

Objections to the Nominations sent by Union Territory of Pondicherry Kabaddi Association (Regd. No. 62 of 1973) (in short UTPKA) for the Electoral College of AKFI

ORDER

Union Territory of Pondicherry Kabaddi Association (Regd.No.62 of 1973)(in short UTPKA) is one of the affiliated State Kabaddi Association of AKFI. The Association forwarded names of its two representatives, its General Secretary Mr. G Ariasamy and its President Mr. A Jayakumar to be included in the “Electoral College” of AKFI for the election of Office Bearers of AKFI. “Electoral College” list was published on AKFI website in September 2018 and objections were invited against names of authorised representatives sent by all affiliated State Associations to ensure the correctness and genuineness of representatives and thereby validity of the “Electoral College”.

Objections against names of representatives of UTPKA were received from Mr. D Vincent Raj, claiming himself to be an Office Bearer of Karaikal District Kabaddi unit of the State Association. In his objections, Mr. Vincent Raj took up several grievances but the points touching the representation for “Electoral College” were that the President and Secretary of UTPKA were associating only their favoured Clubs to gain their votes and were neglecting other Clubs. He further alleged Mr. A.R. Djearamane, an inspector in Police was elected as a President of UTPKA for the tenure 2010-2014 and thereafter his brother Mr. Jaya Kumar was elected as a President for the period 2014-2018. It is pleaded that actual powers were being exercised by Mr. A.R. Djearamane who would physically attend all meetings of UTPKA and would take all the decisions. It is submitted that almost in similar circumstances High Court of Delhi dismissed President of AKFI in W.P.No.4601/2013.

Another objection concerning “Electoral College” is that present General Secretary and President of UTPKA are not true representatives of the Body and in this regard a court case was pending in Chennai High Court as well in Puducherry Court. High Court of Madras has issued a stay order for conduct of elections of UTPKA in W.P. Nos. 21709, 25469 and 25470 of 2018.

Other objections raised are regarding internal functioning of the UTPKA. It is pleaded that the Objector trained boys and girls and players of his Karaikal Kabaddi Club participated in various Championships from 2002-2016 but then they were not being given their merit certificates by UTPKA. UTPKA was not maintaining a Bank Account in its name now from 2008 onwards. UTPKA has collected funds from various Clubs by way of entry fee for every

match, Club registration fee, tournament permission fee etc. etc. and that huge amount remains unaccounted. No auditing of Accounts from 2008 till 2018 has been conducted. These are in brief the objections.

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. UTPKA provided this information and informed as below:

Last election was held on 14.09.2014 under the direct supervision of AKFI Observer Mr. K Vijay Kumar, Secretary Kerala State Kabaddi Association. Elected Body was recognised by AKFI by its letter dated 23.12.2016 and again by letter 25.04.2018. As regard “Term” of existing Office Bearers, Mr. A Jaya Kumar, President was in his first term in the post, Mr. G. Ariasamy, General Secretary was in second term as he held post from 2010-2014 and from 2014 till date. President A Jaya Kumar is 49 years as his date of birth is 17.03.1969 and General Secretary G. Ariasamy is 48 years as his date of birth is 14.09.1970.

Details of the court cases were also provided and relevant information concerns only W.P.No.21709 of 2018 with W.M.P No. 25469 and 25470 of 2018 pending before Hon’ble High Court of Madras. Writ Petition was filed by M. Shivakumar and interim injunction against UTPKA was prayed from holding its Special General Body Meeting on 26.08.2018. Hon’ble Court granted interim injunction for period of two weeks. During arguments it was submitted that Hon’ble High Court vacated stay and accordingly now elections of Office Bearers of UTPKA has been scheduled to be held on 27.01.2019.

Notice of objections was given to UTPKA. General Secretary UTPKA filed reply to these objections, meeting each objection point. It is contented that Mr. D. Vincent Raj now claims himself as General Secretary of a newly formed “Union Territory of Pondicherry Amateur New Kabaddi Association” and said Association is stated to be affiliated to “ New Kabaddi Federation of India”. Because of his illegal activities, Karaikal Kabaddi Club and the Association ousted him from the Club and District Association by way of disciplinary action on 20.08.2017. State Kabaddi Championships were being conducted and merit certificates

were being issued as per the declaration of results. Participants of Karaikal region have duly acknowledged receipt of their certificates.

