



NOTIFICATION

POA-515/GCM/1140 dated 04 December, 2015

RULES OF ARBITRATION

The Rules of Arbitration of Pakistan Olympic Association are hereby notified and promulgated on this day of December 04, 2015 by the Pakistan Olympic Association with the approval of the its General Council in its Meeting held on 04th October, 2015 and adopted under Article-XI of POA Constitution.

ARTICLE XI-3 (RULES OF ARBITRATION)

Adopted under Article XI of the POA Constitution

RULES OF ARBITRATION

Article 1 : General

- i. All disputes arising out of the working, functioning and performance of the Pakistan Olympic Association and/or of any of its Affiliated Member Units within itself or amongst each other shall be referred for Arbitration to the POA.*
- ii. No Affiliated Member Unit of the Pakistan Olympic Association shall take their dispute to any Court of Law.*
- iii. Any other organization or association which is an affiliated member of any of the Provincial Olympic Associations, National Federations or Provincial Associations in respect of a dispute with any National Federation, Provincial Association, Provincial Olympic Association or Pakistan Olympic Association shall also refer such dispute to the Pakistan Olympic Association for resolution through Arbitration under these Rules.*
- iv. Arbitration shall be conducted by an Arbitral Committee nominated under these Rules.*

Article 2 : Definitions

In these Rules:

- i. "POA" means the Pakistan Olympic Association;*
- ii. "Affiliated Member Unit" means an Affiliated National Federation or other Organization or Association;*
- iii. "National Federation" means a sports organization on national basis such as Athletics, Badminton, Basketball, Boxing, Cycling, Gymnastics, Kabaddi, Football, Hockey, Rifle Shooting, Rowing, Swimming, Volleyball, Weightlifting, Wrestling, or any other games or sports associations as may be recognized by the POA from time to time;*



- iv. *“Arbitral Committee” includes a tribunal of three arbitrators selected from the permanent POA Arbitration Panel in accordance with these Rules;*
- v. *“Claimant” includes one or more claimants;*
- vi. *“Respondent” includes one or more respondents;*
- vii. *“Award” includes, inter alia, an interim or final Award.*

Article 3 : The POA Panel of Arbitrators and Appellate Bench

- i. *The Executive Committee, subject to the approval of the POA President, shall nominate a permanent Panel of Arbitrators comprising of;*
 - a) *Five (5) Associate Secretary Generals of the POA at the time.*
 - b) *Five (5) members of the POA or Presidents of affiliated members of the POA.*
 - c) *Five (5) independent jurists (who may include lawyers or retired honourable judges)*
- ii. *These nominations may be reconsidered and updated by the POA President annually on the basis of performance*
- iii. *In nominating and confirming the permanent panel of Arbitrators, the POA President shall consider the prospective Arbitrator’s availability and ability to conduct the arbitration in accordance with these rules with particular importance and preference given to a sound legal and sports background.*
- iv. *The function of the permanent Panel of Arbitrators is to provide for the settlement by arbitration of disputes in accordance with these Rules if empowered by the POA President to do so.*
- v. *The Executive Committee, subject to the approval of the POA President, shall nominate permanent members of the Appellate Bench of the POA comprising of;*
 - a) *Five Vice Presidents of the POA at the time.*
 - b) *Five independent jurists (who may include lawyers or retired honourable judges)*
 - c) *Chairman of the Appellate Bench who shall be an eminent jurist.*
- vi. *The Chairman of the Appellate Bench shall regulate the conduct of the Appellate Bench and shall have the power to make any regulations for the functioning of the Appellate Bench if so deemed necessary and shall constitute the necessary Appellate Bench to hear each challenge referred to the Appellate Bench under these Rules.*
- vii. *The appointment to the Panel of Arbitrators and the Appellate Bench shall be for a period extending till either any member ceases to be a member on account of lack of pre qualification as provided for or resigns or is removed by the decision of the General Council of the POA.*
- viii. *Any vacancy occurring in the Panel of Arbitrators or the Appellate Bench shall be filled within 30 days in the manner as provided for the initial nominations herein.*



Article 4 : Commencing The Arbitration - Request for Arbitration

- i. *A party wishing to have recourse to arbitration under Article 11 of the POA Constitution and consequently under these Rules, shall submit its Request for Arbitration (the “Request”) to the POA Secretary General (the “Secretary General”) who shall notify the Claimant and Respondent of the receipt of the Request and the date of such receipt.*

Provided that if the dispute relates to the Secretary General, the Request shall be referred to the senior most Associate Secretary General who shall be deemed the Secretary General for purposes of these Rules for handling an Arbitration Request.

