

No.F.69-3/2015/SP.I
Government of India
Ministry of Youth Affairs & Sports

Shastri Bhawan, New Delhi-110001
Dated the 28th October, 2016

To

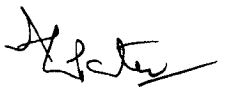
- | | |
|--|--|
| 1. Sh. Karate R. Thiagarajan,
President,
Karate Association of India,
No.3, 1 st Main Road, Gandhi Nagar,
Adyar, Chennai-600020 (Tamilnadu) | 2. Sh. Rameshwar Nirwan,
All India Karate Do Federation,
B-5, Radha Vihar, New Sanganer Road,
Jaipur-302019 (Rajasthan) |
| 3. Sh. P.R. Ramesh,
All India Karate-Do Federation,
26/1, T.M.N. Street, 3 rd Cross,
New Thippasandra, Hal III Stage,
Bangalore-560075 (Karnataka). | 4. Sh. Nandjee Prasad,
All India Karate-Do Federation,
4/5, New Ranikudar, Kadma,
Jamshespur-831005 (Jharkhand) |

Sub:- Grant of recognition to Karate Association of India (KAI).

Sir,

I am directed to forward herewith a copy of the order of even no. dated 28-10-2016 on the subject cited above for your information.

Yours faithfully,



(A.K. Patro)

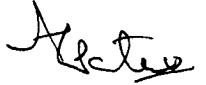
Under Secretary to the Govt. of India

Tel No.23382560

Copy to:-

1. Director General, Sports Authority of India, JLN. Stadium, Lodhi Road, New Delhi – 110 003.

2. Secretary General, Indian Olympic Association.
3. Executive Director (Teams), Sports Authority of India, JLN Stadium.
4. Joint Director, traffic Commercial (R-II), railway Board, Rail Bhawan, New Delhi for information and necessary action.
5. Department of Personnel & training (Under Secretary, pay I), North Block, New Delhi for information and necessary action.



(A.K. Patro)

Under Secretary to the Govt. of India

Tel No.23382560

No.F.69-3/2015/SP.I
Government of India
Ministry of Youth Affairs & Sports

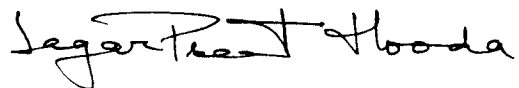
Shastri Bhawan, New Delhi-110001
Dated the 28th October, 2016

ORDER

Sub:- Grant of recognition to Karate Association of India (KAI).

All India Karate Do Federation (AIKDF) was given recognition as the National Sport Federation (NSF) for the Karate Sport in India vide order no.9-1/79-DII(SP) dated 15-06-1987. From the year 2010 Govt. introduced a system of grant of annual recognition to the NSFs whereby recognition is granted to the NSFs on year to year basis. Till the year 2013, AIKDF was given annual recognition as NSF for Karate sport since it was having the recognition of the World Karate Federation (WKF). The background is given below:-

1.	On 15/06/1987 Government recognized All India Karate Do Federation (AIKDF) as a National Sports Federation (NSF) for promotion of Karate sports in the country with Shri Burge Cooper as President and Shri Shyam Kotak as Secretary General of AIKDF.
2.	On 30/12/2006 & 02-02-2007 IOA & WKF respectively recognized Shri Rameshwar Nirvan as President and Shri P.R. Ramesh as Secretary General. But dispute cropped up between them.
3.	Subsequently, IOA vide letter dated 02-01-2008 and WKF vide letter dated 28-03-2008 recognized Shri Karate R. Thiagrajan as President and Shri P.R. Ramesh as General Secretary of AIKDF. On 21-07-2008 Ministry accepted the recommendation of the aforesaid two bodies and resumed support to the new management of AIKDF with Shri Karate R. Thiagarajan as President and Shri P.R. Ramesh as General Secretary.
4.	Subsequently, IOA vide their letter dated 02-03-2010 & WKF vide letter dated 03-03-2010 recognized Mr. Karate R. Thiagrajan as President and Mr. Bharat Sharma as General Secretary of AIKDF. Ministry accepted the recommendation of IOA and World Karate Federation and informed AIKDF accordingly on 26-03-2010.
5.	Shri Rameshwar Nirvan of AIKDF filed W.P.No.1734/2010 in the High Court of Judicature at Bombay Vs UOI, IOA, the Charity Commissioner, Mumbai and AIKDF (Shri Thiagrajan's Group) for granting recognition to his group. Hon'ble High Court of Bombay vide order dated 10/1/2011 directed Charity Commissioner, Mumbai, before whom the change reports were pending, to hear and dispose of the change reports within a period of six months.
6.	On 28/12/2012 Charity Commissioner, Mumbai rejected the change reports and directed the Governing body of AIKDF to initiate the election process within 60 days.
7.	Based on the order dated 28/12/2012 from the Deputy Charity Commissioner, Mumbai, the faction led by Shri. Rameshwar Nirvan conducted elections on 15/2/2013. The faction led by Shri P. R. Ramesh also conducted elections on 22-02-2013. Both the factions had submitted their change reports to the Charity Commissioner, Mumbai for acceptance. No information was received in the ministry till February, 2014 when the matter regarding grant of recognition to KAI was being considered.



