

**BEFORE JUSTICE ARUN MISHRA
FORMER JUDGE, SUPREME COURT OF INDIA**

**OMBUDSMAN
THE BOARD OF CONTROL FOR CRICKET IN INDIA**

REFERENCE NO. 01/2026

In Re: Complaint dated 09.01.20206 in the matter of:

Dolphin Cricketers
An Institutional Members of the Karnataka State
Cricket Association
Represented by its Secretary,
Sri. Preeth S. Hegde,
C-302, Sobha Sapphire,
Amruthahalli, Talacauvery Layout,
Bangaluru-560092.

... Complainant

And

1. Board of Central for Cricket in India
Cricket Centre, Wankhede Stadium,
Churchgate,
Mumbai-400020
2. Karnataka State Cricket Association
An Association registered under
The Karnataka Societies Registration Act, 1960,
No.1, M. Chinnaswamy Stadium,
Cubbon Road, Shivaji Nagar,
Bangalore-560001,
Represented by its CEO
3. Santosh Menon,
Secretary of Karnataka State Cricket Association,
No.1, M. Chinnaswamy Stadium,
Cubbon Road, Shivaji Nagar,
Bangalore-560001.

... Respondent No. 1

... Respondent No. 2

... Respondent No. 3

Appearance:

For Complainant: Shri Vikram Huilgol, Sr. Adv. with Shri Sandeep Huilgol, Adv.

For Respondent No.1: None

For Respondent No.2: Shri Vishwajith Sadananda, Adv. with Shri Vinay Mruthyunjaya

For Respondent No.3: Ms. Lakshmi Menon, Adv. with Mr. Santosh Menon



ORDER

1. The question involved in the instant case is that of combining the period spent as an officer and member of the Managing committee of the Karnataka State Cricket Association (in short referred to as KSCA). In order to work out the cumulative period of 9 years, prescribed as disqualification for being a member of the Managing committee, whether, the 9 years period spent as office bearer is independent and is to be excluded from the 9-year period spent cumulatively as member of the Managing committee and Office Bearer.

2. The complainant has alleged that Respondent No. 3 Shri Santosh Menon had previously held the post as Managing committee member and at present is the Secretary of KSCA. He was a member of the Managing committee with effect from 1.12.2013 to 3.12.2019 i.e. 2132 days and Secretary with effect from 3.12.2019 to 20.11.2022 i. e 1144 days, total number of days- 3276. He was elected as Secretary of KSCA, again on 7.12.2025, he had only 9 days left to complete the 3 years period i.e., 3285 days, combining the period spent as member of Managing Committee and secretary, he ought to have demitted the office on 16.12.2025. He did not demit office and is continuing, contrary to BCCI's constitution & bye laws of KSCA. Petitioner raised the grievance before the president of KSCA on 18.12.2025 and 28.12.2025, and no action was taken. He approached the BCCI also, on 29.12.2025 in view of the clarification by the BCCI issued on 23.08.2025.

3. In the election, on application of the cumulative rule, the candidature of one of the candidates was rejected on 24.11.2025 by the election officer on the ground cumulatively that 9 years period was completed as an 'Office bearer'/ Managing committee member vide Annexure L on 24.11.2025.

4. The complainant has relied upon Rule 6A(ii)(e) of the KSCA Rules along with Rule 6B(i)(ii)(a), 6B(2)(i)(e) & (g) and Rule 14(1). The complainant submits that if the period of 'Office bearer' and member of Managing committee is not combined together and taken exclusively , in that case, a person would hold

office for 18 years in the state association and another 18 years in the BCCI and the cooling period is also taken into account and incumbent would hold the office in the state association and Board of Control for Cricket in India(BCCI) for a total period of approx 50 years, which is not intended by the Supreme Court in *BCCI vs Cricket Association of Bihar (2018) 9 SCC 624* and the Justice Lodha Committee report.

5. The complainant submits that the Secretary is also a member of the Managing committee, thus the period spent as an 'Office Bearer' and a member of the Managing committee have to be combined to work out the disqualification period of 9 years according to the Rules/byelaws of BCCI and KSCA formed in compliance of the judgement of Supreme Court.

6. A communication letter was submitted to the Deputy Registrar of Societies in the view of the clarification order dated 20.09.2019 passed by Supreme Court in IA No. 94179/2019, KSCA wanted to make further amendment to the rules, to the effect that for an office bearer, 9 years period is available and bar of 9 years on cumulative basis would not apply to them.

7. However, the Committee of Administrators(CoA) appointed by the Supreme Court, advised on 24.09.2019 not to re-amend the rules pursuant to the order of 20.09.2019. Consequently, the KSCA vide letter dated 25.09.2019 requested the Deputy Registrar not to consider the application for amendment of bye laws and to return these same. Hence, the proposed amendment to the Rules was not made by KSCA.

8. On proper interpretation of the Rules and bye laws, Respondent No. 3 cannot continue as Secretary. The continuation in office of Respondent 2 No. 3 is in violation of constitution and Rules and bye-laws of BCCI. The email of the BCCI of 23.08.2025 to count the period cumulatively was questioned before the Civil Court by certain individuals which is pending.

9. The complainant submits that BCCI has failed to take immediate action and ought to have acted under Rule 41(6) of BCCI bye-laws.



