICE BEARERS

15.1. The President

- a) Shall be the executive head of DCBA and responsible for the execution/ implementation of the Rules and Regulations, Bye-laws, policies and rules/ procedures to achieve Objects of DCBA.
- b) Shall represent DCBA towards third parties and sign documents on behalf of DCBA.
- c) Shall liaise on behalf of DCBA with the Badminton Association of India, other state sports associations, state Olympic associations, other National Sports Federations, the Indian Olympic Association and other national and international sports bodies.
- d) Shall exercise superintendence and oversee the functioning of the General Body and the Executive Committee and guide DCBA in all activities.
- e) Shall preside over all the meetings of the Executive Committee and General Body and other meetings of DCBA, as required.
- f) In case of emergency, shall be authorised to sanction expenditure up to INR 2,00,000 (Indian Rupees two lakh) for any item not included in the budget. Such expenditure shall be placed before the Executive Committee for ratification.
- g) Shall ensure compliance with the National Sports Code, government directions, applicable law and other documents which govern DCBA.
- h) Shall ensure that the financial position of DCBA is sound and no unauthorised expenses have taken place.

- i) Shall, in case of emergency, have full power to issue necessary order and take necessary steps, which shall subsequently be confirmed by the Executive Committee or General Body, as the case may be.
- j) Shall discharge the functions, exercise the powers and perform the duties as provided in these Rules and Regulations and/or as directed by the Executive Committee and/or the General Body.

15.2. The General Secretary

- a) Shall convene all meetings of the General Body (on behalf of the Executive Committee) and Executive Committee.
- b) Shall be authorised to determine the dates, venue and time of the meetings of the Executive Committee and General Body and any other meetings as deemed fit to fulfil the aims and objects of DCBA.
- c) Shall transact all official work and day-to-day affairs of DCBA.
- d) Shall act as the liaison between DCBA and its Members and between its Members.
- e) Shall be responsible for carrying out all correspondences in the name of DCBA / its President or otherwise correspond as directed by the President.
- f) Subject to direction of the President, shall sign documents on behalf of DCBA.
- g) Shall be in-charge of all records and documents (including the register of members, players, officials, etc., minutes of meetings) as may be necessary for the smooth and efficient working of DCBA.
- h) Shall have custody of and maintain in proper order and condition, all documents, trophies, souvenirs and seals, equipment, uniforms, and insignia of DCBA and documents of all moveable and immovable properties of DCBA and shall take annual stock of all such properties.
- i) Shall exercise general supervision on all staff and specialists/ experts employed by DCBA.
- j) Shall prepare every year the annual calendar of competition and events and place the same before the Executive Committee for approval.
- k) Shall prepare long term development plan for the sport of Badminton and place the same before the Executive Committee for approval.
- l) Shall collect or cause to be collected all subscriptions and fees and bring in with due diligence all other monies and dues payable to DCBA.
- m) Shall ensure that accounts of DCBA have been properly maintained by the Treasurer and are regularly audited.

- n) Shall be entitled to incur any legitimate expenditure on behalf of DCBA not exceeding INR 1,00,000 (Indian Rupees one lakh) that shall be subject to confirmation by the Executive Committee at its next meeting.
- o) Shall oversee the functioning and progress of various committees and commissions.
- p) Shall be empowered to call for any papers and information from the Members, Badminton athletes, Administrators, Badminton Athletes/Officials, officials, licensed academies/ clubs or anyone associated with the sport, which is necessary for the disposal of any matter and to perform such other duties as authorised in these Rules and Regulations.
- q) Shall prepare every year the annual report on the working of DCBA and place the same before the Executive Committee for approval.
- r) Shall discharge the functions, exercise the powers and perform the duties as provided in these Rules and Regulations and/or as directed by the Executive Committee and/or the General Body.

15.3. The Treasurer

- a) Shall be in charge of all the funds, finance and accounts of DCBA.
- b) Shall maintain and keep proper books and accounts in respect of all sums of money received and expended by DCBA and its assets and liabilities.
- c) Shall maintain an inventory of the property and stock (including equipment and uniform) of DCBA and submit the same along with the accounts.
- d) Shall receive moneys due to DCBA and maintain proper accounts of the same and issue appropriate receipts.
- e) Shall deposit all moneys as and when received on behalf of DCBA in its bank account without delay.
- f) Shall make all payments on behalf DCBA after the connected bills and vouchers have been duly checked by him/ her. Payments up to INR 1,00,000 shall be made after approval of the General Secretary and more than that, after approval of the Executive Committee.
- g) Shall prepare and submit to the General Secretary the list of all Members who have defaulted on the payment of their Admission Fee / Annual Fees and other dues.
- h) Shall prepare and place the annual budget before the Executive Committee for its approval.