Hearing on Objections as per hearing schedule already fixed and displayed on AKFI website was taken up on 20.12.2018. Objector Mr. D. Vincent Raj appeared in person assisted by an associate Mr. Ravi Kiran. Mr. Ariasamy, Secretary Association and President Mr. A. Jayakumar as well Mr. A.R Djearmane appeared from UTPKA. Both Sides were given extensive hearing.

UTPKA is affiliated to AKFI since 1975, recognised by Puducherry Sports Council since 1981 and the Association was registered with Registrar of Companies, Puducherry vide Certificate no. 62/1973. All these documents were annexed with reply.

It is submitted that UTPKA was maintaining Bank Account with Union Bank of India since 1981 and its last operation was even in December 2018. Copy of the Bank Statement was annexed.

As regards promotion of Kabaddi it is stated that after G. Ariasamy become General Secretary in 2010, Association has conducted four State Championships, 7 State Junior/ Sub Junior Championships out of funds of the Association without their being any grant or assistance received from the Government. Prior to that Mr. K Apa Sami held post of General Secretary for more than 20 years and finally he lost in election of 2010. Likewise Mr. M. Shivakumar earlier holding post of President also lost election of 2010. They formed a new Association in 2011 in the name and style of "Union Territory of Puducherry Amateur Kabaddi Association" and got it registered under Companies Act vide Registration no. 550/2011. They also filed frivolous court cases but succeeded in none.

Elections of UTPKA held in 2010 were under the supervision of AKFI Observer Mr. A. Safiullah, President Puducherry Olympic Association Mr. A. Bhaktavachalam and observer from Puducherry Sports Council Mr. A. Gandhi. Mr. A.R. Djearmane who was elected President of UTPKA in 2010 was a National and University Kabaddi Player. Mr. A. Jayaumar elected as a President in 2014 was international player and South Asian Gold Medalist. It has further pleaded that Member Clubs which were part of "Electoral College" of UTPKA in 2010 were still associate units of the Association except 3 Member Clubs.

As election of Office Bearers of UTPKA was due in 2018, as per request of Association AKFI appointed observer Mr. Sudhir Kumar, President of Kerala Kabaddi Association to be held on 26.08.2018. All preparations were made for the election but then Mr. Shiv Kumar

got interim stay from Hon'ble High Court of Madras in W.P. No. 21709. However, Hon'ble High Court declined to extend interim stay on 13.12.2018 and now elections have been rescheduled for 27.01.2019.

Record shows that UTPKA is affiliated State Kabaddi Association of AKFI. The Body is recognised by Puducherry State Olympic Association as well as by the State Sports Council. All these facts were not controverted by the objector during arguments. His grievance was confined to partisan attitude of the Association being shown to Karaikal District Kabaddi unit but then he was not able to support his grievance by any material on record. UTPKA as on today has a duly elected body of its Office Bearers. If it requires any further acts to be the Sports Code Compliant, said exercise will be taken up after election of the Office Bearers of AKFI.

The newly constituted body by the name "Association of Union Territory of Puducherry Amateur New Kabaddi Association" and affiliated to New Kabaddi Federation of India, cannot be given any consideration for its representation in the affairs of AKFI since it is not a recognised or affiliated body of AKFI.

In the present situation, the Electoral College for the election of Office Bearers of AKFI has been constituted for a limited purpose that the Elected Body of AKFI will amend the MOA of AKFI so as to bring it in conformity with Sports Code. Accordingly names received from UTPKA for Electoral College are accepted as such for the limited purpose of first round of AKFI in terms and judgement of Hon'ble Delhi High Court.

Objections are disposed of in terms of the hearing given to both sides and observations made above. Now since election of UTPKA is going to be held on 27.01.2019, if need arises the Electoral College of AKFI will be amended by substituting names of newly elected Office Bearers of UTPKA.

This order is subject to any directions or orders by Hon'ble High Court in any of the pending Writ Petitions.

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

Date: 21.01.2019

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Administrator

AKFI