

**Objections to the Nominations sent by Telengana Kabaddi Association (TKA) for
the Electoral College of AKFI**

ORDER

State of Telengana came into existence with the bifurcation of State of Andhra Pradesh in the year 2014. State Kabaddi Association affiliated to AKFI by the name Hyderabad Kabaddi Association, with creation of State of Telengana required its own State Kabaddi Association. It was formed by the name of “Telegana Kabaddi Association” (in short TKA) with its address 7-1-474/ 17/ Srinivasa Colony East/ Ameerpet/ Hyderabad/ Andhra Pradesh/ India and was got registered under Andhra Pradesh Society Registration Act, 2001 on 23rd April 2014.

Now, when “Electoral College” of AKFI is to be formed for holding elections of Office Bearers of AKFI, where nomination of two authorised representatives from each affiliated State/ UT Association were invited, the Telengana Kabaddi Association forwarded names of its President Mr. Kasani Gnaneshwar Mudiraj and its Secretary Mr. K. Jagadishwer Yadav. These two names were included in the “Electoral College” when list was published on the website of AKFI and simultaneously objections were invited from all Affiliated Associations against names so as to ensure correctness and genuineness of those names of representatives. Against names forwarded by Telengana Kabaddi Association, objections have been received from Mr. A. Ushi Reddy, an advocate and claiming himself to be Honorary Secretary Telengana Kabaddi Association. Objections dated 20.10.2018 were received by post. Notice of these Objections was communicated to TKA and hearing on the objections as per hearing schedule was fixed and taken up on 24.12.2018. Both objector and TKA through Secretary and President were duly informed by email and they did appear and participated in the hearing.

While inviting names of authorised representatives for “Electoral College” from Associations, their status; as to when last elections of Association were held; since how many terms their Office Bearers were holding their respective posts and the age of the Office Bearer and finally if any Court Case was pending against Association were called. TKA provided requisite information that last election of Association was held on 29.05.2016. TKA came into existence after the bifurcation of Andhra Pradesh in 2014. The President and Secretary were in office since July 2014 and thus they were in their 2nd term. The age and date of birth of the Office Bearers was also provided wherein President Mr. Kasani

Gnaneshwar Mudiraj was 64 years with date of birth as 19.08.1954, Secretary Mr. K. Jagadishwer Yadav was 67 years with date of birth as 07.04.1951 and Treasurer Mr. K.B. Sreeramulu was 63 years as his date of birth is 12.06.1955. No Court case was pending against the Association. The said information was invited from Associations to examine as to what extent the Sports Code in particular on the point of tenure and age of Office Bearers was in compliance by those Associations.

Objector Mr. A. Ushi Reddy raised a contention that TKA was registered in 2014 and it comprises 31 District Kabaddi Association of Telengana State which are members of TKA. Formation of 31 districts was by Government Order G.O.Ms. No. 365 dated 22.08.2016 and these districts were duly affiliated and recognised by TKA. It is further contended that on 17.06.2018 a special General Body meeting was convened by senior vice President TKA Mr. Aziz Khan as per instructions from President Mr. Kasani Gnaneshwar Mudiraj and considering many complaints from 31 district Secretaries and Presidents against Mr. K. Jagadishwer Yadav, who being involved in certificate scandals, a unanimous decision was taken to suspend Mr. K. Jagadishwer Yadav. The special General Body meeting then elected Mr. A. Ushi Reddy as Honorary Secretary TKA. All these proceedings were reported to Mr. Mudiraj who then moved an application dated 18.06.2018 to Secretary AKFI for getting recognition for the new body with change of the name of the general Secretary in place of K. Jagadishwer Yadav by Mr. A. Ushi Reddy. The said representation was repeated on 11.07.2018 to the General Secretary as well the President AKFI and it was still pending. Objector further claimed that he involved all 31 districts and conducted 45th Junior inter District Kabaddi Championship 2018-19 in Siddipeta. Another event "Junior Inter District Kabaddi Championship" was held 22 to 24 August 2018 and all 31 Districts participated in the event which was held at Kondapakka, Siddipet.