- i) Shall prepare the statement of accounts of the income and expenditure of DCBA and have the same audited. Shall present the audited accounts before the Executive Committee for approval.
- j) Shall assist the Auditor(s) in the auditing of the accounts and explain to him/her such items and entries, which he/ she may be called for.
- k) May keep cash not exceeding INR 20,000 (Indian Rupees twenty thousand) for defraying urgent expenses.
- l) Shall discharge the functions, exercise the powers and perform the duties as provided in these Rules and Regulations and/or as directed by the Executive Committee and/or the General Body.

15.4. The Vice-President

- a) Shall discharge the functions, exercise the powers and perform the duties as Prescribed and/or as determined by the Executive Committee.

16. ATHLETES' BODY

16.1. The Athletes' Body aim to is to provide a platform through which the Badminton athletes can participate in the governance and administration of DCBA. Such participation shall be achieved by the Athletes' Body by:

- a) electing the Athlete Members in the General Body; and
- b) electing the AC Members, who shall interface with the Executive Committee.

16.2. The Athletes' Body shall be composed of all Badminton athletes domiciled or working in Delhi who have taken part in the senior category of Indian National Badminton Championships, National Games, Commonwealth Games or Olympics in the past 5 (five) years and are not subject to any Disqualification Event.

16.3. It is clarified that a Badminton athlete shall automatically cease to be member of the Athletes' Body when he/she becomes subject to any Disqualification Event.

16.4. A list of all members of the Athletes' Body shall be prepared and maintained by the Athletes' Commission, and in its absence, by the Executive Committee.

16.5. The elections of Athlete Members and AC Members shall be conducted by the Athletes' Commission, and in its absence, by the Executive Committee.

16.6. Subject to the Rules and Regulations, the Athletes' Body shall be free to determine its own procedure for conduct of its business, including holding of meetings and voting procedures, failing which, the Executive Committee shall determine such procedure. The procedure so determined ought to be broadly in line with the procedures provided for the General Body in these Rules and Regulations and Bye-laws.

16.7. The Athletes' Body shall be free to use the office(s) of DCBA, including its Headquarters for conducting its business.

17. ATHLETES' COMMISSION

17.1. The Athletes' Commission shall be composed of 6 (six) members – 3 (three) males and 3 (three) females, elected by the Athletes' Body from amongst its member Badminton athletes ("**AC Members**").

17.2. The functions of the Athletes' Commission shall, *inter alia*, be as follows:

- a) To serve as a source of feedback and advice to the Executive Committee with regard to both current and contemplated policies of DCBA.
- b) To advise the Executive Committee on the perspective and needs of Badminton athletes on, *inter alia*: (i) talent development; (ii) training and competition schedules; (iii) redress of Badminton athlete grievances; (iv) selection criteria; (v) logistical and administrative support; and (vi) athlete support and welfare beyond competitive sports career.
- c) To nominate EC Members in accordance with Rules and Regulations.
- d) To liaise with the athletes' commissions of other sports organisations.

17.3. The term of the AC Members shall be 4 (four) years. The conditions and limitations applicable to the eligibility and tenure of the AC Members shall be the same as set out in Rules 14.4(a), (e) and (h), with the modification that the reference to 'EC Member' in those Rules shall be read as 'AC Member'.

17.4. An AC Member shall not be an Athlete Member of DCBA.

17.5. Any vacancy in the Athletes' Commission due to death, resignation, removal or ineligibility of an AC Member shall be filled up for the remaining period his/her term by election by the Athletes' Body at a meeting to be held within 50 (fifty) days of the vacancy arising.

17.6. Subject to the Rules and Regulations, the Athletes' Body shall be free to determine procedure for conduct of business, including holding of meetings and voting procedures, of the Athletes' Commission, failing which, the Executive Committee shall determine such procedure. The procedure so determined ought to be broadly in line with the procedures provided for the Executive Committee in these Rules and Regulations and Bye-laws.