8.	On 18/10/2013, Shri Karate R. Thiagrajan informed the ministry that WKF vide their letter dated 10/9/2013 cancelled all its previous membership/ affiliation for India and had granted affiliation/membership to KAI as the National Federation for Karate sport in India.
9.	On 20/12/2013 WKF was requested by the ministry to confirm the authenticity of the certificate issued by them.
10.	Vide letter dated 27/12/2013 WKF confirmed that they have granted recognition to KAI on 10/9/2013
11.	On 3/1/2014 Karate Association of India submitted its application for grant of recognition as NSF. Deficiencies found in their application were conveyed to KAI on 16-1-2014.
12.	Vide letter dated 20/1/2014 KAI submitted the required details/documents which were examined in the Ministry as per the criteria for grant of recognition to the NSFs as provided under the National Sports Development Code of India, 2011 (NSDCI).
13.	KAI fulfilled all the criteria for grant of recognition to NSFs except the condition i.e. the Federations/association must have actively existed for more than three years on the date of application for recognition, as KAI has been registered only in September, 2013. The above condition being a part of Govt. guidelines, the Govt. has the inherent powers to relax the same in the interest of sports and sportspersons.
14.	“Karate” sport is popular among the youth especially among the children in schools/colleges and is included in School Games, Asian Games etc. The International Body accepts the entries of the players from the members recognized by it. KAI has been given recognition by WKF as its member in India. With a view to facilitate participation of players/Indian teams in international events and to protect the interest of Indian athletes, Karate Association of India was granted recognition, with the approval of then Hon’ble MoS(YAS), I/C as National Sports Federation for promotion of Karate sport in India, which necessitated in relaxation of the existing condition of the provisions of the National Development Sports Code of India, 2011 i.e. the Federation/Associations must have actively existed for more than 3 years on the date of application for recognition, vide letter dated 12/2/2014 .
15.	The recognition granted to KAI was also subject to the various conditions including holding of its elections in a fair and democratic manner as per the Model Election guidelines of the Ministry within six months of the date of issue of the recognition letter i.e. 12/2/2014. Accordingly, KAI held its elections on 28/7/2014 at New Delhi and same was accepted with the approval of the competent authority and was conveyed to KAI on 11-11-2014.
16.	It is noticed that the dispute is between the various factions in the management of Karate sport and not among the sportspersons. Since the International body accepts entries of athletes from its affiliated units in the countries, in order to protect the interest of sportspersons for their participation in WKF events representing the country India, the Ministry granted recognition to KAI on 12-02-2014 as National Sports Federation for promotion of Karate sport in the country. Such recognition was granted with the approval of the competent authority i.e. the then Hon’ble MOS (I/C)YAS and the subsequent annual recognition for the year 2015 was also granted to it with the approval of Hon’ble MOS (I/C)YAS. However, no financial assistance has been given to KAI after their recognition as it had not sought for the same.

Sagar Prasad Hooda

2. (AIKDF through Shri Rameshwar Nirvan had filed a Writ Petition No.9798/2015 in the High Court of Delhi V/s MYAS, IOA & KAI. In the said writ petition the petitioner prayed before the Hon'ble Court for directing MYAS to restore the recognition to All India Karate Do Federation registered with the Charity Commissioner, Mumbai. Hon'ble High Court of Delhi vide order dated 14/10/2015 disposed off the Writ Petition with the following directions:-

- i) The Petitioners, AIKDF on or before 20/10/2015 submit their representation containing their claim for recognition as NSF for the sport of Karate for the year 2016 with the MYAS with an advance copy to Karate Association of India (KAI) and IOA.
- ii) The respondent No.3 (KAI) as well as Respondent No.2 (IOA) may, if so desire, file their responses thereto before the Ministry by 6/11/2015.
- iii) The Ministry, if so desire, may grant an opportunity of personal hearing to all parties as well as other concerned before taking a decision.
- iv) The Govt. of India to take a decision on the body/entity to be recognized as NSF for the sport of Karate for the year 2016 on or before 11/12/2015 and give reasons for accepting or rejecting claim of either of the parties and communicate the same to all concerned.

3. Pursuant to the above order of the High Court, the Ministry has received representations from the following:-

- i. Shri Rameshwar Nirvan of AIKDF.
- ii. Shri P.R. Ramesh of AIKDF
- iii. Shri Nandjee Prasad of AIKDF
- iv. Shri Karate R. Thiagarajan, President, KAI.

4. The representations were examined and the details are as under:-

- i. **Shri Rameshwar Nirvan of AIKDF** in his representation dated 21/10/2015 has stated that AIKDF is the only sports federation for Karate sport since 1978 and having duly elected Governing Body, elections of which were held on 15/2/2013 under the monitoring/orders of Hon'ble Court of Deputy Charity Commissioner, Mumbai. It has been stated that AIKDF irrespective of who heads the federation was a recognized unit as NSF till 2013 which KAI illegally usurped due to the recognition given to them under a misrepresentation of facts and by fraud played upon the authorities. Further, it has also been stated that KAI, a Pvt. Limited company, incorporated under section 25 of Companies Act cannot be accorded status of NSF because there has been no approved "Change" from the Charity Commissioner, Mumbai for incorporation of Karate R. Thiagarajan as the President of AIKDF or Karti P. Chidambaram as Chief Patron or Mr. Bharat Sharma as Secretary of the AIKDF. KAI by means of forged documents was registered only on 26/9/2013 but the said organization was recognized by WKF on 10/9/2013. KAI being a Pvt. Ltd. Co., cannot be usurper of the AIKDF in any form. KAI has illegally created parallel bodies in some States to take hold of the game of Karate. Therefore, Sh. Rameshwar Nirvan of AIKDF has requested for a personal hearing and requested to recognize them as NSF for Karate Sport for the year 2016.

