

**Objections to the Nominations sent by Kabaddi Association of
Himachal Pradesh (in short KAOHP) for the Electoral College of AKFI**

ORDER

Kabaddi Association of Himachal Pradesh (KAOHP), an affiliated unit of AKFI sent names of its two representatives for “Electoral College” namely Mr. Rajkumar Bharanta, President and Mr. Rattan Lal Thakur, General Secretary of the Association. Against these two names objections have been filed by Mr. Nand Lal Thakur General Secretary Himachal Pradesh Amateur Kabaddi Association (HPAKA). Notice of these objections was sent to the affiliated unit KAOHP. Hearing on objections from both the sides was held on 05.12.2018. On behalf of the Objector Mr. Nand Lal Thakur, Mr. Tara Chand and Mr. Shyam Lal Thakur appeared. On behalf of the Association Mr. Raj Kumar Bharanta, Mr. Rattan Lal Thakur and Mr. M.L Thakur appeared. The parties were given effective hearing. Documents filed by both of them in support of their objections were taken on record. The parties have also filed their written submissions.

While asking affiliated State Associations for sending names of its representatives for “Electoral College”, each State Association was also directed to provide its status; when was last election of Association held, for how many terms the Office Bearers of Association were in their respective posts, age of the Office Bearers and if any court case involving Association was pending. Said information was called to examine as to what extent the State Associations were in compliance with Sports Code.

The State Association provided said status report in its letter dated 03.10.2018 informing that:

Last Election of the Association was held on 03.06.2017 and both President and the General Secretary were elected for the first Term in their respective post. Age of the President Mr. Raj Kumar Bharanta is 49 years; his date of birth is 14.05.1968. General Secretary Mr. Ratan Lal Thakur is 53 years as his date of birth is 01.11.1964. Treasurer Mr. Jai Chouhan is 41 Years as his date of birth is 16.08.1976. As regard any court case involving State Association or its Office Bearer, it is informed that a case was pending in High Court but there was no interim stay in the case.

On perusal of objections and documents on record, it reveals that HPAKA was the original association affiliated to AKFI before 2017. Its elections had taken place on 24.02.2013. The fresh elections were due on or before 23.02.2017. It is a matter of record that HPAKA did not conduct election till 23.02.2017. An e-mail dated 15.12.2018 and notice dated 27.03.2017 was served upon the Objector Mr. Nand Lal Thakur Honorary General Secretary HPAKA in this regard. The Association has placed on record the letter dated 27.03.2017 to Mr. Nand Lal Thakur to explain with 15 days from the date of receipt of the notice as to why the provisions of Article 22.5 and 24.5 of the Constitution of the federation be not invoked against his association for not holding elections within 4 years on or before 23.02.2017. It was also mentioned therein that the Objector had not sent any response to the e-mail dated 15.12.16 on the subject. Since the Objector Mr. Mr. Nand Lal Thakur General Secretary HPAKA failed to hold elections within the prescribed period vide letter dated 02.05.2017 as per the provisions of Article 29.1,2 22.5 and 24.5 of the Constitution of AKFI, the said association was

disaffiliated with immediate effect. It has further come on record that a five Member Ad-hoc Committee was constituted and Mr. Rattan Lal was appointed as its convenor and directed to constitute an elected body within 90 days. It is stated that the election of KAOHP was held on 03.06.2017 at Shimla under the supervision of Observer AKFI, Observer from Himachal Pradesh Olympic Association and Observer from Himachal Pradesh Sports Council. All the 12 District unit Members were present in general council of KAOHP wherein with one voice of the House, Mr. Raj Kumar Bharanta and Mr. Ratan Lal Thakur were elected as President and General Secretary respectively. It is informed that affiliation letters were issued to KAOHP by AKFI, Himachal Pradesh Olympic Association and Himachal Pradesh Sports Council which have been placed on record.

The Objector Mr. Nand Lal Thakur urged that as per the Constitution of HPAKA, there was a specific provision to hold elections before or after 6 months of end of the term. The election could have been conducted on or before 23.08.2017. HPAKA conducted its elections on 04.06.2017 at Electricity Rest House Bilaspur (H.P.) and its intimation was given to President AKFI on 12.05.2017. AKFI with malafide intention granted affiliation to an unauthorised constituted body on 05.06.2017. AKFI violated rule 4.7 of AKFI Constitution and Rule 31(B) of IOA. It was vehemently urged that HPAKA was the original and recognised Association and its disaffiliation was malafide and cannot be sustained.

It is relevant to note that HPAKA had filed CWP no. 1552 of 2017 before the Hon'ble High Court of Himachal Pradesh at Shimla. The said Writ Petition was disposed off by order dated 13.11.2018 whereby the directions were given to the Administrator to decide the petitioner's objections, after hearing both sides, by way of a reasoned order and take appropriate decision

with regard to the affiliation / recognition of the State Unit of Himachal Pradesh; Such decision shall obviously be taken before finalisation of the Electoral College of AKFI. It was clarified that the Hon'ble court had not expressed any view on merits.