It is further contended that Mr. K. Jagadishwer Yadav is Honorary Secretary TKA (Hyderabad Association) since 1992 till 2018 and is about 69-70 years old and thus is not eligible to be in any post of the Association in terms of the Sports Code. He was involved in certificates scandal and has amassed huge money from a Premier League Kabaddi Tournament conducted by Chintal Sports Pvt. Ltd. and those were the reasons that he was removed from the post in the special General Body meeting on 17.06.2018. Accordingly Mr. A. Ushi Reddy pressed for his status as Secretary TKA to be maintained and recognised for the "Electoral College".

Hearing on the objections was attended by objector Mr. A. Ushi Reddy. Mr. K. Jagadishwer Yadav with advocate appeared on behalf of TKA. Arguments were made quite extensively from both sides.

Mr. A. Ushi Reddy argued that he was elected by general body of TKA in a lawful and valid procedure. The existing Honorary Secretary Mr. K. Jagadishwer Yadav was removed by General Body by a unanimous decision after considering his involvement in certificates scandals and serious financial irregularities. He submitted that his representation for recognition of the new body where he was elected as Secretary in place of Mr. K. Jagadishwer Yadav was pending with AKFI and he has already filed Writ Petition No. 29212 / 2018 before High Court of Telengana and Andhra Pradesh seeking appropriate directions for AKFI to grant recognition to the new body. He argued that name of Mr. K. Jagadishwer Yadav as an authorised representative for "Electoral College" was liable to be ignored and removed when he was occupying post of Secretary since 1992 till date which was in complete breach and violation of the Sports Code.

Mr. K. Jagadishwer Yadav submitted a written version to counter the allegations. He contends that TKA consisted of 10 districts Kabaddi Associations affiliated to it. In fact Mr. A. Ushi Reddy was a legal advisor of TKA but on 09.01.2018 he was suspended by Bar Council of Andhra Pradesh for misconduct for 6 months and thus TKA relieved him from assignment of legal advisor to TKA w.e.f 09.06.2018. After his removal from the post of legal advisor Mr. Reddy in association with 2 vice Presidents of TKA namely Mr. Mohammad Aziz Khan and Mr. G. Kartaiah started indulging in activities detrimental to the welfare and reputation of TKA and spoiled image of Kabaddi and TKA. In view of those developments general body of TKA after issuing proper notices suspended Vice Presidents from their Posts by resolution dated 28.07.2018 copy of annual general meeting held on 28.07.2018 was annexed.

It is pleaded that though existing 10 districts were extended to 31 districts in 2016 by the State Government but that was for administrative reasons and had nothing to do with District Kabaddi Associations affiliated to TKA. Mr. A. Ushi Reddy if himself formed 31 district Kabaddi Associations it was only by himself and not in accordance with procedural rules of TKA. In this regard clauses 13, 13.1 and 13.2 of the Constitution of TKA were referred to governing conduct of special General Body meeting. All other allegations made against him regarding financial irregularities and illegalities were strongly refuted. It is pleaded that Mr. A. Ushi Reddy when failed in his attempts to achieve his objectives, he filed

Writ Petition in the High Court but neither the petition was admitted nor any interim order was passed in his favour. Mr. Yadav referred to documents like a certificate dated 18.07.2018 showing that TKA with its Office Bearers, President Mr. Mudiraj , Secretary Mr. K. Jagadishwer Yadav and Treasurer Mr. Sreeramulu was affiliated and recognised by Telengana Olympic Association. Similar certificate dated 30.07.2018 has been issued by AKFI. He also referred to a document dated 07.05.2016, a notice for Annual General Body meeting to be held on 29.05.2016 and one of the agenda was election of the Office Bearers of TKA. Election was held in accordance with election schedule which had been issued by Returning Officer, none other than Mr. A. Ushi Reddy. Election was held with the participation of 28 authorised representatives and election results were also prepared and declared by Mr. A. Ushi Reddy under his signatures on 29.05.2016. The result very specifically records that entire election was unanimous and all the Office Bearers were elected unanimously and these Office Bearers included President Mr. Mudiraj, Secretary Mr. K. Jagadishwer Yadav, and Treasurer Mr. Sreeramulu besides other Office Bearers including Chairman, Vice Presidents, Joint Secretaries etc. etc.