Sagar Prasad Hooda

ii. **Sh. P.R. Ramesh of AIKDF** vide his letter (received in the Ministry on 27-10-2015) has informed that he was the erstwhile Secretary of AIKDF which was recognized as NSF and the leadership of AIKDF was in dispute since 2006 and fell for adjudication by the Charity Commissioner, Greater Mumbai. Charity Commissioner, Mumbai upheld the elections of 2006 and directed the said Governing Body to initiate elections process. One faction headed by Shri Rameshwar Nirvan conducted the election on 15/2/2013 and another faction headed by Shri P.R. Ramesh conducted elections on 22/2/2013. Both the factions filed change reports before the Charity Commissioner. He has further submitted that while the matter was under adjudication, the Ministry continued to recognize Shri Thiagarajan and Shri Bharat Sharma as the office bearers of AIKDF and did not recognise AIKDF without giving any notice and recognized another corporate entity by the name of KAI with Shri Karate Thiagarajan and Shri Bharat Sharma as office bearers. Therefore, he has requested to issue notice to him for hearing in the best interest of justice.

iii. **Shri Nandjee Prasad claiming to be the Secretary of AIKDF** vide his letter dated 16/10/2015 informed that AIKDF is the only legitimate national level sports federation in the field of sport of Karate which was recognized by the Ministry long back and has been in existence for the last 31 years for promotion the Karate Sport. As per the direction of Charity Commissioner, elections were conducted on 15/2/2013 under the Supervision of Charity Commissioner. He has also invited attention to the order dated 28/4/2015 passed by the Assistant Charity Commissioner. The change report submitted by the faction led by Mr. Rameshwar Nirvan has been accepted by the Charity Commissioner, Mumbai. Therefore, he has requested to grant recognition to AIKDF in which he was elected as General Secretary.

iv. **Karate Association of India (KAI)** vide their e-mail dated 5/11/2015 also made a detailed submission. KAI has informed that AIKDF out of frustration due to losing the legal cases in India and abroad has filed the W.P. in Delhi High Court. It has been stated that License under Section 25 of the Companies Act 1956 in the name of KAI was issued on 10/9/2013 by Registrar of Companies and the same was informed to World Karate Federation (WKF) which issued recognition letter to KAI on 10/9/2013. WKF cancelled the recognition of AIKDF and recognized KAI, the decision of which was unanimously accepted by 114 delegates in the congress of WKF held in Germany in November, 2014. Subsequently, AIKDF represented by Mr. Rameshwar Nirvan filed a case in Court of Arbitration of Sports (CAS) in Switzerland against WKF and lost the case. We filed an appeal in the Supreme Court of Switzerland against the decision of CAS dated 29/1/2015 and there also AIKDF lost the case vide order dated 30/6/2015 and this vital fact has not been informed to the Ministry by AIKDF.

It has been stated that KAI has 36 State units as well as SSCB, ITBP, Assam Rifles as their corporate members with 7 World level & 68 Asian Level Qualified referees who are taking part in all activities of KAI and conducted National Championships in 2013, 2014 and 2015. On the contrary Mr. Rameshwar Nirvan himself has created parallel bodies in many States like Haryana, Uttarakhand, Manipur, West Bengal, MP, Kerala etc. Mr. Karate R. Thiagarajan was the head of AIKDF since 2008 in the record of WKF, IOA and MYAS and there was no order from any sporting authority or Court of Law restraining Mr. Thiagarajan to act as President, AIKDF till 10/9/2013. In 2011 IOA withdrew recognition to AIKDF in compliance with IOC Charter and at no point of time, Mr. Nirvan was having the recognition of IOA as President of AIKDF nor had he challenged the decision of IOA recognizing Mr. Karate R. Thiagarajan as President. Further, it has been submitted by KAI that to be recognized by a National Olympic Council (NOC) and accepted as a member of such NOC as National Federation, NSF

Sagar Prasad Hooda

must exercise a specific, real and on-going sports activity, affiliated to an International Federation recognized by the IOC and be governed by and comply in all aspects with both Olympic Charter and the rules of the International Federation. The membership of the Association shall be open to the NSFs affiliated to international Sports Federation whose sport is included in the programme of all Asian/Commonwealth Games. Therefore, as per the provisions of Olympics Charter and the IOA constitution, IOA cannot grant recognition to any other body which is not having recognition of WKF.

It has also been informed by KAI that AIKDF conducted two national championships in 2015 as well as two parallel elections of governing body one by Shri Rameshwar Nirvan of AIKDF on 2/2/2015 in Jaipur where he removed his General Secretary Mr. Nandjee Prasad by seizing his membership and elected one Mr. Narender Mor as the new General Secretary. On the other hand, General Secretary Mr. Nandjee Prasad also conducted election on 2/2/2015 at Aruna Asaf Ali Road, New Delhi where he has elected new office bearers of AIKDF. Therefore, after their elections of new office bearers on 2/2/2015, the change report of the elections held on 15/2/2013 which was approved by Mumbai Charity Commissioner becomes in fructuous. KAI further submitted that they are the only NSF which is promoting Karate sport in the country and representations from Shri Rameshwar Nirvan and any other should be rejected being devoid of any merit.