10. The prayer has been made by the complainant to declare that Respondent No. 3 is not eligible to continue as Secretary of Respondent no. 2 i.e KSCA. Appropriate directions be issued to the BCCI to take action for removal of Respondent No.3 11. The Respondent No. 2, KSCA, in its reply, has raised the objections that the Ombudsman of the BCCI lacks jurisdiction to decide a dispute intra KSCA, it falls within exclusive remit of KSCA's ombudsman.

12. It is also submitted that an opinion has been given by KSCA's ombudsman on 05.02.2026 on a complaint filed by the same complainant. That order has been suppressed and has not been challenged in Writ Court and thus the same is final and binding under Rule 41(a) of KSCA Rules. The complainant has suppressed the filing of the complaint before KSCA's Ombudsman.

13. The KSCA's legal advisory committee's resolution and the Managing committee's resolution dated 14.10.2025 has been withdrawn by the present Managing committee on 16.12.2025, on the basis of fresh legal opinion of the existing legal advisory committee and the independent opinion obtained.

14. Bye law No.6 of the KSCA separates the qualifications and dis-qualifications for 'Office bearers' from qualification and disqualification for 'Member' of the Managing Committee. Bye law 6A deals with officer bearers and bye-law 6B deals with members of the Managing committee of KSCA.

15. Bye law 14 stipulates 19 members of the Managing Committee consisting of elected officer bearers (5) and elected members (11) and nominated members (3). On 07.12.2025, fresh elections were held and Respondent No. 3 was elected as Honorary Secretary.

16. The KSCA has raised objection into reply as to the jurisdiction of the BCCI's ombudsman, it is averred by KSCA, that BCCI's ombudsman ambit of jurisdiction in reference to the identity of the disputing parties in Rule 41(1)(a) of the constitution are BCCI members i.e 'State Associations' , 'Franchises' , 'Zones' and 'Cricket Players Association'. Thus, disputes that lie between members of a single state association

and its members, does not amount to 'dispute between entities' under Rule 41(a). It is an internal dispute vis-à-vis a single member, since the complainant is not a state association.

17. The decision dated 05.02.2026 of KCSA's ombudsman is binding. He has opined that a person, who has been office bearer for 9 years cumulatively, cannot be elected as an office bearer or a Managing committee member, the period of managing committee/ office bearer would not be counted cumulatively.

18. Reliance has been placed by KSCA on the Hon'ble Supreme Court direction dated 20.09.2019.

"We direct that the disqualification shall be confined only to those who had held the post of 'Office Bearers' of the Cricket Associations. This order shall apply to all the State Cricket Associations."

19. The KSCA Ombudsman on 11.02.2020, has held that while calculating the period of 9 years for disqualification criteria as stated in Rule 6A(ii)(f), the period during which an officer was a member of the Managing committee cannot be taken into consideration. Similar is the opinion expressed by the present ombudsman on 05.02.2026. The electoral officer of the BCCI earlier, has applied the same interpretation, and KSCA's institutional position has been consistent. The said interpretation has been accepted by the Managing committee on 16.12.2025.

20. The election officer rejected the nomination of Mr. Vinay Mruthyunjaya in Nov, 2025 for the post of Treasurer holding that the period spent as member of the Managing committee must count towards overall disqualification under bye-law 6A(ii)(e) provided for 'Office bearer'. The discussion by the electoral officer was based on the previous Managing committee's decision vide resolution dated 14.10.2025. The decision of Apex Court in **BCCI v. Cricket Association of Bihar (2018) 9 SCC 624** and **BCCI v. Cricket Association of Bihar (2022) SCC OnLine 1223** are clear and do not support the complainant's case. The decision of Apex Court in **BCCI v. Cricket Association of Bihar** of 2018 does not cumulate the tenure as member of the Managing committee into Office Bearer's cap. It cannot be read to mean contrary to the clarification dated 20.09.2019. The

judgement of 2022 also, does not cumulate the tenure as office bearer and member of the Managing committee.

21. Respondent No. 3 *Shri Santosh Menon* has taken the similar stand and objections as raised by Respondent No. 2. According to Respondent No.3, the complaint is misconceived and is based on misinterpretation of No.3, the complaint is misconceived and is based on misinterpretation of KSCA's rules. The fresh resolution of the Managing Committee dated 16.12.2025 is in consonance with the prevailing bye laws. Reliance has been placed on decision dated 18.07.2016 in *BCCI v. Cricket Association of Bihar (2016) 8 SCC 535*. The cap was not put by the Supreme Court on office bearers forming the part of the Managing committee.

22. It is further submitted that following the order dated 20.09.2019 and consequential CoA advisory dated 24.09.2019, an IA 146810/2019, was filed in the Supreme Court in Civil Appeal No. 4235/2014. The said IA was dismissed as infructuous in 2024 in view of the decision (2022) *SCC Online SC 1223*.

23. The period of disqualification of 9 years is not attracted *vis-à-vis* Respondent No.3. The reliance placed on the correspondence dated 20.09.2019 is misconceived. The ombudsman of KSCA has given an opinion in favour of Respondent No.2 on 5.02.2026 which is binding. There is no violation of the BCCI constitution. There is no inaction on the part of Respondent No. 2 and there is no merit in the interpretation put forth by the complainant. Hence, the complaint deserves to be dismissed.

24. A rejoinder has been filed by the complainant where he submits that he was never given notice by Respondent KSCA Ombudsman, as such he could not point out the correct position. He never raised a dispute before the Ombudsman and that the clarification issued is not binding since it is without the adjudicatory process.