17.7. The Athletes' Commission shall be free to use the office(s) of DCBA, including its headquarters for conducting its business.

17.8. The Athletes Commission shall be liable to be dissolved if a vote of no-confidence is passed against it by the Athletes' Body. In this regard, the procedure provided in

Rule 14.11 shall also apply to no-confidence votes by the Athletes' Body against the Athletes' Commission.

18. SELECTION COMMITTEE

- 18.1. The Selection Committee shall be responsible for framing the procedure and criteria for the selection of Badminton athletes and selecting Badminton athletes for participation in various national and international competitions.
- 18.2. The selection procedure and criteria shall be placed for approval of the Executive Committee.
- 18.3. The Selection Committee shall be appointed by the Executive Committee. The composition of the Selection Committee and the term of the members shall be determined by the Executive Committee. The members should be retired Badminton athletes who are not subject to any Disqualification Event and having such other qualification as may be Prescribed.

19. TECHNICAL COUNCIL

- 19.1. The Technical Council shall be responsible for identification, training and certification of Badminton coaches and referees.
- 19.2. The composition of the Technical Council and the conditions of eligibility and terms of appointment of its members shall be as Prescribed.

20. REMUNERATION AND GENERAL DISQUALIFICATION

No member of any Body of DCBA, excluding the members of the Ombudsman, shall receive any compensation or bonus of any kind in consideration for services or for the performance of duties as a member of a Body of DCBA, provided that, it shall be appropriate to reimburse a member of a Body of DCBA for travelling, accommodation and other justified expenses incurred in the carrying out of functions.

21. PROFESSIONAL MANAGERS

- 21.1. The Executive Committee shall engage/employ professional managers for the purpose of managing the day-to-day administration, operations, accounts and finances, human resources, legal affair and media affairs of DCBA, on such terms as it may think fit.
- 21.2. The managers engaged/employed shall have the requisite qualifications for the role for which they are engaged/employed.
- 21.3. The powers, functions and duties of the managers may be as determined by the Executive Committee and such powers, functions and duties shall be duly published.

- 21.4. The engagement/employment of such managers shall be subject to ratification by the General Body.

22. GENERAL DISQUALIFICATION FOR ADMINISTRATORS

- 22.1. Save as otherwise provided, no person who is subject to any Disqualification Event or whose Immediate Relative is a current Administrator, shall be eligible to be elected/appointed as an Administrator.

PART IV: ELECTIONS

23. PROCEDURE FOR ELECTIONS

- 23.1. The General Body shall Prescribe rules of procedure for the elections to the Executive Committee in line with the Model Election Guidelines published along with the National Sports Code and subject to suitable modifications in accordance with these Rules and Regulations. Voting for elections shall be by secret ballot.
- 23.2. The Executive Committee shall inform the Government of India about its General Meeting where elections are to be held at least four weeks prior to such meeting. The Government of India shall be entitled to send its observer at such meeting.
- 23.3. Such rules will apply also to elections of the Athlete Member and to the Athletes' Commission, with suitable modifications. Any amendments to the procedure adopted shall be made at least 3 (three) months prior to the elections.

24. THE ELECTORAL OFFICER

- 24.1. At least four weeks prior to the General Meeting or meeting of the Athletes' Body at which an election is to be held, the Executive Committee shall appoint an electoral officer ("**Electoral Officer**") on such terms and conditions as may be Prescribed.
- 24.2. The Electoral Officer shall be a retired judge or a retired officer of the Indian Administrative Service.
- 24.3. The Electoral Officer shall oversee and supervise the entire election process including scrutiny of the electoral rolls, with all candidatures being subject to his/her scrutiny. His role shall commence from the date of his appointment and shall cease with the declaration of the result.
- 24.4. Any dispute or objection in relation to the election, including in relation to candidacy, disqualification, eligibility to vote, or the admission or rejection of a vote in the elections, shall be raised before the Electoral Officer at the earliest instance. The Electoral officer shall have the power to decide such a dispute/objection and issue necessary directions. Such decision shall be subject to a challenge only before the Ombudsman and only after the declaration of the result.