5. In response to the submission of KAI, as stated in previous paras, Sh. Rameshwar Nirvan vide his letter dated 19-11-2015, inter-alia, submitted that:-

- i. License was granted only for incorporation of company of KAI and by no means it meant that the KAI could start its business before the date of incorporation. Under Section 98 of its Article of Association the business of the company shall commence soon after its incorporation. Therefore, KAI would have been legally allowed to conduct any business only after the date of incorporation, i.e., 26th September, 2013. However, it illegally entered into contract and conducted its business 16 days before its incorporation.
- ii. WKF recognized KAI on the basis of fraudulent submission by the KAI that reads out as "AIKDF has changed its name from AIKF to KAI".
- iii. WKF Congress held on 4th November, 2014 in Germany that approved the alleged change of name of AIKF to KAI based on the letter received by WKF from AIKF.
- iv. MYAS continued to patronage Sh. Thiagarajan despite the fact that the Court of Deputy Charity Commissioner had already declared him as offender for illegal occupation of office of AIKF.
- v. IOA letter of March, 2010 was forged by Sh. Thiagarajan and Sh. Bharat Sharma and was sent to WKF and accordingly WKF recognized the illegal officials on March 3, 2010.
- vi. The case in the CAS Switzerland was not admitted on technical ground of time limit. CAS proceedings further required the submission of Schedule-1 which the AIKF could file only after the expiry of the deadlines as the authorities in India delayed issuance of the certified copy thereof.

6. **Sh. Rajeev Sinha** vide his letter dated 23-11-2015 has submitted a request for considering grant of recognition to AIKDF as NSF because irrespective of its leadership, AIKDF has been a MYAS recognized NSF since 1987 and member of WKF till 2014. Sh. Thiagarajan and Sh. Bharat Sharma fraudulently created an illegal entity called KAI and fraudulently secured WKF membership sixteen days before its incorporation. Further, on the basis of illegally procured document of WKF, the KAI got

Sagar Prasad Hooda

the recognition from the Ministry on 12-02-2014 i.e. 5 months of its legal existence whereby all the norms of the Sports Code were blatantly violated during Congress regime.

7. Due to the aforesaid claims and counter claims, it was decided that all the parties be given perusal hearing. Accordingly, the following were given personal hearing by AS & FA of the Ministry:-

- Mr. Rameshwar Nirvan was heard on 22-01-2016.
- Mr. Nandji Prasad was heard on 09-02-2016.
- Mr. Ganesh was heard on 22-02-2016.
- Mr. Thiagaraj and Mr. Bharat Sharma were heard on 26-02-2016.

8. The observations of AS & FA and the comments of the Deptt. on the observations are as under:-

S.No.	Observations	Ministry comments
1	On the basis of hearing and records and documents received it is a fact the AIKDF enjoyed recognition from MoYAS till 2013 and also that there was a split within the organization. However, the elections of AIKDF have been approved by the Charity Commissioner as per records and as per order dated 24-04-2015. It is also true that KAI was recognized by WKF but WKF recognized KAI on the basis of the change of name. But AIKDF was kept in the dark. AIKDF did go in for appeal the Court of Arbitration at Lausanne Switzerland but the appeal was not admitted on technical grounds. Their further appeal in the Supreme Court at Switzerland was not accepted on technical ground. It is pertinent to note that their case was never decided on merits.	The Ministry has no role regarding the recognition given by the World Body to KAI. If AIKDF is aggrieved, it is open to it to challenge the order on merits of the case, in appropriate forum/court. This Ministry has no locus to challenge the order of CAS or of the Swiss Supreme Court.
2	KAI, the other contestant had applied for Govt. recognition on 03-01-2014 and got it on 12-02-2014. It was incorporated as a Company on 26-09-2013 and received recognition by WKF on 10-09-2013. It had applied for a	KAI vide their letter dated 18-10-2013 informed this Ministry that WKF vide their letter dated 10-09-2013 has cancelled all previous membership/affiliation for India and have granted affiliation/membership to KAI as the only National Federation for Karate Sport in India headed by Sh. R. Thiagarajan as President. KAI was requested on 06-11-2013 to provide a copy of the

