

**In the office of Amateur Kabaddi Federation of India (AKFI)
E-386 Basement Greater Kailash Part 1 New Delhi – 110 048**

In the matter of names of Representatives of two groups of Kerala Kabaddi Association 1. Led by President Mr. Jayapal S and Secretary Mr. K. Vijay Kumar (KKA1) 2. led by President Ms. Sharmi Ulhanan and Secretary Mr. K.K Muraleedharan (KKA)

ORDER

The Hon'ble Delhi High Court vide its order dated 10th February 2023 in WP(C) 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021 has directed the Administrator to conduct Election of Amateur Kabaddi Federation of India (AKFI).

"62. Since the AKFI continues to be under the control of the Administrator and elections of the Executive Committee of AKFI have to be held, the petitions are disposed of in the following terms:

(i) the 'age and tenure restriction' on the members of the Governing Body imposed by the National Sports Development Code of India 2011 applies not only to the Amateur Kabaddi Federation of India but also to all its constituents at the State and District Level; and

(ii) the amendments carried out to Clause 15.10 and Clause 30 of the AKFI Constitution are quashed. The Original Clause 15.10 and Clause 30, extracted hereinabove, are restored; and

(iii) all the State and District Associations and bodies, if they want to continue to be members of the AKFI have to amend their Memorandum of Associations/Constitutions and bring them in conformity with the Sports Code particularly in respect of the Age and Tenure restrictions imposed by the Sports Code; and

(iv) if, the District Associations/bodies and/or State Association refuse or fail to comply with the 'age and tenure restriction' imposed by the Sports Code, they would be liable for action which may entail disaffiliation and/or removal as a recognized District and State constituent of the AKFI; and

(v) the representatives of the State Associations to the National Federation have to be compliant of the 'age and tenure restriction' imposed by the Sports Code and likewise the representatives of the District Associations/bodies to the State Association have to be compliant of the 'age and tenure restriction' imposed by the Sports Code; and

(vi) if the representatives of the State Associations to the National Federation and the representatives of the District Associations/bodies to the State Association are not compliant of the 'age and tenure restriction' imposed by the Sports Code, then they shall not constitute the electoral college and shall be disqualified from contesting for any post of the executive committee and also from casting their vote for such an election; and

(vii) the State Associations and the District Associations, after the expiry of the term of the existing Executive Committee, shall hold fresh elections strictly in accordance with the 'age and tenure restriction' imposed by the Sports Code; and

(viii) the election notification dated 07.08.2019 for elections to the AKFI and the notification of the electoral college of AKFI issued by the Administrator are quashed; and

(ix) the Administrator shall prepare and notify the schedule for the holding of the elections of the office bearers of AKFI in accordance with these directions, which should not be later than 3 months from the date of this order; and

(x) the President and Secretary of the affiliated Member unit should attend the General Body Meeting of AKFI, however if the President and Secretary of an affiliated member are unable to attend or are not compliant of the 'age and tenure restriction' imposed by the Sports Code, they may nominate, in accordance with the Constitution of AKFI, a person who is compliant. If there is a dispute on the nomination, then the nomination by the President shall prevail."

AKFI has received email from Mr. T.C Govindaswamy Advocate on behalf of KKA1 By email on 2nd March 2023 containing two letters dated 12th February 2023 and 20th December 2022. AKFI received letter dated 18th March 2023 from KKA1 informing the names of President and Secretary of its association. AKFI has also received two names from KKA to be included in the Electoral College of election of AKFI. The email of Mr. T.C Govindaswamy was forwarded to KKA for their response on the same and the response was received on 27th March 2023.

The hearing was fixed on 01.04.2023 at 06.00 pm by virtual mode. Information and link was sent to both the parties. The hearing took place on 01.04.2023 at 06.00 pm.

Part arguments were heard. During argument, it transpired that matter is pending before Hon'ble High court of Kerala. The parties sought time to seek necessary clarification from the Hon'ble High Court of Kerala regarding the interim order / directions. The hearing was adjourned to be notified later on.

The hearing was again done by virtual mode on 11th April 2023 at 7 pm.

Present

1. Mr. Govindaswamy Advocate

For KKA1

2. Mr. Rajit Advocate and Mr. Shrikumar Advocate

For KKA

Ld. Counsel of the KKA1 urged that Hon'ble High court of Kerala in WP(C) 7276/2021 on 1st July 2021 passed an interim order as follows:

"The respondents 5,6 and 7 shall not be entitled to claim any special right or privilege on the basis of Ext.P19 and their rights will be subject to the final orders on this writ petition."

The respondents No. 5, 6 and 7 in the said writ petition are Mr. Thomas Philip, Mr. K.K Muraleedharan and Mr. A.G. Ananthakrishnan.

The said order is still in force hence the names of authorised persons forwarded by KKA for the Electoral College of election of AKFI cannot be considered.

Ld. Counsel of the KKA urged that the name forwarded on behalf of KKA1 can not be taken in consideration because Mr. K. Vijay Kumar was secretary of KKA from 2005 to 2016 whereas the bylaws of the KKA stipulate that no person can hold the post consecutively for more than 8 years and the association was suspended due his inaction of filing mandatory records to the Registrar of Societies. It is only after the new elections, the records were filed, and suspension was revoked by Kerala Sports Council recognising Mr. Thomas Philip as President, Mr. K.K Muraleedharan as secretary and Mr. A.G. Ananthakrishnan.

I have considered the submissions of both the parties and have examined the documents on record. The Hon'ble High Court of Kerala in WP(C) 7276/2021 on 1st July 2021 has passed an interim order which reads:-

"The respondents 5,6 and 7 shall not be entitled to claim any special right or privilege on the basis of Ext.P19 and their rights will be subject to the final orders on this writ petition."

I am of the VIEW that "Special Privilege" is a very wide term. Sending the names of the authorised representatives to be included in the Electoral College for participation in the election of AKFI or contesting Election for the Office Bearers of AKFI, in my view, can be considered a special privilege.

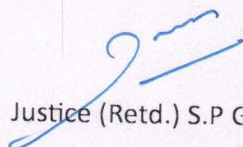
Thus, in view of the interim order of the Hon'ble High court of Kerala dated 1st July 2023 in WP(C) 7276/2021 the names forwarded by KKA cannot be included in the Electoral College for the election of AKFI. Hence the same are rejected.

The names sent by KKA1 also cannot be considered for the reason that the Administrator vide its order dated 12th March 2019 directed all the affiliated units to amend their constitution to bring it in conformity with NSCI-2011 and thereafter hold the elections as per NSCI-2011. KKA1 has not given any response to it till date, whereas KKA has conducted elections, (which are under Challenge in WPC 7276/2021). KKA is recognised by Kerala Olympic Association and Kerala Sports Council. In these circumstance, KKA1 has no locus-standi as association to forward the names of its authorised representatives for inclusion in Electoral College for the election of AKFI.

The names sent by both the groups are rejected for the reasons stated above.

This order shall be subject to the outcome or directions of the Hon'ble High Court of Kerala in the said writ petition.

Scanned copy of the order be sent to both the parties by email today itself.



Justice (Retd.) S.P Garg

Administrator / President

Amateur Kabaddi Federation of India

New Delhi

13.04.2023