25. The BCCI in its reply has taken the stand that it is a matter of interpretation of provisions. It would abide by the decision of the Ombudsman in the matter and implement it.



26. The complainant has submitted that the BCCI Ombudsman is vested with the jurisdiction as per Rule 40 & 41 of BCCI. The disputes and difference lies to the Ombudsman and any dispute between members of the BCCI and other categories therein can be heard by the Ombudsman. The submission is that the Ombudsman has jurisdiction to hear not only the dispute but also difference between BCCI, its members, etc. The KSCA has passed a resolution on 16.12.2025 juxtaposed to the email of BCCI dated 23.08.2025, where it has clearly stated that no person can serve a post for more than 9 years in any capacity under 3B(1)(i) of BCCI Rules and regulations. The expression 'post' is defined in Rule 1A(hh) of KSCA Rules which includes 'elected office bearers' as well as 'elected councillors'.

27. It is further submitted that the question raised in the complaint goes to the very root of the governance structure of BCCI's members, which is contrary to BCCI's direction dated 23.08.2025 and rules and regulations of KSCA. There is clear conflict in between directions in email dated 23.08.2025 and resolution dated 16.12.2025 passed by the Managing committee of KSCA.

28. The Ombudsman of the BCCI is constituted to adjudicate such issues which affect governance of various state associations. The question is of seminal importance and is required to be adjudicated by BCCI's Ombudsman in the larger interest of the cricket fraternity. It is clearly a dispute/ difference between BCCI and KSCA as the latter has failed to implement the advisory dated 23.08.2025. Thus, it falls within the ambit of Rule 41(1)(a).

29. The complainant further submits that vide communication 29.12.2025, clarification was sought from the BCCI and not the KSCA's Ombudsman. The complainant submits that since a question was raised under Rule 41(6) of BCCI's Rules. The BCCI was required to act and take action against the administrator of KSCA, owing to failure to comply with a memo dated 23.08.2025 and rules & regulations of the BCCI. Thus, the jurisdiction to adjudicate, rests with the BCCI's Ombudsman.

30. The complainant has submitted that the clarification issued by the KSCA's Ombudsman is not an adjudication. Moreover, a



clarification was not sought from the KCSA's Ombudsman. The entire reading of the letter dated 29.12.2025 makes it very clear that no clarification was sought from the Ombudsman. The Ombudsman on 31.01.2026 had asked the CEO of KSCA whether any communication was issued by the Ombudsman in August, as referred to in the clarification application. The CEO of KSCA replied that no such document has been issued by the KSCA's Ombudsman. Thus, the Senior Counsel submitted that no dispute was raised and clarification of KSCA's ombudsman was never sought by the complainant.

31. Vide communication dated 05.02.2026, the Ombudsman has made it clear that it is not necessary to give notice to a person who is not affected at this stage. No adjudication process was undertaken and no notice was issued and as such Rule 41 is not applicable. As no notice was issued to the complainant, he could inform that clarification was sought from the Ombudsman, but BCCI.

32. On merits, learned counsel for the complainant has submitted that the continuation in office of Respondent No. 3 is contrary to the spirit of Justice Lodha Committee's recommendation. In substance, the Learned Senior counsel, to take home the submission that action of respondent is illegal, has urged the following points-

- a) The Respondent No.2 and 3's contention is untenable and the effect of the said contention is contrary to the spirit of the Lodha Committee recommendations and orders/ judgments of the Hon'ble Supreme Court.
- b) Contrary the KSCA Rule 6.
- c) Violates the BCCI Rules and Regulations and the clarification issued vide email dated 23.08.2025
- d) Contrary to various orders and decisions of the Hon'ble Supreme Court
- e) Contrary to the correspondence of KSCA with the Registrar of Societies in 2019.
- f) Contrary to the assurance of KSCA given to the Amicus Curiae and consequently the Hon'ble Supreme Court

g) Contrary to the correspondences of KSCA in 2019 with the members

h) The Respondent No.2 ought to have taken a neutral position and furnished the text of the bye laws filed with the Registrar of Societies on 20.09.2019:

i) Demonstration by KSCA documents is that the nine year rule is cumulative i.e, the period served as office bearer and managing committee member is to be taken into account

j) Other issues

33. Reliance has been placed on Gujarat High Court's decision dated 16.03.2026 in **Pradeepsinh Chandrasinh Solanki v. BCCI, 2026 SCC OnLine 2079**, in which Court has held:

27. Therefore, on a conjoint reading of Rule 6 and Rule 14, it becomes evident that Respondent Nos. 4 to 7, having served as "Office Bearers"/ member of Committee / member of the Apex Council for a cumulative period of nine years, have incurred the disqualification prescribed under the Rules. The contention advanced on behalf of the contesting respondents that they have not held the post of "Office Bearer" for a cumulative period of nine years, and that the tenure served as members of the Apex Council should not be taken into account while computing the cumulative period of nine years for the purpose of disqualification, cannot be accepted. Such an interpretation would defeat the very object and purpose for which the Hon'ble Supreme Court directed incorporation of the provisions relating to disqualification and the cooling-off period.