Sagar Preet Hooda

	<p>change of name from AIKDF to KAI. This was misleading. Mr. Thiagrajan applied on 22-07-2013 to Mr. Antonio Espinos, President, WKF at Spain, to change the name and form the Federation with new name of "Karate Association of India". Mr. Thiagarajan has applied much before KAI came into legal existence i.e. registered on 26-09-2013. If it is just a change of name then it ought to have been done in AIKDF's registration. Records show that KAI got registered as new company under Companies Act on 26-09-2013. There is an inherent contradiction whether it is change of name or a new organization. RTI reply dated 02-05-2014 by MoYAS clearly states that is a 'new organization'. Thus the recognition by WKF was obtained in a wrongful way by misrepresenting the facts.</p>	<p>WKF's letter in support of their claim. Vide letter dated 13-11-2013 KAI provided a copy of certificate issued by WKF on 10-09-2013. Vide letter dated 20-12-2013 WKF was requested to verify the authenticity of the certificates issued by them in favour of KAI. Vide letter dated 27-12-2013 WKF confirmed that they have granted recognition to KAI headed by Sh. Thiagarajan as the only NSF for Karate Sport and is entitled to participate in WKF events representing the country India. Thereafter, KAI was asked on 24-12-2013 to get their association recognized by this Ministry, in order to enable them to field the Indian team in international events. Since KAI got the recognition of WKF and therefore, they were asked to submit application for grant of recognition in the prescribed manner to enable them to field the Indian Karate team in the international events with a view to protect the interest of the players. With regard to misrepresentation of facts, the aggrieved parties are at liberty to approach the appropriate forum for redressal. Govt. can't adjudicate this matter to abdicate the decision of WKF.</p>
3	<p>Records also show that KAI has not got the recognition by IOA as yet. Mr. Bharat Sharma had applied on 29-11-2013 much before existence of KAI to affiliate KAI within IOA. No recognition of Asian Federation too is on record for KAI.</p>	<p>When the case was being processed for grant of recognition to KAI, IOA was under suspension. Further, IOA vide letter dated 11-07-2011 informed to NSFs that as per their amended constitution, the NSFs and State Olympic Association which are affiliated only with the IOA will be its members and none else and there shall be no category of recognized members henceforth. List of NSFs which are not Olympic discipline was also enclosed with their letter. Hence recognition of IOA was not applicable in this case. The recognition of the Asian body is also not applicable since the world body has recognized KAI.</p>
4	<p>KAI had applied for recognition to MoYAS on 03-01-2014 and was given recognition on 12-02-2014 by MoYAS. It is also seen that National Sports Development Code of India 2011 (NSDCI) has not been duly followed in this case. KAI did not have the All India spread and neither had it conducted</p>	<p>KAI submitted their proposal vide letter dated 03-01-2014 which was examined in the Ministry and with approval of competent authority, in relaxation of the condition of its existence for more than 3 years, the Ministry granted recognition to KAI as NSF in February, 2014, keeping in view the interest of sportspersons and promotion of Karate Sport in the country. Further, while granting recognition to KAI relaxation of the provision of 3.3 of the guidelines</p>

Sagar Prasad Hooda

	<p>its elections. Having been incorporated on 26-09-2013 and having got recognition on 12-02-2014, nothing much on record was there that they had played significant role and contributed in promoting and developing sports in India. 3.3 clause of eligibility of guidelines for recognition of NSFs (Annexure-II) requires that federation must have actively existed for more than 3 years on the date of application for recognition but this was not adhered to case of KAI. 3.4 clause also requires that at the time of application the federation should have affiliated units in at least 2/3 of total states. But KAI had not fulfilled this condition. KAI has also failed to comply with Clause 3.8 too.</p>	<p>stipulated in the Sports Code has been given with the approval of Hon'ble MOS (I/C) YAS. Further, at the time of examining the proposal for grant of recognition to KAI as NSF, KAI had submitted a list of 32 State Association with the name of office bearers and as such fulfilled the condition of clause 3.4 of the guidelines. Also, during the hearing KAI submitted documents stating that it has 35 State/Affiliated units. Hence the 2/3rd units' affiliation criteria is also fulfilled. Regarding 3.8 of the guidelines relating to holding of championships for Senior, Junior & Sub-Junior category, it is mentioned that KAI had informed, when their case was being considered that they had conducted national championship at New Delhi in Jan, 2014. The question of conducting championships prior to Sept, 2013. When KAI was registered under the Registrar of Companies Act, does not arise in this case.</p>
5	<p>The Ministry has also erred in responding to RTI replies. MoYAS in its reply dated 02-05-2014 clearly states it is a new organization. The reply to RTI query given 19-01-2016 wrongly states that KAI is recognized NSF while factually its recognition was only up to 31-12-2015 as it is granted only for the calendar year. The recognition for the year 2016 is yet to be granted by the Ministry. Thus clearly, KAI has no locus stand to be the NSF.</p>	<p>The reply given by CPIO is based on the fact that both the organizations are registered under two different Acts. While AIKDF is registered under Societies Registration Act, KAI is registered as Section 25 Company under the Companies Act. While replying to RTI application received from Sh. Rajeev Sinha vide CPIOs letter dated 27-01-2016, it was informed that for the year 2016 so far MYAS had not given annual recognition to any NSFs including KAI which was the position factually correct at that point of time. Subsequently, Ministry granted annual recognition for the year 2016 on 14-03-2016 enclosing therewith list of NSFs to whom the same has been granted. The name of KAI was not included in the list because of the present case.</p>

9. World Karate Federation (WKF) vide their mail dt 22.8.16, has requested Hon'ble MOS to grant recognition to Karate Association of India. In an effort to thrash out the differences between the factions of Karate sport, Hon'ble MOS, on 29-09-2016, met all the groups claiming recognition from this Ministry who made their submissions, oral & written. Their submissions and the comments of the Ministry are as under:-

