

SHRI ALL INDIA SHWETAMBER STHANAKWASI JAIN CONFERENCE,
12, SHAHEED BHAGAT SINGH MARG, NEW DELHI

RASHTRIYA CHUNAV SAMITI-ELECTION 2021-23

Bench:

Adv. D. D Khabia, Rashtriya Mukhya Chunav Adhikari

CA Rajiv Jain, Rashtriya Sah Chunav Adhikari

Adv. Ajit Chhallani, Rashtriya Sah Chunav Adhikari

Name of the Candidate	Mahaveer Chand Ranka Jain LM No. 12133
Nominated Post	Rashtriya Adhyaksh Zone I
1- Proceedings initiated by	Notice dated 15-04-2021
2- Name of Complainant	Anandmul Challani Jain LM No. 15635
Date of the decision	22-04-2021

Order

1. The candidate Shri Mahaveer Chand Ranka Jain filed his nomination form no 005 for the post of Rashtriya Adhyaksh. Present proceedings were initiated by issue of notice dated 15-04-2021 issued by Rashtriya Chunav Samiti requiring him to satisfy his eligibility criteria to contest the election of Rashtriya Adhyaksh in terms of the office scrutiny report dated 15-04-2021 copy of which was duly forwarded to and acknowledged by him.
2. Another complaint is filed before Rashtriya Chunav Samiti by Anandmul Challani Jain LM No. 15635 (Chennai), another candidate contesting for the post of Rashtriya Adhyaksh, challenging eligibility of Shri Mahaveer Chand Ranka Jain to contest the election for the post of Rashtriya Adhyaksh which was duly forwarded to Shri Mahaveer Chand Ranka Jain. The complaint reached Rashtriya Chunav Samiti before the schedule time of 4.00 pm 19th April 2021.
3. Both matters being related to the same issue were taken up and disposed off together by a common order and were listed for hearing at 2.30 pm on 21st April 2021 held in virtual mode on zoom platform.
4. In his nomination form the candidate Shri Mahaveer Chand Ranka mentioned his eligibility to contest the election of Rashtriya Adhyaksh as holding membership of Rashtriya Karyakarini Samiti (NEC) for three tenures i.e. 2009-2011, 2012-2014 and 2018-2021. Alongwith his nomination form Shri Mahaveer Chand Ranka attached a letter dated 18-04-2010 issued by then President of SAISSJC offering him membership of Rashtriya Karyakarini Samiti (NEC) as an evidence of holding membership of NEC for 2009-2011.

5. Shri All India Shwetamber Sthanakwasi Jain Conference, New Delhi, (SAISSJC) acting through its General Manager, submitted an office scrutiny report dated 15-04-2021 conducting scrutiny of nomination form no 005 filed by Shri Mahaveer Chand Ranka Jain and record of SAISSJC, before Rashtriya Chunav Samiti. In this scrutiny report it was submitted that claim of Shri Mahaveer Chand Ranka Ji Jain that he was member of Rashtriya Karyakarini Samiti for the period 2009-2011 is incorrect being contrary to the record of SAISSJC as his name neither appeared in the list of NEC members nor found in the attendance or otherwise in the minute books of SAISSJC maintained for the NEC tenure of 2009-2011. The report also challenged authenticity of letter dated 18-04-2010 produced by Shri Mahaveer Chand Ji Ranka Jain and that it was only an invitation letter and in response thereto, no acceptance letter was ever received by SAISSJC. The report further stated that Shri Mahaveer Chand Ranka Jain in his earlier nominations for the post of Prantiya Adhyaksh for the period 2016-2018 and 2018-2021 has wrongly mentioned his tenure of NEC membership for 2009-2011 but they were allowed as he was otherwise eligible to contest the election of Prantiya Adhyaksh in the alternative eligibility. In this manner it was submitted that Shri Mahaveer Chand Ji has failed to meet the eligibility criteria for contesting the election of National President. This scrutiny report was forwarded to the candidate Shri Mahaveer Chand Ji Ranka Jain along with notice dated 15-04-2021.
6. After receipt of notice the candidate Shri Mahaveer Chand Ranka travelled to New Delhi and sought appointment which was granted though zoom on 16-04-2021. During the meeting he relied on letter dated 18-04-2010 and his nomination forms for the post of Prantiya Adhyaksh for the period 2016-2018 and 2018-2021, however, for candidate was advised to come with his complete written reply with evidence by 10.30 am on 21st April 2021. Thereafter, the candidate requested adjournment to file his written submissions and asked for copies of documents provided to Rashtriya Chunav Samiti for its perusal by Shri All India Shwetamber Sthanakwasi Jain Conference with its office scrutiny report. Copy of the documents placed before Rashtriya Chunav Samiti with scrutiny report were forwarded to the candidate, however, election being a time bound process the request for adjournment was rejected. Even after providing sufficient opportunities no written reply was received from the candidate Shri Mahaveer Chand Ranka Jain.
7. The complainant Shri Anandmul Challani Jain, another candidate for the post of Rashtriya Adhyaksh, submitted that he was Rashrtiya Upadhyaksh during the tenure of 2009-2011 and Shri Mahaveer Chand Ranka Jain was not a NEC member at that time. In support of his claim, he submitted copy of list of NEC member for tenure of 2009-2011 obtained from

the office of Registrar of Societies on 22-11-2011 under the RTI Act which did not contain the name of Shri Mahaveer Chand Ranka Jain as NEC member.

