

Justice (Retd.) S.P. Garg
Administrator / President
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Amateur Kabaddi Federation of India
Registered Under Societies Registration Act (723/1975)
Affiliated to: Indian Olympic Association,
Asian Kabaddi Federation &
International Kabaddi Federation
E - 386-B (Basement) GK 1, New Delhi, - 110 048
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BY SPEED POST / EMAIL

Ref. No: 2023/AGM-EA-1

Date: 30th November 2023

NOTICE

To:
All the President & Secretaries of
Affiliated Units of AMATEUR KABADDI FEDERATION OF INDIA

Sub: Holding of second round of elections of the Office Bearers of Amateur Kabaddi Federation of India pursuant to the Judgment dated 03.08.2018 of Hon'ble Delhi High Court in Writ Petition No. 4601/2013 and Judgment dated 10.02.2023 of Hon'ble Delhi High Court in Writ Petition No. 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021 and order dated 24.07.2023 of Hon'ble Delhi High Court in Writ Petition No. 5803/2023 to be held on **24th December 2023 at 10.30 am Delhi (Venue will be informed shortly).**

Dear Sir(s),

The Annual General Body Meeting of AKFI will be held on **24th December 2023 at 10:30 am at Delhi (Venue will be informed shortly)**, as per the above-mentioned Judgments of Hon'ble Delhi High Court.

The following agenda items have been listed for consideration.

AGENDA:

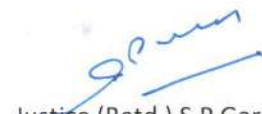
1. Second Round of Election of the Office Bearers of AKFI
2. Any other item with the permission of the Chair

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 and in terms of the order dated 10th February 2023 of Hon'ble Delhi High Court, 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.

Please send the names of your Association (Format Attached) for the formation of the 'Electoral College' who will attend the meeting on 24th December 2023 to participate in the election of AKFI. It should reach the office of the Administrator / President of AKFI at E-386 Basement, Cabin 'B', Greater Kailash Part 1, New Delhi - 110 048 latest by 9th December 2023 5.00 pm by Speed Post or by hand. Please do send an advance copy of the names of authorised representatives by email on assistantsecretaryakfi@gmail.com. Please do send the affidavit and proof of age along with the authorisation letter.

The relevant clause of NSCI 2011 and copy of judgment dated 10th February 2023 and order dated 24.07.2023 are also attached herewith for your ready reference.

Please make it convenient to attend the meeting.


Justice (Retd.) S.P. Garg
President / Administrator
Amateur Kabaddi Federation of India
New Delhi - 110 048

P.s: Please find attached herewith annexure "A".

Proceedings for holding second round of election of Office Bearers of AKFI

1. Hon'ble Delhi High Court in WP(C) 4601/2013 titled as Mahipal Singh & ORS V/s Union of India & ORS vide order dated 11.09.2018 appointed Justice (Retired) S.P Garg as administrator of Amateur Kabaddi Federation of India (AKFI).
2. First round of election in compliance of the judgement dated 3rd August 2018 in WP(C) 4601/2013 was conducted on 15.02.2019. The elected executive was supposed to amend the constitution of AKFI to bring it in compliance of NSCI2011. Information about amendment of the Constitution of AKFI was conveyed on 18.06.2019.
3. Notice of AGM for Second round of election for election of Office Bearers of AKFI was issued by the Administrator on 07.08.2019. Mr. V.K Maheshwari Former District Judge was appointed as Returning Officer for the election to be held on 1st September 2019. The procedure of election was started Electoral College after deciding the objections on the names received from affiliated units / individuals / rival units was published on 18.08.2019. Nominations were received from 19.08.2019 to 21.08.2019. Scrutiny of Nomination Papers was done on 24.08.2019. Withdrawal of Nomination papers was scheduled till 26.08.2019 1 pm and was completed. Only voting was supposed to take place on 01.09.2019 in the AGM. Hon'ble Delhi High Court vide its order dated 27.08.2019 in WP(C) 9287/2019 titled as A.C THANGAVEL V/s UNION OF INDIA & ANR stayed the election of AKFI.
4. Hon'ble Delhi Court in its Judgment dated 10th February 2023 in Writ Petition No. 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021 directed as follows:

"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

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(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. "

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5. Notice of AGM for Second round of election for election of Office Bearers of AKFI was issued by the Administrator on 14.04.2023. Mr. O.P Saini Former District Judge was appointed as Returning Officer for the election to be held on 7th May 2023. The procedure of election was started Electoral College after deciding the objections on the names received from affiliated units / individuals / rival associations was published

on 23.04.2023 and was amended on 27.04.2023. Nominations were received from 24.04.2023 to 26.04.2023. Scrutiny of Nomination Papers was done on 29.04.2023. Withdrawal of Nomination papers was scheduled till 01.05.2023 1 pm and was completed. Only voting was to take place on 07.05.2023 in the AGM. Hon'ble Delhi High Court vide its order dated 04.05.2023 in WP(C) 5803/2023 titled as MANOJAN RAJAN AND ORS. V/s AMATEUR KABADDI FEDERATION OF INDIA (AKFI) AND ORS stayed the election of AKFI.