Sagar Prasad Hooda

I. Sh. Rameshwar Nirwan & Sh. Nandjee Prasad

S.No.	Submissions	Comments of MYAS
1	To grant recognition to AIKDF, which was taken away by WKF and given to a newly formed organization namely Karate Association of India. They also alleged that Sh. Thiagarajan and Sh. Bharat Sharma maneuvered to get their recognition from WKF by illegal methods by misguiding them through false statements and documents.	This is the same plea which they had earlier submitted through their representation. KAI provided the copy of certificate issued by World Karate Federation (WKF) on 10-09-2013. Vide letter dated 27-12-2013 WKF confirmed that they have granted recognition to KAI headed by Sh. Thiagrajan as the only NSF for Karate Sport and is entitled to participate in WKF events representing the country India. Further, World Karate Federation (WKF) vide their mail dt 22.8.16, has requested Hon'ble MOS to grant recognition to Karate Association of India.
2.	AIKDF was registered in 1978 with the Charity Commissioner, Mumbai and the same year AIKDF recognized by the Govt. as NSF for Karate Sport. In 2007 Sh. R. Thiagarajan took the management of AIKDF into his hand through illegal procedure.	On 15/06/1987 Government had recognized All India Karate Do Federation (AIKDF) as National Sports Federation (NSF) for promotion of Karate sports in the country. The same was continued till 2013 since WKF recognized it. Recognition to KAI was given in the year 2014 because WKF recognized KAI as the body in India for Karate sport and Indian players can participate in the WKF sanctioned events through KAI only.
3	Sh.P.R. Ramesh and Sh. R. Ganesh are claiming to be General Secretary and Vice President of AIKDF but they are nothing to do with AIKDF, as they are neither governing body members nor office bearers of AIKDF, Mumbai.	The decision of Charity Commissioner is applicable for running the management of the AIKDF as a Society/Trust whereas the recognition of the Govt is to protect the interests of the players by ensuring their participation in the WKF sanctioned events. Since AIKDF is not recognized by WKF recognition to KAI is justified.

II. Sh. P.R. Ramesh and Sh. R. Ganesh

S.No.	Submissions	Comments of MYAS
1	IOA arbitrarily decided to recognize Sh. Thiagarajan as President and Sh. Bharat Sharma as General Secretary of AIKDF. Based on IOA's recognition, WKF recognized the above officials in 2010.	To protect the interests of the players by ensuring their participation in the WKF sanctioned events it was necessary to give recognition to the body recognized by WKF.

Sagar Prasad Hooda

2	That the Charity Commission, Mumbai which is the competent authority of AIKDF has declared the election of Sh. Thiagarajan and Sh. Bharat Sharma as office bearers of AIKDF as illegal. They got recognition of WKF by changing the name of AIKDF as KAI because by virtue of the Charity Commission's order they are not eligible to use name of AIKDF. Further, AIKDF's election held on 11-04-2006 is undisputed. They requested to grant recognition to AIKDF or direct to conduct fresh election in the presence of MYAS and IOA observers.	The decision of Charity Commissioner is applicable for running the management of the AIKDF as a Society/Trust where as the recognition of the Govt is to protect the interests of the players by ensuring their participation in the WKF sanctioned events. Since AIKDF is not recognized by WKF, it is not possible to grant recognition to it. Moreover, this ministry is not required to give direction to AIKDF for holding elections as it is governed by its own bye-laws.
---	--	--

Sh. Bharat Sharma, Secretary General, Karate Association of India (KAI) mentioned during the meeting that his body has been recognized by the World Karate Federation (WKF) as its affiliated unit in India and KAI is authorized to field athletes in WKF sanctioned events. No other body can send athletes for such events. He also submitted that KAI fulfills all the condition for grant of recognition including the condition of 3 years of existence as on date. Hence, KAI may be granted recognition at the earliest. He further mentioned that he has made detailed submissions in writing earlier and the issues raised by the contesting AIKDF factions have adequately been answered therein.

Analysis of the case

10. Government of India, Ministry of Youth Affairs and Sports (MYAS) grants recognition to sports bodies as National Sports Federations (NSFs) in accordance with the guidelines incorporated in the National Sports Development Code of India, 2011 (NSDCI) which inter-alia, provides that "Recognition of a federation shall not be a matter of right and shall be purely at the discretion of the Govt. of India who may grant recognition subject to such terms and conditions as it deems fit".

11. Vide order No. 9-69/2009-SP-I dated 2.12.2009, Government had decided to introduce a system of annual recognition as per which recognition is to be given to the NSFs on year to year basis. This instruction is also a part of the NSDCI. The validity of the Sports Code was challenged by the Indian Olympic Association (IOA) in W.P. No. 2310/2012 in Delhi High Court. The Hon'ble Court vide its order dated 9.5.2014 has upheld the validity of the Sports Code.

12. Due to dispute in the management of the All India Karate Do Federation, the Ministry had stopped all assistance to the federation in Oct. 2006. Subsequently, the Indian Olympic Association (IOA) vide their letter dated 02.01.2008 and World Karate Federation (WKF) vide letter dated 28.03.2008 informed that they recognize Mr. Karate R. Thiagarajan as President and Shri P.R. Ramesh as General Secretary of the Federation. Ministry accepted the recommendation of the aforesaid two apex bodies and resumed support to AIKDF vide letter dated 21.07.2008.

13. Consequent to subsequent dispute amongst the new management of AIKDF, Ministry sought a detailed report from IOA. IOA vide their letter dated 02.03.2010 and World Karate Federation vide their letters dated 03.03.2010 and 23/12/2010 respectively recognized AIKDF headed by Mr. Karate R.

Sagar Prasad Hooda

Thiagarajan as President, Mr. Bharat Sharma as General Secretary and Mr. Altaf Alam as Treasurer. Since Karate was one of the sports disciplines included in the Asian Games 2010 for which preparation of the team was going on, Ministry continued support to AIKDF as recommended by IOA and WKF. The present allegation by Sh. Rameshwar Nirvan and Sh. Rajeev Sinha that the signature of Sh. Suresh Kalmadi was forged to get the recognition of IOA does not seem to be valid as IOA never disputed the recognition given to AIKDF headed by Sh. Thiagarajan and Sh. Bharat Sharma. On the contrary, IOA had issued various documents in their favour.