- ii. *The date on which the Secretary General receives the Request shall, for all purposes, be deemed to be the date of commencement of the Arbitral proceedings.*
- iii. *The Request shall, inter alia, contain the following information:*
- a) *The name in full , description and address of each of the parties;*
- b) *A description of the nature and circumstances of the dispute giving rise to the claim(s).*

Article 5 : The POA Arbitral Committee – Composition and Procedure for Selection

- i. *The POA Arbitral Committee comprising of three Arbitrators selected from the permanent POA Panel of Arbitrators shall decide the disputes.*
- ii. *Selection of the POA Arbitral Committee members shall be made on reference of the dispute to the POA Secretary General.*
- iii. *Upon submission of the Request for Arbitration, the POA Secretary General shall notify both parties within 7 days thereon to nominate one Arbitrator each.*
- iv. *Both parties shall nominate an Arbitrator within a period of 14 days from the receipt of notification by the POA Secretary General*
- v. *Within 7 days of the POA Secretary General having received both nominations, the POA President will nominate the third Arbitrator who will act as the Chairman of the POA Arbitral Committee subject to the Chairman nominated shall be from amongst the jurist members of the POA Panel of Arbitrators in the event neither of the arbitrators nominated by the parties is from amongst the jurist members of the POA Panel of Arbitrators.*
- vi. *Provided that if the POA President is a party to the dispute as setout in the Request the two senior most Vice Presidents, who are not members of the POA Panel of Arbitrators, shall perform and exercise the duties, obligations and powers of the POA President as provided for and in pursuance of these Rules. Such eventuality shall not affect the powers and duties of the POA President as otherwise provided for under the Constitution of the POA.*
- vii. *The POA Secretary General shall then notify both parties as well as the POA Arbitral Committee of its formation within 3 days of receipt of the final nomination made by the POA President.*



Article 6 : Statement of Claim and Reply

- i. *The Claimant shall submit a Statement of Claim (detailed statement of the relief sought) and a complete set of documents relied upon annexed thereto, to the Secretary General within 10 days of the Claimant's receipt of notification of the formation of the Arbitral Committee.*
- ii. *The Statement of Claim as well as all documents annexed thereto shall be supplied by the Claimant in the number of copies sufficient to provide one copy for each party, plus one for each arbitrator and one for the Secretary General.*
- iii. *The Secretary General shall send a copy of the Statement of Claim and all the documents annexed thereto to the Respondent for its Answer/ Reply, once the Secretary General has received sufficient copies of the documentation.*
- iv. *Within 14 days from the receipt of the Statement of Claim, the Respondent shall file a Reply/ Answer with a complete set of documents relied upon annexed thereto to the Secretary General, which shall, inter alia contain the following information:*
 - a) *Its name in full, description and address;*
 - b) *Its comments as to the nature and circumstances of the dispute giving rise to the claim;*
 - c) *Its response to the relief sought.*
- v. *The Reply as well as all documents annexed thereto shall be supplied to the Secretary General in the number of copies sufficient to provide for the other party, arbitrators and the Secretary General.*
- vi. *A copy of the Reply and the documents annexed thereto shall be communicated by the Secretary General to the Claimant.*

Article 7 : The Arbitral Proceedings - Transmission of the File to the Arbitral Committee

Upon completion of submission and communication of the Statement of Claim, Reply and all documents annexed thereto, the Secretary General shall transmit the File to the Arbitral Committee.

Article 8 : Hearings and Establishing the Facts of the Case

- i. *The Arbitral Committee shall proceed to establish the facts of the case by all appropriate means.*
- ii. *Within 14 days of the transmission of the File to the Arbitral Committee, it shall fix the matter for hearing, having studied the written submissions of both parties and all documents relied upon.*
- iii. *When a hearing is to be held, the Arbitral Committee, giving reasonable notice of not less than 7 days, shall summon the parties to appear before it on the day and at the place fixed by it.*
- iv. *If any party, although duly summoned, fails to appear without valid reason in the opinion of the Arbitral Committee, the Arbitral Committee shall have the power to proceed with the hearing.*
- v. *The Arbitral Committee shall be exclusively and fully in charge of the hearings and shall regulate*



- the procedure, agenda and process of the hearings, at which all the parties shall be entitled to be present. Save with the approval of the Arbitral Committee and the parties, persons not involved in the proceedings shall not be admitted.*
- vi. The parties may appear in person or through duly authorized representatives. In addition they may be assisted by advisors.*
 - vii. On the date of hearing, both parties will be given the opportunity to produce any witnesses and thereafter address the Arbitral Committee, to make oral submissions and to produce any further documents that they wish to rely on, if it is so permitted by the Arbitral Committee.*
 - viii. At any time during the proceedings, the Arbitral Committee may summon any of the parties to provide additional evidence. A maximum period of 15 days will be granted for the production of such further evidence.*