The underlying object of prescribing disqualification upon completion of a cumulative period of nine years, coupled with a cooling-off period, is to ensure that no individual continues to exercise control over the administration and management of cricketing bodies for an unduly long period, thereby preventing the development of vested interests. As noted hereinabove, the Apex Council is the principal governing body entrusted with the governance of the affairs of the Association. If the submission advanced on behalf of the respondents were to be accepted, it

would imply that only the tenure served as an "Office Bearer" for a cumulative period of nine years would attract disqualification, while the tenure served as a "Councillor" would stand excluded. Such an interpretation would enable a person to circumvent the disqualification provisions by serving, for instance, as a "Councillor" for cumulative period of nine years and thereafter, again re-enter in the Apex Council as a "Councillor" under the garb of "Office Bearer" for another nine years, which would effectively result retention of power for total years as 9 + 9 in the Apex Council, which is not permissible.

Such a construction would clearly frustrate the object and purpose underlying the provisions relating to disqualification and the cooling-off period as envisaged by the Hon'ble Supreme Court, and would render the disqualification provisions contained in Rule 6 and Rule 14 nugatory and otiose. As noted hereinabove, Rule 6(4)(ii) expressly stipulates that the expression "Office Bearer" shall not be permitted to be circumvented by serving as a member of any other Committee or the Governing Council of the BCA or the BCCI, as the case may be.

Similar language is employed in Rule 14(4-A), which specifically provides that the expression "Councillor" shall not be permitted to be circumvented by becoming a member of any other Committee or of the Governing Council of the BCA. Thus, the Rules clearly contemplate that the provisions relating to disqualification and cooling-off period cannot be circumvented in any manner.

28. Even otherwise, it is pertinent to note that in Rule 14(2), the expression used is "Councillor". The Apex Council is required to comprise thirteen "Councillors", of whom five are to be elected as members in accordance with Rule 6. Rule 14 further stipulates that a person shall be disqualified from being a "Councillor" if he or she has served as an "Office Bearer" of the BCCI for a cumulative period of nine years or as an "Office Bearer" of the BCA for a cumulative period of nine years. Thus, for all practical purposes, the elected "Office Bearers" under Rule 6 are themselves "Councillors", forming part of the Apex Council, which constitutes the

principal governing body entrusted with the administration and governance of the Association.

(29) Therefore, on a conjoint reading of Rules 6 and 14, it necessarily follows that for the purpose of determining disqualification, the entire period served either as an "Office Bearer" or as a member of the Apex Council in the capacity of a "Councillor", including service as an elected "Office Bearer" and/or as a member of any Committee or Governing Council, must be taken into account while computing the cumulative period of nine years. Any other interpretation would run contrary to the directions issued by the Hon'ble Supreme Court and would undermine the provisions relating to disqualification and the cooling-off period. Any other interpretation would permit individuals to continue in office / power / administration beyond the permissible cumulative period of nine years by circumventing the provisions of Rules 6 and 14. Accordingly, this Court is of the considered opinion that Respondent Nos. 4 to 7 have incurred disqualification from contesting the election for the post of "Office Bearer". The Electoral Officer ought to have rejected the nomination forms submitted by Respondent Nos. 4 to 7 and should have proceeded to declare them disqualified in accordance with law.

34. These decisions insist that the term one can enjoy is only 9 years in the BCCI or State association. IA no. 94179/2019 in CA No. 4235/2014 was dismissed by the Supreme Court as infructuous. Another IA no. 146810 11 of 2019 was filed by CoA seeking clarification of Order dated 20.09.2019, in which following prayer was made;

"The CoA has filed an application before the Hon'ble Supreme Court seeking certain clarifications to the order dated 20.09.2019 wherein the CoA has stated as under (Page 158 and 159 of the statement of objections filed on behalf of the Respondent No.3.

18. The COA understands that the clear, categoric and only effect of the said direction of the order of this Hon'ble Court dated 20th September is that disqualification contained in Rule 6(5)(f) and 14(3)(f) to the non-office bearer post would at this stage and subject to the final view of the Hon'ble Court not

being insisted upon. All other disqualifications in Rule 6(5)(a) to (e) and (g) and 14 would necessarily continue to apply.

25. It is submitted that because of the out of context and opportunistic interpretation of the 20th September, 2019 Order, many associations who have registered their earlier constitution and some of them who have even conducted their elections want to amend their constitution in derogation of the judgments passed by this Hon'ble Court. In fact, Karnataka State Cricket Association vide their email addressed to the COA have informed the COA that they have amended their constitution in view of the 20th September Order and submitted it for registration."

35. The application was disposed-off as infructuous vide order dated 08.01.2024. Learned Senior Counsel for the complainant further submits that earlier, an amendment was proposed to make the provision for tenure of officers to be 9 years in light of clarification issued by Hon'ble Supreme Court on 20.09.2019 in IA 94179/2020. However, application for amendment of bye-law by KSCA was opposed by COA on 24.09.2019 and it was advised to the cricket association not to amend the byelaws pursuant to order dated 20.09.2019. A letter was written to the Registrar of Societies on 25.09.2019 to not amend the bye laws and thus no amendment was carried out. This action of KSCA is against the understanding that the total period of tenure of post under its bye-laws should be 9 years.

36. It was further submitted that a letter was written by the *Amicus Curiae* on 24.09.2019 to the effect that the said amendment was sent to the Registrar of Societies. Once the amendment was withdrawn, the Amicus was informed accordingly, so that there could not have been any violation of the understanding of the Supreme Court.

37. The complainant submits further that correspondence was issued in 2019 to all the members of KSCA with respect to cumulatively calculating the tenure of elected committee members/ office bearers.