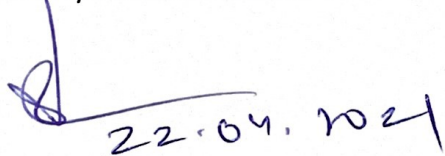
8. During hearing the candidate Shri Mahaveer Chand Ranka Jain, complainant Shri Anandmul Challani and Shri Paras Modi Jain, National President SAISSJC appeared and made their respective submissions which were duly heard.
9. Shri Paras Modi representing SAISSJC relied on office scrutiny report dated 15-04-2021 and rule 6(ग) at page 20-21 and rule 9(क)(ई) E6 at page 31 of Constitution of SAISSJC. The complainant reiterated his submission placed on record and relied upon certified copy of list of NEC members received from office of Registrar of Society under RTI Act. The candidate Shri Mahaveer Chand Ranka Jain relied upon letter dated 18-04-2010 and his nominations for Prantiya Adhyaksh for 2016-2018 and 2018-2020, however, he admitted that during NEC tenure of 2009-2011 he did not attend any NEC meeting and that rule 9(क)(ई) E6 at page 31 of constitution of SAISSJC was not there in the constitution at that time. The candidate further alleged that record of SAISSJC have been tampered to exclude his name from the list of NEC members which was strongly objected by Shri Paras Modi Ji Jain appearing for SAISSJC.
10. We have heard the rival submissions, examined the office record, scrutinized the nomination form no. 005 filed by the candidate Shri Mahaveer Chandji Ranka Jain, Chennai and have also examined the relevant provisions of constitution of SAISSJC. We have examined rule 6(ग) at page 20-21 of Constitution of SAISSJC which prescribe eligibility criteria for contesting the election of Rashtriya Adhyaksh, as per this rule, any candidate who acquires experience of three tenures of N. E. C. member or any candidate who acquires experience of two tenures holding any national post is eligible to contest the election of Rashtriya Adhyaksh. We have also examined rule 9(क)(ई) E6 at page 31 of Constitution of SAISSJC and found that as per this rule if a N. E. C. member absents himself from three consecutive meetings of Rashriya Karyakarini Samiti then his N. E.C. membership and all consequent statutory rights arising therefrom automatically ceases and he will not be able to claim N. E. C. membership or any constitutional rights available to him for that N. E. C. tenure. We have examined the copies of the record submitted by SAISSJC and have also examined the originals thereof, as well as the documents placed on record by the complainant Shri Anandmul Challani Jain and the candidate Shri Mahaveer Chandji Ranka Jain.
11. Before proceeding further we emphasize that present members of Rashtriya Chunav Samiti for conducting election 2021-2023 have been appointed in accordance with the present enforceable constitution of SAISSJC and the entire election process for election

2021-2023 is to be conducted in accordance with the present enforceable constitution of SAISSJC and therefore, Rashtriya Chunav Samiti for disposing any issue arising during election 2021-2023 can only rely and recognize upon the present applicable constitution of SAISSJC.

12. On examination of constitutional provisions of SAISSJC, we find that only obligation on the part of the N. E. C. member is to attend N. E. C. meetings and a N. E. C member can acquire experience as N. E. C. member only by attending N. E. C. meetings. During the hearing, the candidate Shri Mahaveer Chandji Ranka Jain admitted that he did not attend any N. E. C. meeting during the tenure of 2009-2011. Therefore, in view of the specific provisions of rule 6(ग) at page 20-21 of Constitution of SAISSJC which prescribes eligibility criteria for contesting the election of Rashtriya Adhyaksh, we find that Shri Mahaveer Chandji Ranka Jain cannot claim the N. E. C. tenure of 2009-2011 as he has not attended any N. E. C. meeting during that tenure. Further, after examination of rule 9(क)(ई) E6 at page 31 of Constitution of SAISSJC, we find that due to non-attending of any N. E. C. meeting during 2009-2011, any statutory rights arising therefrom ceases to exist and this tenure cannot be recognized. Therefore, in view of the above constitutional provisions, the candidate Shri Mahveer Chandji Ranka Jain cannot claim any rights arising out of N. E.C. tenure of 2009-2011.
13. Further, Rashtriya Chunav Samiti has no other option but to rely upon the record produced by SAISSJC as the candidate Shri Mahaveer Chandji Ranka Jain could not bring any evidence to disprove/contradict the record placed before us by SAISSJC. We specifically mention here that we are not commenting upon authenticity of letter dated 18/04/2010 relied upon by Shri Mahaveer Chandji Ranka Jain, however, we find that letter dated 18/04/2010 is only an invitation letter expressing intention of only one party and the other party cannot claim any right arising therefrom unless the other party provide consent to the intention of the first party and the first party after receipt of the consent of the second party includes his name in the list of N. E. C. members. With respect to nomination forms for elections 2016-2018 and 2018-2020 filed by Shri Mahveer Chandji Ranka Jain for the post of Prantiya Adhyaksh wherein he has mentioned his tenure of N. E. C. for 2009-2011, we find that those nominations could not have been rejected as the candidate was otherwise eligible to contest that election by satisfying alternative condition, therefore, no statutory right can be claimed on the basis of those nomination forms.

14. In the result, the nomination papers no. 005 for the post of Rashtriya Adhyaksh filed by Shri Mahaveer Chandji Ranka Jain, Chennai is hereby rejected.

For Rashtriya Chunav Samiti



22.04.2021

Rajiv Jain

Rashtriya Sah Chunav Adhikari