Article 9 : Close of the Proceedings

- i. When it is satisfied that the parties have had a reasonable opportunity to present their cases, the Arbitral Committee shall declare the proceedings closed. Thereafter, no further submission or argument may be made, or evidence produced, unless requested or authorized by the Arbitral Committee.*
- ii. When the Arbitral Committee has declared the proceedings closed, it shall indicate to the Secretary General an approximate date by which the draft Award will be submitted to the POA President for approval pursuant to Article 12.*

Article 10 : The Award - Time Limit and Making of the Award

- i. The time limit within which the Arbitral Committee must complete the draft award is 90 days. Such time limit shall start to run from the date of receipt of the File being transmitted by the Secretary General to the Arbitral Committee.*
- ii. The Arbitral Committee shall issue the draft Award by a majority decision.*
- iii. The draft Award shall state the reasons upon which it is based.*
- iv. The draft Award shall be deemed to be made at the place of the Arbitration and on the date stated therein.*
- v. The draft Award shall be signed by the Chairman of the Committee and will be forwarded to the Secretary General for approval by the POA President.*

Article 11 : Award by Consent

If the parties reach a settlement after the file has been transmitted to the Arbitral Committee in accordance with Article 7, the settlement shall be recorded in the form of an Award made by consent of the parties if so requested by the parties and if the Arbitral Committee agrees to do so.



Article 12 : Approval of the draft Award by POA President

- i. Upon receipt of the draft Award from the Arbitral Committee, the Secretary General shall forward it to the POA President for his approval.
- ii. The POA President may within 10 days of receipt of the draft Award for the purposes of final assent, and without affecting the Arbitral Committee's liberty of decisions, draw its attention to points of substance and raise queries in respect of that Award.
- iii. The Arbitral Committee shall submit a reply in relation to such queries if raised by the POA President within 14 days of receipt of the queries.
- iv. The queries made by the POA President, if any, and their replies submitted by the Arbitral Committee shall form part of the Record along with the Award.
- v. Upon consideration of the queries raised by the POA President, if any, the Arbitral Committee may amend or retain the original draft Award and shall forward along with its reply under Article 12(3) the Final Award to the Secretary General duly signed by each member of the Arbitral Committee including any dissenting note representing the minority view.

Article 13 : Issuance and Enforceability of the Final Award

- i. The Secretary General shall issue attested copies of the Final Award to both parties simultaneously within 7 days of receipt of the Final Award, provided always that the costs of the Arbitration have been fully paid by the parties.
- ii. The Arbitral Committee and the Secretary General shall assist the parties in complying with whatever further formalities may be necessary.
- iii. Every Award shall be binding on the parties. By submitting the dispute to Arbitration under these Rules, the parties undertake to carry out and execute an Award without delay and shall be deemed to have waived their right to any form of recourse, except as may be provided for under these Rules, insofar as such as such waiver can validly be made.
- iv. The Secretary General POA, the President POA, the Executive Committee of the POA and the General Body of the POA, as the case maybe, shall take such necessary actions as may be directed by way of the Final Award or are necessary in order to enforce and execute the Final Award, subject to the right of the parties to challenge the Final Award.

Article 14 : The Challenge - Challenge to the Final Award

- i. Any party to the Final Award shall have the right to challenge the Award within 30 days of receipt of the Final Award notwithstanding the Award having been executed during this period.
- ii. In the event a party to the Final Award raises a challenge to the Final Award, any action taken in execution of or in pursuance of directions contained in the Final Award, such challenge shall be heard and decided by the Appellate Bench of the POA.