Mr. Yadav also referred to a representation dated 20.12.2018 which was signed by 12 Office Bearers of TKA including Patrons, Vice Presidents, Joint Secretaries, Chairman and all of them strongly denied and refuted allegations made by Mr. A. Ushi Reddy.

Another representation dated 20.12.2018 was produced during hearing which is addressed and signed by President Mr. Mudiraj where he specifically states that he had not authorised any vice President for calling special General Body meeting for 28.07.2018.

A careful consideration has been given to both sides submissions and arguments. Mr. A. Ushi Reddy prima facie claims to be Office Bearer of TKA but there is no supporting material that special General Body meeting was held on 28.07.2018, and that it was attended by the affiliated District Kabaddi Associations of TKA or that such a special general body meeting was called in accordance with rules and bye-laws of constitution of TKA. On the contrary objector Mr. A. Ushi Reddy was himself the Returning Officer for holding elections of Office Bearers of TKA held on 29.05.2016. Mr. A. Ushi Reddy himself announced results of the election. During arguments he was unable to controvert the above referred material. Admittedly TKA with its Office Bearers Mr. Mudiraj as President, Mr. K. Jagadishwer Yadav as Secretary and Mr. Sreeramulu as Treasurer is duly recognised by Telengana Olympic Association as well by AKFI. Mr. A. Ushi Reddy has not been able to get

his alleged newly constituted body of Office Bearers TKA recognised by AKFI and has not been able to succeed in his Writ Petition filed in Court so far.

Mr. A Ushi Reddy himself has referred to Sports Policy-Guidelines issued by Government of Telengana vide G.O.Ms.No.4 dated 06.02.2016 which provides that in order to encourage the Sports and Sports personnel in the State, Government was announcing a long term Sports Policy and it further provides that recognition of the States Sports and Games Association was essential in the newly formed State. G.O. further lays down Guidelines for Recognising the Genuine Telengana States Sports Association and these are:

1. The current registration of Association under Societies Act.
2. Recognition by respective National Sports Federations.
3. Recognition by the State Olympic Association.
4. Undisputed status as an Apex Body in State.
5. Spread out to entire Telengana State.
6. Role and contribution of Organization in promoting development of Sports in Telengana State.
7. Conduct of State Championships across age groups and gender.
8. Financial and managerial accountability.
9. Fair, transparent and democratic elections.
10. Compliance with age and tenure limit Guidelines.
11. Protection and promotion of players' interest and welfare.
12. A nominee from Sports Authority of Telengana State shall be nominated by the Vice Chairman and Managing Director, Sports Authority of Telengana State to liaison with the Associations.

When status of TKA as appearing from its bodies comprising Mr. Mudiraj as President, Mr. K. Jagadishwer Yadav as Secretary and its other Office Bearers is examined by above referred Guidelines then most of those requirements are found satisfied by the body as it is recognised by AKFI, also recognised by State Olympic Association and was elected in a transparent and democratic elections. Contrary to that, the body sought to be presented by Mr. A Ushi Reddy is fulfilling none of the requirements. There appears no reason or logic to accept the objections raised by Mr. Reddy on this count.