PART V: ACCOUNTS AND AUDIT

25. ACCOUNTS

- 25.1. True and fair accounts shall be kept by the Treasurer of all moneys received and expended by DCBA and the matters in respect of which such receipts and expenditure take place and of all assets, credits and liabilities of DCBA.
- 25.2. The Athletes' Commission shall maintain and provide a proper account of all money allocated to the Athletes' Body.
- 25.3. DCBA shall employ / retain a chartered accountant having at least 10 (ten) years' experience to maintain the accounts of DCBA.
- 25.4. The accounts shall be prepared and maintained in accordance with accounting standards notified under S.133 of the Companies Act 2013.
- 25.5. The accounts of DCBA shall be audited by an external Auditor annually.

26. AUDITOR(S)

- 26.1. The General Body shall, at every Annual General Meeting, appoint one or more Auditors to hold office for a 1 (one) year period to audit the accounts of DCBA and shall fix their remuneration. The Auditor shall be eligible for reappointment by the General Body. The Auditor shall have at least 15 (fifteen) year experience.
- 26.2. The Auditor(s) shall have the right of access at all times to the books of accounts, vouchers and any other documents relating to the accounts of DCBA and shall be entitled to obtain from the Office Bearers and Bodies of DCBA such information and explanation as may be necessary in the discharge of his/their duties.
- 26.3. The Auditor(s) shall provide an opinion on the financial statements of DCBA and recommendations on the financial controls within the system, which shall be contained in a financial report.
- 26.4. Auditor(s) shall also ascertain how the funds of DCBA are being utilized by the respective Members. It will be the responsibility of the Auditor(s) to verify the statements made by the Members in this regard and to give findings, which shall be contained in a compliance report.
- 26.5. Both the financial report and the compliance report of the Auditor(s) shall be considered at the Annual General Meeting.

27. BANK ACCOUNT

- 27.1. DCBA shall maintain account(s) in such scheduled bank, nationalized bank or other banks, as may be approved by the Executive Committee.
- 27.2. The account(s) shall be maintained in the name of DCBA only. All moneys to paid or received shall be paid or received from/into the account of DCBA only. No money shall be paid or received by any other person/entity on behalf of DCBA.

- 27.3. The account(s) shall be jointly operated by any 2 (two) of the following three: the Treasurer, the President, and the General Secretary, with the signature of the Treasurer being mandatory.

PART VI: TRANSPARENCY, CONFLICT OF INTEREST AND ACCOUNTABILITY

28. MAINTENANCE OF RECORDS

- 28.1. *Inter-alia*, DCBA shall consolidate and maintain the following records in physical form and soft copy (to be made available at the Headquarters) and upload the same on the website of DCBA as well:

- a) The Memorandum, Rules and Regulations and Bye-laws.
- b) Resolutions, minutes, policies, orders and rules/ procedures, proceedings and decisions of all Bodies of DCBA.
- c) Register of Members, Badminton Athletes/ Officials and Administrators.
- d) Details and composition of the various Bodies of DCBA, their reports of work done, financial outlay and expenditure.
- e) Qualifications of members of the Executive Committee, Athletes' Commission, Selection Committee, Athletes' Disciplinary Committee, Administration Disciplinary Committee, Ombudsman and other committees.
- f) The audited accounts, balance sheets, profit & loss accounts, annual reports and annual calendar of competition and events.
- g) The financial and compliance reports of the Auditor(s).
- h) Declarations of conflict of interest.
- i) Notice and results of various competitions and events.
- j) All payments and expenditures made by DCBA which are in excess of INR 25,00,000 (Indian Rupees twenty-five lakh), along with details of such expenditures.
- k) All notices on or behalf of DCBA including tenders for goods and services, for contractual arrangements and the like.
- l) All other relevant documents and such other documents as may be Prescribed.

- 28.2. The records of DCBA shall be open to the general public to access, inspect and they shall be entitled to obtain copies thereof, unless the record concerned has already been uploaded on the website of DCBA.

29. RIGHT TO INFORMATION

- 29.1. DCBA shall be subject to and comply with the Right to Information Act 2005.