- iii. *The challenge shall to the Final Award shall be presented to the Secretary General of POA in writing detailing each ground of such challenge and all attaching all relevant documents relied upon.*
- iv. *The Secretary General shall within 7 days of receipt of such challenge notify, along with copies of the challenge as presented, all parties to the Final Award and the Chairman of the Appellate Bench of a challenge having been presented.*
- v. *All parties to the Final Award shall have the right to submit a written response to the challenge within 14 days of being notified by the Secretary General.*
- vi. *The Chairman of the Appellate Bench shall within 10 days of being notified of a challenge having been presented constitute in accordance with these Rules an Appellate Bench to hear and decide the challenge.*
- vii. *The Secretary General shall notify the parties of the constitution of the Appellate Bench and transmit the challenge and all replies submitted to the members of the Appellate Bench within 7 days of having received the notification from the Chairman of the Appellate Bench or all replies under Article 14(5), whichever is later in time.*
- viii. *The Appellate Bench shall within 10 days of receipt of the record of the challenge from the Secretary General issue notice to all parties of the date of hearing fixed by them, where such hearing shall not be no later than 30 days from receipt of the record of the challenge by the Bench.*
- ix. *The parties shall have the right to appear in person or through representatives at the hearing and present their oral submissions or any written documents or material, with the permission of the Appellate Bench, at the hearing. The hearing shall not be adjourned except for a valid reason in the opinion of the Appellate Bench subject to the final hearing of the challenge not being delayed beyond 30 days of the date of the first hearing as fixed by the Appellate Bench.*
- x. *Upon conclusion of the hearing, the Appellate Bench shall render its decision along with detailed reasons for either upholding, setting aside or modifying the Final Award and shall provide the decision signed by each member of the Appellate Tribunal to the Secretary General of the POA.*
- xi. *The Secretary General shall within 7 days of the final decision of the Appellate Bench being received provide certified copies of the decision to all the concerned parties and forward a copy to the President POA and each member of the Executive Committee.*
- xii. *The decision of the Appellate Bench shall be final and binding upon all the parties subject to the right to appeal as provided for under these Rules.*

Article 15 : Appeal to Court of Arbitration for Sports

- i. *Any party to a Final Award may challenge the decision of the Appellate Bench of the POA before the Court of Arbitration for Sports at Lausanne where such challenge shall be in the form and in accordance with the Rules of Arbitration of CAS.*
- ii. *A challenge to the decision of the Appellate Bench of the POA before the CAS shall be instituted within 30 days of the receipt of the certified copy of the decision and no later.*



- iii. *The Secretary General shall provide to any party making a request for certified copies of the entire record of the arbitration proceedings and challenge proceedings for purposes of submitting the same in a challenge before CAS where such copies shall be provided no later than 3 days of a request having been made by any party.*

Article 16 : Interim Orders & Interim Awards

- i. *The Arbitral Committee or the Appellate Bench of the POA may in its absolute discretion and upon the application of a party issued interim orders or an Interim Award as found necessary.*
- ii. *Any interim orders or Interim Award issued shall stand merged into the Final Award.*
- iii. *Any party may challenge an interim order or Interim Award of the Arbitral Committee before the Appellate Bench in the same manner as a Final Award is challenged before the Appellate Bench.*

Article 17 : Fees

1. *The parties to an arbitration proceeding shall be liable to pay the fee of arbitration as fixed by the Arbitral Fee Matrix approved and issued by the Executive Committee of the POA from time to time.*
2. *Nonpayment of fee by the party seeking arbitration shall render the Request for Arbitration to be adjourned sine die until such fee is paid. Whereas non-payment of fee by a responding party to the arbitration shall render such party liable to be proceeded ex-parte at the discretion of the Arbitral Committee or the Appellate Bench as the case may be and such party shall not be afforded the right to seek any interim orders or Interim Award.*
3. *The Arbitral Tribunal or the Appellate Bench may impose costs upon any party to the proceedings subject to such costs not exceeding the actual costs of the other party where such costs to include the fee paid under these Rules.*

Article 18 : General Rule & Withdrawal of Pending Non-arbitral Proceedings

1. *In all matters not expressly provided for in these Rules, the POA President and the Arbitral Committee shall act in the spirit of these Rules and shall make every effort to make sure that the Award is enforceable at law.*
2. *Any proceedings pending before any forum or court of law pertaining to disputes which otherwise fall within the purview of these Rules and Article XI of the POA Constitution at the time of promulgation of these Rules shall be referable to arbitration under these Rules.*
3. *Any interim injunctive or protective orders passed in any pending proceedings which are withdrawn and referred to arbitration under these Rules shall be deemed to continue as interim orders passed by the Arbitral Committee of the POA and shall be reviewed at the first hearing to be called by the nominated Arbitral Committee when seized of the arbitration file.*



Lt Gen Syed Arif Hasan HI(M) (Retd)
President

4. *Any person or entity who has instituted such pending proceedings before any forum or court of law shall be required to withdraw the same and institute a Request for Arbitration under these Rules within 14 days of the promulgation of these Rules failing which such person shall be deemed to have violated the provisions of Article XI of the Constitution of POA.*

Lt Gen Syed Arif Hasan (Retd)
President
Pakistan Olympic Association

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