14. Shri Rameshwar Nirvan of AIKDF filed a W.P.No.1734/2010 in the High Court of Judicature at Bombay Vs UOI, IOA, the Charity Commissioner, Mumbai & AIKDF (Shri Thiagrajan's Group) for granting recognition to his group. Hon'ble High Court of Bombay vide Order dated 10/1/2011 directed Charity Commissioner, Mumbai, before whom the change reports were pending, to hear and dispose of the change reports within a period of six months. In pursuance of the High Court's order, the Charity Commissioner, Mumbai by order dated 28/12/2012 rejected the change reports filed by rival factions and directed the Governing body of AIKDF elected on 11/4/2006 to initiate the election process within 60 days. Based on the order dated 28/12/2012 from the Deputy Charity Commissioner, Mumbai, two separate groups of AIKDF conducted the elections on 15/2/2013 (by the faction led by Shri. Rameshwar Nirvan) and on 22/2/2013 (by the faction led by Shri P. R. Ramesh). Both the factions submitted their change reports to the Charity Commissioner, Mumbai for acceptance. It is for the Charity Commissioner to accept the change report or otherwise. This has also been stated by Shri P.R. Ramesh of AIKDF in his present representation.

15. It was noticed that there was dispute among the various factions of the management of the Federation of AIKDF. Many court cases have been filed by different persons of AIKDF in various courts of the country. In view of dispute in the management of the AIKDF, the Ministry had not provided any financial assistance to AIKDF since 2011. The annual recognition of AIKDF ended on 31.12.2013 which was not renewed for the year 2014.

16. Shri Karate R. Thiagrajan, who was the President of All India Karate Do-Federation (AIKDF) and was recognized by the Ministry informed during October, 2013 that World Karate Federation (WKF) has cancelled all its previous membership/affiliation for India and have granted affiliation/membership to "Karate Association of India" (KAI) as the only National Federation for Karate sports in India headed by him as the President.

17. Karate Association of India submitted their proposal for grant of recognition during January, 2014. The same was examined in the Ministry and the deficiencies were conveyed to KAI on 16th January, 2014. KAI thereafter submitted the required details/documents which were again examined in the Ministry. The criteria for grant of recognition to the NSFs as provided under the National Sports Development Code of India, 2011 (NSDCI) specify that while considering the proposal for recognition, the Ministry, inter alia, will be guided by the following:-

- i. The current legal status of the Organization.
- ii. Recognition by the International Federation and the Asian Federation.
- iii. Recognition by the IOA in respect of Olympic Sports.
- iv. Undisputed status as an Apex Body in India.
- v. All India spread.
- vi. The role and contribution of the organization in promoting and developing Sports in India.

Sagar Prasad Thakur

- vii. Conduct of national championship across age groups and gender.
- viii. Financial and managerial accountability.
- ix. Fair, transparent and democratic elections.
- x. Compliance with age and tenure limit guidelines.
- xi. Protection and promotion of players' interests and welfare.
- xii. Introduction of Annual Recognition procedure for NSFs from 2010 subject to the submission of some documents namely annual reports, audited accounts, copy of bye-laws etc.

18. KAI fulfilled all the criteria for grant of recognition to NSFs except the condition i.e. the Federation/association must have actively existed for more than three years on the date of application for recognition, as KAI was registered in September, 2013. The above condition being a part of Govt. guidelines, the Govt. has the inherent powers to relax the condition in exceptional cases in the interests of sports and sportspersons.

19. At the national level there has to be only one recognized Federation for each discipline of sports. One of the essential eligibility requirements is that it should have the recognition from the International body/organization concerned. The World Karate Federation (WKF), the International Body for Karate Sports vide letter dated 27/12/2013 informed that KAI headed by President Karate R. Thiagrajan and General Secretary Shri Bharat Sharma is the full member of WKF and the only National Federation for Karate Sport in India. It was also informed that it had cancelled all previous memberships/recognition letters with immediate effect and only KAI is entitled to participate in WKF events representing the country India.

20. "Karate" sport is popular among the youth especially among the children in schools/colleges and included in School Games, SAF, Asian Games etc. The International Body accepts the entries of the players from the members recognized by it. KAI has been given recognition by WKF as its member in India. With a view to facilitate participation of players/Indian teams in international events and to protect the interest of Indian athletes, Karate Association of India has been granted recognition, with the approval of the competent authority, as National Sports Federation for promotion of Karate sport in India, in relaxation of the existing condition of the provisions of the National Development Sports Code of India, 2011 i.e. the Federation/Association must have actively existed for more than 3 years.

21. The recognition to KAI was subject to the various conditions including holding of its elections in a fair and democratic manner as per the Model Election guidelines of the Ministry within six months of the date of issue of the recognition letter i.e. 12/2/2014. Accordingly, KAI held its elections on 28/7/2014 at New Delhi and the same was accepted with the approval of the competent authority and was conveyed to KAI on 11-11-2014.

22. KAI has informed that AIKDF represented by Sh. Rameshwar Nirvan (and Sh. Rajeev Sinha) had filed a case against the WKF against their decision of disaffiliation of AIKF and for affiliating Karate Association of India as the NSF for Karate Sports in India in the Court of Arbitration of Sports, Lausanne, Switzerland and CAS has not allowed any relief to AIKDF. Further, KAI vide their letter dated 10-07-2015 informed that after losing their case in Court of Arbitration of Sports, Lausanne, Switzerland, Sh. Rameshwar Nirvan and Sh. Rajeev Sinha filed a case against CAS in Switzerland Supreme Court and by order dated 30-06-2015, Swiss Supreme Court rejected the case. It has also been

Sagar Preet Hooda

informed by KAI that at the International level, there is no court case pending against the International Federation i.e. WKF.