As regards non compliance of Sports Code on the point of tenure, Mr. K. Jagadishwer Yadav submitted that his tenure for the post of Secretary in the earlier Hyderabad Kabaddi Association cannot be taken into count when separate State of Telengana came into existence in 2014 and TKA was got registered as a separate body in 2014. His tenure in the post of Office Bearer of TKA would count from the day the new body was registered in 2014. This submission of Mr. Yadav may not be found acceptable for the reasons that if he remained Secretary of Hyderabad Kabaddi Association and when Hyderabad, earlier the Capital City of State of Andhra Pradesh, fell to the newly constituted State of Telengana in 2014 which necessitated the earlier Hyderabad Kabaddi Association to be re-registered in a new name as TKA, his previous tenure as Secretary Hyderabad Kabaddi Association will have to be taken into count while considering his overall tenure as Office Bearer of TKA.

It is pertinent to note that existing elected body “Hyderabad Kabaddi Association” elected in 2012 continued to work even after TKA was got registered in 2014 by its new nomenclature “Telengana Kabaddi Association” in place of earlier body known as “Hyderabad Kabaddi Association”. Elections of the body were held in 2016. Associate District units of the body remained almost same. Tenure and age limit for the Office Bearers of NSFs introduced by Sports Code was to achieve an object of a fair, transparent and efficient functioning of the Federation wherein after completing a specific tenure and age, new energetic talents were brought in the body. Present Secretary Mr. K. Jagadishwer Yadav prima facie appears to have exceeded the tenure limit as per Sports Code.

Enforceability of Sports Code to NSF was examined in Narinder Batra V/s UOI WPC 7868/2005 and then again in Rahul Mehra 1 and Rahul Mehra 2 cases by Hon’ble Delhi High Court and was approved and affirmed. In Rahul Mehra 2 case Hon’ble Delhi High Court held:

“22. The Court is of the view that insofar as the Rules of the AIFF are in breach of the National Sports Code and the Model Guidelines for the conduct of elections, the results of the elections of the AIFF declared on 21.12.2016 would have to be set aside. It is so ordered. Fresh elections shall be conducted in accordance with the Model Guidelines. Additionally, nominations would be required to be proposed and seconded by one member association each and with clear notice, as required by the Model Election Guidelines read with rules of AIFF. Furthermore, the Electoral College shall be first prepared after addressing the complaints of various members who may have grievances in this regard.”

Considering all these aspects, while deciding objections against “Electoral College” of AKFI received from Andhra Pradesh it has been observed as below:

“Considering the situation that AKFI has to amend its constitution as measure of good governance of its affairs and to bring it in conformity with Sports Code and when its annual recognition by the Government of India would be on a test of its being compliant with National Sports Code, then State / UTs Associations which are affiliate bodies of AKFI also must act towards objective of good governance and thereby Sports Code compliant, in particular the tenure and age limit that will guide their functioning for fair and transparent representative nature of their elected representatives. State Governments if seek to govern Sports in a State, guided by the Sports Code would be contributing to the cause if proceed further to implement the Sports Code. State of Andhra Pradesh has taken a step in the direction. Till such State laws for the Sports bodies are legislated, AKFI considers appropriate to implement Sports Code, at least on the point of ‘Tenure & Age limit’ for the Office Bearers of its affiliated unit / associate so as to make those Office Bearers effective and true representatives of this body.”

State of Andhra Pradesh has already issued a circular dated 02.07.2018 addressed to all Secretaries of State Sports and Games Associations that they follow and implement the Guidelines which were reproduction of relevant clauses of National Sports Development Code of India in the matter of elections of Office Bearers.

Accordingly the objections are decided to the effect that Telengana Kabaddi Association will amend its constitution to make it in compliance with Sports Code and then to hold elections of its Office Bearers in compliance with Model Election Guidelines in terms of Hon’ble Delhi High Court Judgment, preferably within one month. The elections be conducted under the supervision of retired High Court judge or retired district judge as per rules.

In the present situation however the “Electoral College” for the election of Office Bearers 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 TKA for “Electoral College” are accepted as such for the limited purpose for first round of elections of AKFI.

Objections are disposed of in terms of hearing given to both sides and observations made above.

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

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Administrator
AKFI

18.01.2019