30. CONFLICT OF INTEREST

- 30.1. A conflict of interest may take any of the following forms as far as any individual associated with the DCBA is concerned ("**Conflict of Interest**"):
- a) Direct or Indirect Interest: When DCBA or a Member enter into contractual arrangements with entities in which the individual concerned or his/her relative, partner or close associate has an interest. This is to include case where family members, partners or close associates are in positions that may, or may be seen to compromise an individual's participation, performance and discharge of roles.
 - b) Roles compromised: When the individual holds two separate or distinct posts or positions under DCBA or a Member, the functions of which would require the one to be beholden to the other, or in opposition thereof.
 - c) Commercial conflicts: When the individual enters into endorsement contracts or other professional engagements with third parties, the discharge of which would compromise the individual's primary obligation to the sport or allow for a perception that the purity of the game stands compromised.
 - d) Prior relationship: When the individual has a direct or indirect independent commercial engagement with a vendor or service provider in the past, which is now to be engaged by or on behalf of DCBA or its Member.
 - e) Position of influence: When the individual occupies a post that calls for decisions of governance, management or selection to be made, and where a friend, relative or close affiliate is in the zone of consideration or subject to such decision-making, control or management.
- 30.2. A Conflict of Interest may be either tractable or intractable:
- a) Tractable conflicts are those that are resolvable or permissible or excusable through recusal of the individual concerned and/or with full disclosure of the interest involved.
 - b) Intractable conflicts are those that cannot be resolved through disclosure and recusal and would necessitate the removal of the individual from a post or position occupied so that the conflict can cease to exist.
- 30.3. Within a period of 15 (fifteen) days of taking any office under DCBA, every individual shall disclose in writing to the Executive Committee any existing or potential event that may be deemed to cause a Conflict of Interest, and the same shall be uploaded on the website of DCBA. As far as incumbents are concerned, the disclosure may be made within 30 (thirty) days of the Effective Date.

31. ONE PERSON ONE POST

- 31.1. Except as expressly provided in these Rules and Regulations, no individual shall occupy more than 1 (one) position simultaneously in DCBA.

- 31.2. It is clarified that no individual may occupy more than one of the following posts at a single point of time except where permitted under these Rules and Regulations:
- a) Badminton Athlete (Current)
 - b) Team official
 - c) Commentator
 - d) Match official
 - e) Member of any Body of DCBA
 - f) Electoral Officer
 - g) Auditor
 - h) Managers
 - i) Office bearer of a Member
 - j) Service provider (legal, financial, etc.)
 - k) Contractual entity (broadcast, security, contractor, etc.)
 - l) Owner of a Badminton academy/club

32. ACCOUNTABILITY

- 32.1. All Badminton Athletes/Officials, Administrators, members of the Ombudsman and Administrative Disciplinary Committee, shall conduct themselves with the highest degree of propriety and in the best interests of the sport of Badminton and DCBA.
- 32.2. They shall ensure that they act in accordance with and comply with the Code of Ethics at all times.
- 32.3. All such persons shall be accountable for their actions/omissions to DCBA.
- 32.4. All such persons shall be liable to be punished / other suitable action for any Misconduct on their part.

33. FAIRNESS IN ENGAGEMENTS AND EMPLOYMENTS

- 33.1. A fair, transparent and open process shall be followed while awarding any contracts or while engaging/employing persons.
- 33.2. Details of such process shall be widely publicised and also uploaded on the website of DCBA.

PART VII: ENQUIRIES, DISPUTES AND ADJUDICATION

34. ATHLETES' DISCIPLINARY COMMITTEE

- 34.1. The Athletes' Disciplinary Committee shall be responsible for enquiry into, and recommending suitable action, for any case of Misconduct by Badminton Athletes/Officials.
- 34.2. The Athletes' Disciplinary Committee shall be composed of up to 3 (three) members, who shall be appointed by the Executive Committee as and when any case requiring an enquiry of the Athletes' Disciplinary Committee under Rule 34.1 arises. The members should be senior retired Badminton Athletes who are not subject to any Disqualification Event and have such other qualification as may be Prescribed.
- 34.3. This Rule shall not apply to actions taken by individuals in their capacity and while discharging their function as an Administrator, which shall be dealt with under Rule 36.