38. The complainant submits that KSCA has not sent all records to the Ombudsman, and it did not place the amendment proposed on 20.09.2019 which was withdrawn.

39. Reliance was also placed on Vinay Mruthyunjaya decision by the election officer rejecting his nomination papers in 2025 in which tenure was counted cumulatively for an office bearer and member of the Managing committee. Learned Senior Counsel for KSCA further argued that in WP 10176/23020, stand taken by KSCA was that the period is to be counted cumulatively of 9 years.

40. Senior Counsel for complainant pointed out that Respondent No. 3 constituted a legal advisory committee and held meetings on 11.12.2025 and 15.12.2025. The decision that the 9 years period is not cumulative, was not signed by the Chairman of the Committee, hence the legal advisory committee minutes hold no ground. The Managing committee while passing the resolution did not consider the prior resolution dt. 14.10.2025. It is not open to the Managing Committee to take a different view within 3 months of prior resolutions as per provisions under Rule13(f) of KSCA Rules.

41. Learned Senior Counsel for the complainant further submitted that Respondent No. 3 has for his benefit constituted a legal advisory committee. In a meeting dated 09.12.2025 in agenda 7, Respondent No. 3 observed that it is necessary to constitute a legal advisory committee. The Respondent No. 3 ought to have recused from the meeting. The meeting of the legal advisory committee has been done hastily to benefit Respondent No. 3 and opinion has not been signed by the President.

42. The Learned counsel for Respondent No. 2 and 3 have raised almost the same submissions, and have submitted that BCCI's ombudsman has no jurisdiction under Rule 41(1)(a) of BCCI constitution to adjudicate the instant dispute. Members mean State association alone in Rule 41(1)(a) of BCCI. The expression 'member' has been defined in BCCI rules as 'full members' and 'associate members' and the complainant is not any one.

43. The state association is a legal entity distinct from its own members. Reliance has been placed on *New Okhla Industrial*

Development Authority v. Army Welfare Housing Organisation, (2010) 9 SCC 354 (Para 41-43) and Board of Trustees, Ayurvedic & Unani Tibia College, Delhi v. State of Delhi, 1961 SCC OnLine SC 145.

41. Mr Gupta has further submitted that a society was a legal entity in law distinct from its members as the property vested in living members, trust or board and as such the society could hold property, although it may not be a juristic person. For this argument, Mr Gupta has placed reliance on Ayurvedic and Unani Tibia College v. State of Delhi.

42. In Ayurvedic and Unani Tibia College case the Constitution Bench was dealing with Sections 5 and 6 of the Societies Registration Act and 14 the question as to whether the Tibia College Board set up under the Tibia College Act, 1952 was a corporation in law. The Bench held that the Board was, indeed, not a corporation but had the characteristics of a quasi-corporation and though a registered society could not hold property but a quasi-corporation would be deemed to be a separate legal entity and entitled to hold property.

43. We are, therefore, of the opinion that AWHO, though registered under the Societies Registration Act, has certain characteristics which would enable it to hold property and therefore transfer of the land-cum-superstructure would be by way of a sub-lease from the lessor i.e. Noida to the lessee which is AWHO to the sub-lessees who are the individual allottees, by way of a stamped and registered document.

44. Learned counsel for Respondent No. 2 & 3 contend that the present dispute is between office bearers of KSCA, and since they are institutional members, it is an internal dispute, thus BCCI's Ombudsman cannot entertain the same. KSCA bye-laws cover members, clubs and other institutions. There are two different tiers created for deciding the disputes at the level of BCCI and KSCA expression among them means three or more disputants from above categories under Rule 41.

45. Learned counsel further submitted that a construction that reduces a coordinate jurisdiction must be rejected in favour of the



scheme which gives space to both provisions. To entertain such a dispute, would be against the spirit of the Lodha Committee and in case every dispute between members of an Association is heard by BCCI's Ombudsman and nothing would be left for the state's ombudsman to decide.

46. On merits, it is submitted by learned counsel for Respondent No. 2 & 3 , that the Supreme Court order 20.09.2019 is clear and a 9 year cap has to be computed with respect to the term served as 'Office bearer' alone. There is a deliberate asymmetry in Rule 6A & 6B. It is apparent that the tenure for an 'office bearer' has to be counted separately and along with a separate tenure for the Managing committee. It is cumulative counting for members of the Managing committee only and not for the 'Office Bearers'. The provision of Rule 6B cannot be read in Rule 6A. A person who has served as Office Bearer for 9 years is disqualified for both and in case a person has served only 9 years as Managing committee members is disqualified from the Managing Committee but is not disqualified from being an 'Office Bearer'. Reading Managing committee tenure into Rule 14.1.4 of the BCCI Constitution would render the clause 14(3)(e) otiose.

47. Learned counsel for Respondent No. 02 contends that the Complainant's construction requires Rule 14.4.1 to be read as though the nine-year cap on being an Office Bearer also swept in time spent as a Councillor or Managing Committee member. That reading cannot stand, because it would render Rule 14.3(e) otiose. Rule 14.3(c) deliberately fixes the disqualifying tenure, for the purpose of Apex Council membership, as tenure "as an Office Bearer. " If time as a Councillor or Managing Committee member were already cumulated into the same nine-year cap, Rule 14.3(c)'s careful limitation to Office Bearer tenure would serve no purpose and could simply have been omitted. A construction that reduces an express provision to surplusage must be rejected.