6. The Stay was vacated by the Hon'ble Delhi Court vide order dated 24.07.2023 in WP(C) 5803/2023 as follows:

"19. In view of the aforesaid, this court is not inclined to continue the order dated 04.05.2023, whereby, the election was stayed and instead direct to vacate the said order dated 04.05.2023 allowing the election to be conducted in accordance law with the terms of election notification dated 07.08.2019, however, the result of the election shall remain subject to the outcome of the instant writ petition.

20. Needless to state that the election will have to be conducted in accordance with the decision passed by the Hon'ble Division Bench of this court in the case of 'Rahul Mehra v Union of India', and also a decision referred to by this court in the case of K.P.Rao v. Union of India & Ors.

21. It is to be noted that since the time schedule stipulated in election notification dated 22.04.2023 cannot be adhered to on account of the stay order passed by this court vide order dated 04.05.2023, therefore, the Returning Officer (RO) is at liberty to issue a fresh election notification.

22. The RO is also at liberty to take into consideration the observations made by this court in the preceding paragraphs.

23. All rights and contentions of the parties are left open."

7. AKFI vide its email dated 31.07.2023 forwarded the following orders / Judgments of Hon'ble Delhi High Court to all its affiliated units and asked to reply to AKFI within 7 days i.e latest by 7th August 2023 on compliance of directions in all above Judgments/Orders by respective affiliated State/UT units.

(i) Judgement dated 10th February 2023 in WPC 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021

(ii) Order dated 24th July 2023 in WPC 5803/2023

(iii) Judgement dated 16th August 2022 in WPC 195/2010

8. AKFI vide its letter dated 16.08.2023 reminded to its all affiliated state/ UT Units as follows:

"The response given by the State Associations does not furnish the complete information sought for. It is not clear whether the directives or guidelines issued in the said judgements / order have been implemented by State and their respective affiliated District Associations.

Due to this incomplete information, election of AKFI has been held up. To expediate the elections of AKFI the following information is to be furnished by all the State Associations at the earliest but not later than 21.08.2023

1. Judgement in WP(C) 195/2010 title as Rahul Mehra V/s UOI & ORS pronounced on 16th August 2022. Please inform whether your State Association and District Associations has implemented the directives / guidelines contained in the judgement.

If so when. Please furnish the relevant documents in this regard.

2. If the judgement has not been implemented, please Inform as to how much time it will take to implement the judgement.

3. Judgement in WP(C) 8915/2019, 9287/2019, 6355/2021, 6366/2021 and 8439/2021 titled as K.P Rao V/s UOI & ORS was pronounced on 10th February 2023. Please inform whether your State Association and District Associations has implemented the directives / guidelines contained in the judgement.

if so when. Please furnish the relevant documents in this regard.

4. If the judgement has not been implemented, please Inform as to how much time it will take to implement the judgement.

Please note that as per the order dated 24.07.2023 passed by Hon'ble Delhi High Court in WP(C) 5803 / 2023 election of AKFI is to be conducted as per the following guidelines:

"20. Needless to state that the election will have to be conducted in accordance with the decision passed by the Hon'ble Division Bench of this court in the case of 'Rahul Mehra v Union of India, and also a decision referred to by this court in the case of K.P. Rao v. Union of India & Ors.'"

9. AKFI vide its letter dated 05.09.2023 wrote to all Affiliated members as per their replies in which 17 units had send verbatim reply instead of sending the desired information, 5 units did not send reply, and 5 units confirmed compliance of the judgements / orders as above. Tamilnadu was informed individually. AKFI further asked to comply with the above orders / judgment at the earliest preferably with in two months. AKFI has designed a portal where all affiliated units can upload the desired documents in regard to compliance of above orders / judgment and NSCI 2011. A few States only have filled partial data on the portal till 30.11.2023.

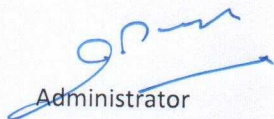
10. CM APPL.-46380/2023 has been filed by some State units seeking clarifications on 04.09.2023.

11. AKFI filed reply on 23.09.2023.

12. CM APPL.-59612/2023 on 16.11.2023 is filed by the Union of India praying as follows:

- I. "Allow the present Application and issue directions to Administrator, AKFI for conduct of elections of AKFI within a definite timeframe of one month and hand over the affairs of democratically elected Executive Committee of AKFI and if the Administrator fails to conduct elections within one month, IOA may be permitted to appoint an Ad Hoc Committee for managing the affairs of AKFI and conducting the elections of Executive Committee of AKFI
 - II. Pass any other Order as it may deem fit in the interest of justice."
13. The above CMA was listed on 20.11.2023 and now will be listed on 08.02.2024.
 14. In view of the above sufficient time has already been given to the Affiliated State / UT Associations for compliance of the directions/guidelines issued by the Hon'ble High Court in above refereed judgements. No further time can be given as it would delay holding of election of Office Bearers of AKFI.
 15. AKFI is of the view that second round of election of Office Bearers of AKFI be conducted in terms of the above judgements. The election result shall remain subject to the outcome of the Writ Petition as per the directions in para 19 of the order dated 24.07.2023 in WP(C) 5803/2023.
 16. The necessary notice of AGM be issued to-day.

Order accordingly.



Administrator
Amateur Kabaddi Federation of India
30.11.20232