35. INTERNAL COMPLAINTS COMMITTEE

- 35.1. An Internal Complaints Committee shall be constituted by DCBA in accordance with and for the purposes of discharging the functions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

36. OMBUDSMAN

- 36.1. The Ombudsman shall be the supreme adjudication authority of DCBA.
- 36.2. It shall be composed of 1 (one) member, who shall be appointed by the General Body for a tenure of 4 (four) years, which shall be renewable, subject to a maximum of 3 (three) terms. The member should be a retired judge of the High Courts or District Courts and have such other qualification as may be Prescribed. The member shall be entitled to such remuneration and allowances as may be fixed keeping with the dignity and stature of the office.
- 36.3. The Ombudsman shall adjudicate:
 - a) Any grievance against any order, decision, conduct or any other action / omission of:
 - i. any other Body of DCBA (excluding the Athletes' Disciplinary Committee);
 - ii. any Members;
 - iii. any Administrator; and
 - iv. any Badminton Athlete/Official;

which order, decision, conduct or any other action / omission is alleged to be (i) in violation of these Rules and Regulations, the Bye-laws, the policies of DCBA/Bodies of DCBA, the rules and procedure of DCBA/Bodies of DCBA, applicable law, and other documents and or stipulations which apply to and govern DCBA; (ii) prejudicial to the interest of DCBA and/or the sport of Badminton; (iii) contrary to the Objects of DCBA; (iv) a failure to discharge

functions and duties and/or dereliction of duties; (v) an improper and malafide exercise of power; and/or (vi) Misconduct (only with respect to Natural Persons).

Provided that, any grievance which falls within the domain of the Athletes' Disciplinary Committee shall be first adjudicated by that body, unless the same has not been validly constituted or is not functioning.

Provided further that, any grievance against a Full Member shall be first adjudicated under the disputes redressal mechanism of such Member, unless such mechanism is not provided, not validly constituted or not functioning.

- b) Any disputes between (a) two or more Members; (b) Member(s) and DCBA; (c) two or more Bodies of DCBA (excluding the Ombudsman); and (d) within a Full Member.

Provided that, any disputes within a Full Member shall be first adjudicated under the disputes redressal mechanism of such Member, unless such mechanism is not provided, not validly constituted or not functioning.

- c) Any issue regarding the legality of the obtainment/nomination/appointment and/or continuance of a person's position (including elected position) within any Body of DCBA (excluding the Ombudsman), including where such position is alleged to have been obtained by fraud, misrepresentation and/or concealment or where it is alleged that the person has ceased to meet the eligibility criteria as set out in these Rules and Regulations and Bye-laws.
- d) Any dispute concerning elections within DCBA/Bodies of DCBA, subject to power of the Electoral Officer to first decide such dispute. *Provided* that, any such dispute shall only be entertained after the declaration of the result of the election.
- e) Any challenge to an order of the final adjudicating authority of the Full Members.
- f) Any appeal against the order of the Athletes' Disciplinary Committee.
- g) Any other dispute or grievance which does not fall in the jurisdiction of any other adjudicatory authority, excluding any dispute or issue with respect to the eligibility/legality of obtaining/rejecting/continuing Membership.

37. GENERAL PROCEDURE AND STIPULATIONS

- 37.1. Any person / entity may bring a complaint before the Athletes' Disciplinary Committee and the Ombudsman. These Bodies of DCBA may also take suo-moto cognizance of any issue which falls within their jurisdiction.

- 37.2. These Bodies of DCBA, in the course of their enquiries, shall ensure compliance with principles of natural justice, giving all stakeholders a hearing. They shall have the power to take evidence, if necessary. The place of hearing shall be decided by these Bodies of DCBA.
- 37.3. Subject to these Rules and Regulations and Bye-laws framed to regulate the procedure for conduct of business of these Bodies of DCBA:
- a) the Ombudsman shall determine and frame its procedure for conduct of business.
 - b) the Executive Body shall determine and frame the procedure for conduct of business of the Athletes' Disciplinary Committee, failing which, the Athletes' Disciplinary Committee shall be free to determine such procedure.
- 37.4. The procedure so determined and framed shall be subject to ratification / modifications by the General Body. Such procedure shall be published on the website of DCBA
- 37.5. These Bodies of DCBA shall have the power to impose such punishment and penalties and direct such remedial and other measures, as they deem fit or as Prescribed. The punishment, penalties and remedial measures can include, monetary penalty, ban, suspension, removal from team, post, competition etc and restitution. However, they shall not have the power to grant any relief or issue any directions with respect to admission, suspension and removal from Membership.
- 37.6. These Bodies of DCBA shall also have the power to impose interim measures such as suspension (except with respect to Membership).
- 37.7. The enquiry and adjudication by these Bodies of DCBA ought to be completed within a period of 4 (four) months, failing which the interim measures shall cease to operate.
- 37.8. These Bodies of DCBA shall have the power to interpret and apply these Rules and Regulations, the Bye-laws, the policies of DCBA/Bodies of DCBA, the rules and procedure of DCBA/Bodies of DCBA, applicable law, and other documents and or stipulations which apply to and govern DCBA and the concerned parties.
- 37.9. The Administrators shall be responsible for providing such assistance to these Bodies of DCBA as they may require.
- 37.10. The decision of the Athletes' Disciplinary Committee unless appealed before the Ombudsman, and the decision of the Ombudsman shall be final and binding on all concerned parties.
- 37.11. The decisions of these Bodies of DCBA shall be published on the website of DCBA.
- 37.12. The Executive Committee shall be responsible for implementing the orders/recommendations of these Bodies.