48. It is also submitted by the Learned counsel for Respondent No. 2 that the correct reading is: Rule 143(e) (and its KSCA analogue, Rule 6B(2)(i)(e)) makes Office Bearer tenure relevant to disqualification from being a Councillor/ Managing Committee member. Rule 14.4.1 (and its KSCA analogue, Rule



6B(L)(i) imposes a separate three-term cap on Councillors/Managing Committee members in that capacity. This does not make the Managing Committee tenure relevant to disqualification from being an Office Bearer. Rule 14.4.1, even if read in isolation, applies only to a Councillor and not an Office Bearer, and any other view would amount to doing violence to Rule 14.3. The same logic applies, *a fortiori*, to the KSCA Rules and Bye-Laws, where the asymmetry between Rule 6A(i) and Rule 6B(2)(i)(g) is even more explicit.

49. The learned Senior counsel for Respondent No. 3 has also submitted that filing of the complaint before ombudsman of BCCI constitutes an impermissible attempt at forum shopping and the complainant cannot be permitted to invoke different adjudicatory forums to secure favourable ruling after already participating in the forum KSCA has provided. No appeal lies to the BCCI's Ombudsman since reconstitution of the same issue cannot be made, otherwise the entire dispute resolution mechanism by state association will become illusory. The order passed by Ombudsman is final and binding and operates as *res judicata* and new points cannot be put before BCCI's Ombudsman as principles of constructive *res judicata* are attracted. Reliance has been placed on case ***Hope Plantations Ltd. v. Taluk Board, Peermade & Anr., (1999) 5 SCC 590.***

50. Learned counsel for Respondent No. 2 & 3 also submitted that the order passed by the Ombudsman cannot be relabelled for redetermination and complainant cannot approbate and reprobate, having invoked the jurisdiction of the Ombudsman, could not have filed complainant before the BCCI's Ombudsman.

51. Learned counsel for Respondent No. 2 & 3 also submitted that the complainant did not seek personal hearing through the state Ombudsman. The complainant's stand is that clarification was sought from BCCI and not from the Ombudsman, in any case the clarification issued by the KSCA Ombudsman holds the field. Reliance has also been placed on the Ombudsman order dated 11.02.2020 and Supreme Court's decision in ***BCCI v. Cricket Association of Bihar.***



52. Learned counsel for Respondent No. 2 & 3 also submitted that in the application IA No. 146810/2019, the Apex Court dismissed it as infructuous vide order dated 08.01.2024, in view of the clarification of judgement dated 14.09.2022, because relief was already granted and there was no live controversy left for adjudication.

53. Learned counsel for Respondent No. 2 & 3 also submitted that the letters to the Deputy Registrar of societies do not support the complainant, it was sent in view of the clarification order dated 20.09.2019 of the Supreme Court. The interpretation of the rule cannot change by not further amending the byelaws & the rules. It is also submitted that complainant is bound by managing committee resolution dated 16.12.2025, which specifies the correct position, while the decision was taken, Respondent No. 3 did not participate in the discussion.

54. Learned counsel for Respondent No. 3 further submitted that there is no threat of de-recognition and violation of Article 3(b) (1(i)) of the BCCI constitution, the restriction by the BCCI against permitting a person to hold the post beyond a prescribed period cannot be interpreted by contemplating tenure served in different capacities. Thus, there is no question of repetitive tenures by BCCI of KSCA.

55. Learned counsel for Respondent No. 2 & 3 also contend that interpretation sought to be advanced by the complainant is contrary to the consistent and uniform understanding followed by the members of the Association across India, as per order dated 20.09.2019. The issue is understood throughout India like that. Similar is the position in the order dated 14.09.2022 of the Supreme Court, the contemporary and uniform interpretation had been adopted by the State Ombudsman, same is in tune with the rules and regulations. The interpretation sought by the complainant would be against the applicable Rules, Regulations & By-laws. With respect to the decision of Gujarat High Court, the parties have approached Supreme Court during the pendency of the LPA, and it is pending against the decision dated 16.03.2026, the Baroda scheme is different from KSCA Rules.



56. Counsel for Respondent No. 3 would further contend that there is no estoppel arising from the letter dated 24.09.2019 addressed to Registrar of Societies for withdrawal of the re-amended draft. Estoppel cannot operate against the law declared under Article 141. It is also submitted that the communication issued by KSCA to the members in 2019, creates no estoppel and cannot be said to be binding on KSCA.

57. It is further submitted by counsel of Respondent Nos. 2 & 3, that no adverse inferences arise from the withdrawn draft dated 20.09.2019. Since it was an unregistered draft and had no legal force, the draft wanted to give effect to the office bearers tenure as clarification order dated 20.09.19, its production was thus not necessary.

58. It is further submitted by learned counsel for Respondent No. 3 that the managing committee was competent to adopt the resolution dated 16.12.2025, the plea raised of 3 months bar is not attracted. The decision of the previous meeting of the Managing Committee dated 14.10.2025 did not merge with the AGM. The Managing Committee can correct the legal position Bye-law 13F does not come in its way. View of 14.10.2025 was of the Managing Committee and not a decision of the Annual General Meeting, could not be a binding precedent even if resolution dated 16.12.2025 is ignored or set-aside, the Bye-laws of KSCA and the binding clarification by the Supreme Court is in favour of Respondent No. 3. The allegation of bias and non-recusal against Respondent No. 3 are untenable, since bias has not been demonstrated. It was the managing committee's interpretation based on the opinion of the legal advisory committee.