During arguments it was enquired from the Objector as to when the said Writ Petition was filed before the Hon'ble High Court. It was informed that it was filed after about 4 months of the disaffiliation of HPAKA.

As noted above names of two representatives have been received from the affiliated State units of AKFI for preparation of Electoral College in terms of the judgement of the Hon'ble High Court dated 03.08.2018. These names have been called from the affiliated State Units for the limited purpose to hold first round of elections of AKFI in accordance with the Model Election Guidelines within 3 months thereof to enable the body so elected to carry out the amendments to the MOA, to bring it in conformity with NSCI. After this exercise is over, a fresh round of election is to be carried out, as per the amended MOA and in terms of the NSCI, ensuring that all stipulations in the NSCI including age and tenure restriction are strictly complied with. The entire exercise was to be carried out within a period of 6 months from the date of judgment. The Hon'ble Supreme Court in appeal reduced the period from 6 months to 3 months. On the applications filed by the Administrator, 8 weeks more time has been granted / extended to carry out the elections. Since the objections have been received in large number from various States / individuals, it has taken lot of time for their disposal. Besides the Administrator has to carry out various other day to day activities of the Association for which three monthly report as required by Delhi High Court has already being sent.

Admitted position is that the last election of HPAKA took place on 24.02.2013. It was required to be conducted within four years on or before 23.02.2017. It is also not in dispute that the HPAKA did not conduct any such elections with 4 years on or before 23.02.2017. Despite of issuance show cause notices on e-mail dated 15.12.2016 and show cause dated 27.03.2017, HPAKA did not show intention to conduct election of the Office Bearers of the Association. HPAKA did not file any explanation or response to the show cause notice dated 27.03.2017 within 15 days as required. No explanation has been given by the Objector as to why response to show cause notice dated 27.03.2017 was not filed. AKFI thereafter vide letter dated 02.05.2017 disaffiliated HPAKA. Apparently till 02.05.2017 HPAKA had not expressed its desire to hold elections of the Office Bearers. AKFI thereafter constituted a five Member Ad-hoc Committee under the convenership of Mr. Ratan Lal and directed it to elect a proper body within 90 days. Till date the objectors had not challenged the action taken by AKFI against HPAKA.

The Association has filed on record the proceedings whereby elections were held on 03.06.2017 at Hotel Peterhoff Chauda Maidan, Shimla at 11 a.m. in the presence of Mr. Kuldeep Kumar Gupta observer from AKFI; Mr. Ramesh Chauhan, observer from Himachal Pradesh Olympic Association and Mr. Padam Singh Negi, observer from Himachal Pradesh Sports Counsel. It is informed that all the 12 District Members were present in the General Counsel of KAOHP. Not only that the affiliation letters to KAOHP have been issued thereafter by AKFI, Himachal Olympic Association and Himachal Pradesh Sports Council.

The objector did not furnish any plausible explanation as to why the constitution of Ad-hoc Committee was not challenged before the court of law at the earliest. The election conducted by the Ad-hoc Committee on

03.06.2017 was also not challenged. The objector and his Office Bearers representing HPAKA did not participate in the elections conducted by the Ad-hoc Committee. KAOHP continues to be the affiliated unit of AKFI till date. It has carried out various Kabaddi related activities since then. Despite filing of Writ Petition referred above, the Objector did not get any interim stay to restrain KAOHP to carry out its day to day activities. It is informed that the Objector and his team have joined a parallel body New Kabaddi Federation of India (NKFI) and has filed the objections in question to destabilise the Affiliated unit.

The elections conducted by HPAKA on **04.06.2017** seems suspect as no observer from AKFI, Himachal Pradesh Olympic Association and Himachal Pradesh Sports Council was present. It is also not clear as to how many District units had participated in the said election. No efforts were made by the Objector soon after the alleged election to approach the court of law to seek validity of elections of HPAKA.

The HPAKA has been disaffiliated as per the Constitution of AKFI after serving a show cause notice upon the General Secretary. No response to the said show cause was filed and Office Bearers of HPAKA did not show any inclination to get the election conducted even within the grace period of 6 months as per the Constitution of HPAKA. I have examined the said provision which permits the holding of election 6 months earlier or later. At the same time it mandates that it can be done with the 'Consent' of the House. The Objector has not shown if there was 'Consent' of the House any time that elections of the Office Bearers would be conducted on a particular date beyond the period of 6 months. The period had already expired on **23.02.2017** and the elections of HPAKA were not in contemplation. Apparently the Objectors had not obtained 'Consent' of the House to conduct

its elections within 6 months from 23.02.2017. Needless to say, the Objector was at fault for not holding elections of State unit within 4 years. It had compelled AKFI to disaffiliate the unit.

Considering the facts and circumstances referred above, the names sent by KAOHP for the limited purpose of preparation of electoral role to hold first round of election only to amend constitution of AKFI in terms of the Delhi High Court judgment cannot be faulted and are to be accepted.

The objections filed by the objector are disposed off accordingly.

Copy of the order be sent by e-mail to both the parties for compliance and be put on the website of AKFI.

25.01.2019

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Administrator

AKFI