23. That the dispute is among the various factions and groups in the management of Karate sport and not among sportspersons. Since the International body accepts entries of athletes from its affiliated units in the countries, in order to protect the interest of sportspersons for their participation in WKF events representing the country India, the Ministry granted recognition to KAI on 12-02-2014 as National Sports Federation for promotion of Karate sport in the country. Such recognition was granted with approval of competent authority i.e. then Hon'ble MOS (I/C) YAS and the subsequent annual recognition for the year 2015 was also granted to it with the approval of Hon'ble MOS (I/C) YAS. No financial assistance has been given to KAI after their recognition, as the same has not been sought for by KAI.

24. In their representation dated 05-11-2015, KAI has enclosed two notices for holding elections, by two groups of AIKDF on the same date i.e. 22-02-2015. As per the provisions of the Sports Code, the Federation shall inform Government well in advance about its General Body Meeting and other meeting in which election of office bearers are to be held. However, MYAS had not received any information about the said elections. Also, it is not known as to what happened to the change reports following the elections dated 22-02-2015, if any held. However, from the documents it appears that factionalism in AIKDF still continues and there appears to be no unified body for AIKDF.

25. Further, MYAS has no role in the matter of grant of recognition to a member body in India by the International Federation for a sports discipline. Such disputes are to be adjudicated by the competent legal authorities. From the documents submitted by KAI it is noticed that one faction of the AIKDF had approached the Court of Arbitration (CAS) and the Supreme Court of Switzerland. The matter has already been adjudicated by those Courts.

26. Even though there may be disputes among the factions or between sports federations claiming to be NSF for a sports discipline, MYAS has to take decision in the overall interest of the players for their participation in the international events. Since the International Federation accepts entries of the players from its member in India, any other sports body will not be able to send the players for their participation in the official events of the International Federation. Since WKF has cancelled the membership of AIKDF, it would not be able to send the players for the WKF- sanctioned events.

27. To sum up, the position of the two bodies are as under:-

i. **All India Karate Do Federation (AIKDF)**- Presently it does not have the recognition of the world body. Hence it is not eligible to field the Indian team in the WKF sanctioned events. Holding of the elections and acceptance or otherwise of the election results by the Charity Commissioner is a process to be completed by all the societies registered under the Societies Act. This does not automatically authorize AIKDF to field Indian team in WKF events. On the other hand AIKDF is ridden in the factionalism in as much as that separate claimants of AIKDF appeared before AS & FA and also before the Hon'ble MoS to stake their claims. Thus, the positions of AIKDF w.r.t its office bearers remains hazy. Therefore, grant of recognition to AIKDF does not arise on two counts i.e. it does not have the recognition of the World Body (WKF) and there are more than one claimant of this

Sagar Prasad Hooda

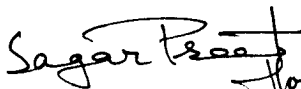
organization.

ii. **Karate Association of India (KAI)**- KAI is recognized by the World body and is authorized to send the Indian teams for the WKF sanctioned events. After its recognition in 2014, KAI has held several events in India and also participated in various WKF sanctioned events abroad. Even if the Govt's recognition is not given to KAI it would still be sending the Indian teams for WKF events as long as it is having the recognition of the world body. On the other hand if recognition is not given to KAI it would create confusion among athletes as different factions of AIKDF are claiming to be the body governing Karate sport in India although the MYAS has not given annual recognition to AIKDF since 2014. Recognition of the Govt., if not granted to KAI, would add to the confusion. It is pertinent to mention that Karate Association of India has since completed three years of its existence. Karate is an important sport and is included in the Asian Games. It has also been shortlisted to be included as one of the sports for Tokyo Olympics, 2020.

28. It was noticed during the meeting of Hon' MoS with the various factions on 29.9.16 that there are irreconcilable differences among the groups and on the other hand an NSF for Karate sport need to be recognized as it has been shortlisted to be included in the Tokyo Olympics, 2020. Karate has long back been included in the Asian Games. The next Asian Games will be held in 2018. It is a fact that only the body recognized by the World Karate Federation (WKF) can field the Indian athletes in such events. Therefore it has been considered necessary to grant recognition to the body recognized by the world body for development, training & participation of athletes in various international events including the Asian Games & the Olympics. At present, Karate Association of India (KAI) has the recognition of WKF. It has also completed 3 years of existence, a requirement under the National Sports Development Code of India for grant of recognition. World Karate Federation (WKF) vide their mail dt 22.8.16, has requested grant recognition to Karate Association of India.

29. Taking into account the aforesaid position and the direction dated 14.10.2015 of Hon'ble High Court of Delhi in WP No.789/2015, the documents on record and the facts as enumerated hereinbefore, it has been concluded that the decision of the Ministry to grant recognition to KAI as NSF is just and essential to ensure participation of Indian athletes in international events. At present, there are no grounds to review the said decision. Hence, it has been decided to continue the recognition to Karate Association of India as national Sports Federation for the year 2016 for promotion of Karate Sport in India.

The aforesaid decision has the approval of Hon'ble MOS (I/C) YAS.


(Dr. Sagar Preet Hooda)
Director (Sports)