59. It is further submitted by the Learned Counsel for Respondent No. 3 that simply by the fact that the chairman has not signed the minutes, does not make the Legal Advisory Committee's opinion void. The apprehension of tenure for 36 years is misconceived. There is a cooling-off period of 3 years after 6 years in tenure of 9 years each for office bearers and Managing Committee members.

60. Counsel for Respondent No. 3 has lastly contended that the complaint is liable to be dismissed with costs, and it be declared that Respondent No. 3 continues to hold the post of secretary as per the applicable by-laws of the KSCA.

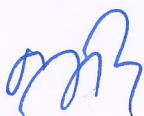
61. The following main points arise for consideration:

1. Whether the present complaint is maintainable before the Ombudsman of the BCCI under Rule 41 of the BCCI Constitution?
2. Whether clarification order dated 05.02.2026 passed by the Ombudsman of the Karnataka State Cricket Association amounts to a decision of dispute under Rule 41 of KSCA Rules; bars the present proceedings and operates as res judicata?
3. What is the tenure for holding a 'post' as defined under Rule 1A(hh) of KSCA Rules and whether an 'Office bearer' can hold a post for 9 years and then can hold post of a member for another 9 years or both the periods have to be cumulated to make it 9 years period in total?

Issue No. 01

62. We take up the preliminary objection raised with respect to the jurisdiction of the BCCI's Ombudsman. The learned counsel on behalf of Respondent No. 2 & 3 have raised objections that the disputes inter-se members of KSCA cannot be decided by an ombudsman appointed by the BCCI. The state's ombudsman would have the jurisdiction to decide the same. It is submitted that BCCI's Ombudsman has the jurisdiction to decide the disputes within BCCI, and between and among BCCI and its member associations, IPL franchises, zones and cricket player associations.

63. Learned counsel for the complainant as noted above has argued to the contrary and submitted that BCCI's Ombudsman has jurisdiction to decide such kinds of disputes.



64. The provisions of Rule 41 of the constitution of BCCI, deals with respect to grievance redressal. Rule 41(1)(a) of BCCI's constitution provides for member franchise disputes. The provisions of Rule 41 (1)(a) is extracted hereunder-

41. GRIEVANCE REDRESSAL

(1) The types of disputes/ differences that form the Ombudsman's ambit and the procedures for redressal are: (a) Member, Association & Franchisee Disputes

Any disputes between or among the BCCI, its Members, IPL Franchisees, Zones and the Cricket Players' Association shall be automatically referred to the Ombudsman.

Procedure: Both parties would submit their arguments and a hearing would be conducted following the principles of natural justice and exercising all powers of enquiry and hearing as the Ombudsman deems fit before appropriate orders are passed.

(b) Detriment caused by Member or Administrator

If any Member or any Administrator of the BCCI commits any act of indiscipline or misconduct or acts in any manner which may or likely to be detrimental to the interest of the BCCI or the game of cricket or endanger the harmony or affect the reputation or interest of the BCCI or refuses or neglects to comply with any of the provisions of the Memorandum and/or the Rules and Regulations of the BCCI and/or the Rules of conduct framed by the BCCI, the Apex Council, on receipt of any complaint shall issue a Show Cause Notice calling for explanation and on receipt of the same and/or in case of no cause or insufficient cause being shown, refer the same to the Ombudsman. Procedure: The Ombudsman shall, after providing opportunity of hearing to the parties concerned, pass an appropriate order.

(emphasis supplied)



65. The provisions of Rule 41(A)(a) of KSCA Rules are 'pari materia' to the provision of Rule 41 of BCCI constitution and Rule 41 of the KSCA Rules is extracted hereunder-

41. GRIEVANCE REDRESSAL:

(A) The types of disputes/differences that form the Ombudsman's ambit and the procedures for redressal are:

(a) Member, Association & Franchise Disputes

Any disputes between or among the ASSOCIATION, its Members, Franchisees, Zones and the Cricket Players' Association shall be automatically referred to the Ombudsman.

Procedure: *Both parties would submit their arguments and a hearing would be conducted following the principles of natural justice and exercising all powers of enquiry and hearing as the Ombudsman deems fit before appropriate orders are passed.*

(b) Detriment caused by Member or Administrator

If any Member or any Administrator of the ASSOCIATION commits any act of indiscipline or misconduct or acts in any manner which may or likely to be detrimental to the interest of the ASSOCIATION or the game of cricket or endanger the harmony or affect the reputation or interest of the ASSOCIATION or refuses or neglects to comply with any of the provisions of the Memorandum and/or the Rules and Regulations of the ASSOCIATION and/or the Rules of conduct framed by the ASSOCIATION, the Apex Council, on receipt of any complaint shall issue a Show Cause Notice calling for explanation and on receipt of the same and/or in case of no cause or insufficient cause being shown, refer the same to the Ombudsman.

66. Membership is specified in Rule 3 of the Constitution of BCCI. 'Member' means State Associations. The membership is confined to 'full members' and associate members. Full members are, by and large, associations of various states. Exceptions have been carved out as there is inclusion of certain cricket associations as full members in Rule 3(a)(2) as specified in

3a(ii)(C, D & E). 'Associate members' are those existing members, who do not fall within the meaning of 'full members.'