- 37.13. The cause of action provided in this Part VII shall imply a corresponding obligation, duty, disqualification and/or disability on part of the person/ entity against whom the cause of action is brought.
- 37.14. Any Administrator or any Badminton Athlete/Official or other individual associated with DCBA, who is found guilty and removed by DCBA, shall forfeit all their rights and privileges. He or she shall not in future be entitled to hold any position or office or be admitted in any committee or any role in DCBA.
- 37.15. Notwithstanding anything contained herein, the Ombudsman and the Electoral Officer shall be subject to action only by the General Body.

PART VII: MISCELLANEOUS

38. AMENDMENT TO MEMORANDUM AND RULES AND REGULATIONS

- 38.1. The Memorandum and Rules and Regulations can only be amended:
- a) at a General Meeting, including an Adjourned Meeting; where
 - b) there is presence of Members having at least $\frac{3}{4}$ (three-fourth) of the total votes in a General Meeting, with the Full Members constituting the voting majority; and when
 - c) the resolution for amendment is passed by $\frac{2}{3}$ majority of the total votes of the Members present at such General Meeting

39. BYE-LAWS

- 39.1. The General Body may, on the recommendation of the Executive Committee, frame bye-laws not inconsistent to these Rules and Regulations for the purpose of giving effect to and/or implementing the various provisions of these Rules and Regulations and for the proper and efficient administration of DCBA and the Bodies of DCBA ("**Bye-laws**").

40. FORCE OF THE BYE-LAWS, POLICIES, AND RULES/ PROCEDURES

- 40.1. The Byelaws, policies, and rules/ procedures made by DCBA/Bodies of DCBA shall have the same force as of the Rules and Regulations, provided that they are not contrary to these Rules and Regulations.
- 40.2. Policies and rules/ procedures of DCBA/Bodies of DCBA shall be ratified in the General Meeting next after the framing of such policies and rules/procedures.

41. NOTICES

- 41.1. Any notice required to be served on any Member or any Administrator or other entity or person shall be served by post to their registered / official addresses.

- 41.2. All notices shall be served also by way of electronic mail to the official e-mail addresses as are furnished to DCBA.
- 41.3. Any notice sent via post or e-mail shall be deemed to have been served at the time when the same was sent, and it shall be sufficient to prove either that the letter containing the notice was properly addressed and posted or that the email was sent to the correct e-mail address.
- 41.4. The notices for meetings of the General Body, Athletes Body, Executive Committee and Athletes Commission shall also be published online.
- 41.5. Inadvertent omission to give notice of meetings of any Body of DCBA to any member entitled thereto or the nonreceipt thereof by such member shall not invalidate the proceedings of such meetings.

42. COMPLIANCE WITH LAW AND CONSTITUTIONS OF OTHER BODIES

- 42.1. DCBA shall comply with its obligations under the constitution of the Badminton Association of India, Olympic Charter, the National Sports Code, government directives and applicable law, which shall prevail in case of any conflict with the Rules and Regulations, Bye-laws, policies and procedures.

43. INDEMNITY

- 43.1. Every Administrator shall be indemnified out of DCBA's funds against all losses and expenses incurred in the discharge of his or her duties, except those which have occurred through wilful act or default and if so, each one shall be chargeable only for so much moneys or properties as they shall actually receive for or in the discharge of the business of DCBA and shall be answerable only for their own act, neglect or default and not for those of any other person.

44. LEGAL PROCEEDINGS

- 44.1. DCBA shall sue or be sued in the name of the General Secretary. A legal action/claim can only be filed at a court of law in New Delhi, where the Headquarters of DCBA is based.

45. CERTIFICATION

- 45.1. It is certified that this is a correct copy of the Rules and Regulations of DCBA.