67. The expression 'member' in Rule 41 of the BCCI's constitution includes KSCA. Rule 41(A) states the types of disputes/differences that form the ombudsman's jurisdiction.

68. The opening expression of Rule 41 is 'any dispute' between or among BCCI, its members. The word 'any dispute' over any advisory relating to governance, administration and framework and regarding cricket administration is covered in it. Rule 41A(b) of BCCI/KSCA provides that in case of dispute or difference caused by a member or Administrator/ Committee indiscipline/ refusal to comply with provisions of Memorandum, rule & regulations shall be referred to the Ombudsman. The definition of Administrator includes the office bearers of the member association.

69. The jurisdictional clause is couched in the broadest possible language. Two expressions which need to be emphasised are: (i) "any dispute"; and (ii) "between or among".

70. The expression "any" has consistently received an expansive interpretation by the Hon'ble Supreme Court. In **KGSB Coop. Bank Ltd. v. Subir Chakravarty, (2022) 10 SCC 286**, the Court observed that the word "any" is a word of wide amplitude capable of meaning "all", "every", "one", or "some", depending on context, and ordinarily indicates an intention not to restrict the scope of the provision.

71. Similarly, in **Punjab State v. Dina Nath, (2007) 5 SCC 28**, while construing a clause referring "any dispute" for adjudication, the Supreme Court held that the expression is wide enough to include all disputes arising from the relationship governed by the instrument and is not to be given a narrow or restrictive meaning. The Court observed that the words "any dispute" are sufficient to encompass disputes of every nature arising between the parties and that such language demonstrates an intention to create a comprehensive dispute resolution mechanism.



72. The same principle applies with greater force to Rule 41. Once the Constitution employs the phrase "any dispute", it would not be appropriate to read into the Rule, the limitations which its framers consciously chose not to impose.

73. The complainant seeks an interpretation of provisions governing eligibility, tenure and disqualification under a Full Member Association of the BCCI. It concerns the governance framework applicable to a Member Association operating under the umbrella of the BCCI Constitution.

74. The word "**between**" ordinarily contemplates a dispute involving identified parties, whereas the word "**among**" extends to disputes affecting or involving a class or group of persons. The deliberate use of both expressions demonstrates an intention to confer jurisdiction over disputes not merely *inter se* individuals but also controversies affecting larger communities.

75. When the rule 41 of BCCI Rules contemplates disputes "between and among" members, it necessarily includes disputes inter-se the constituents of those member associations, and within BCCI, particularly where such disputes implicate BCCI's constitutional mandates, governance standards, or directives emanating from the Hon'ble Supreme Court. A restrictive interpretation confining BCCI's Ombudsman only to disputes where BCCI itself is a direct party would render the phrase "between or among...its Members" largely superfluous and defeat the evident purpose of establishing a unified grievance redressal mechanism for cricket governance.

76. These are questions of constitutional interpretation having ramifications beyond the present parties. The matter therefore falls squarely within the supervisory and adjudicatory role contemplated for the Ombudsman under Rules 41 and 41A. The larger question concerns: interpretation of provisions of the BCCI Constitution, KSCA Constitution, the effect of the judgments and orders of the Hon'ble Supreme Court in the BCCI reforms litigation, the proper understanding of tenure restrictions and disqualifications, and the uniform governance norms applicable to Member Associations. The decision on these questions shall

affect 'Officer bearers' of associations and BCCI. The dispute therefore falls squarely under Rule 41 of BCCI Constitution.

77. The expression 'administrator' has been defined in BCCI Rule 1A(a).

(a) ADMINISTRATOR" shall mean and include former and present Honorary Presidents, Honorary Vice Presidents, Honorary Secretaries, Honorary Treasurers, Honorary Joint Secretaries of the ASSOCIATION and former Honorary President and former Honorary Secretary of the BCCI, and any person connected with the Governance and Management of the affairs of the ASSOCIATION.

78. It is apparent that the present and past President and Secretary of members affiliated to BCCI are included in definition of 'administrator' and with respect to administrator misconduct, Rule 41(1)(b) provides that if any member or administrator refuses or neglects to comply with the Memorandum or rules and regulations of BCCI, dispute shall be referred to its Ombudsman. The communication dated 23.08.2025 has been violated by Respondent No. 3 who is an 'administrator' by continuing in the office and there is a refusal by the Managing Committee of KSCA to comply with it, of which President and Secretary (Respondent No. 3) are members. Thus the dispute is also within the purview of Rule 41(1)(b) of BCCI rules and regulations to be heard by the Ombudsman of BCCI.

79. The argument raised that reference to BCCI does not find a place in the Rule 41 of KSCA is of no avail as the Ombudsman of KSCA has no right to adjudicate upon the dispute relating to BCCI or when it touches the compliance of the governing structure of BCCI Rules/directives, dispute/difference in a member association, is in dispute with BCCI. What is of significance here is that the reference to KSCA is in Rule 41 of BCCI constitution. Since, it is not disputed that both provisions are otherwise 'pari materia'. Rule 41 of BCCI and KSCA clearly covers a dispute inter-se between member associations like KSCA. Internal dispute between members of association can be heard within ken of jurisdiction of Rule 41 by the ombudsman of BCCI and State Association. If intra members disputes within

one association is not covered under Rule 41 ombudsman of BCCI or of state Association would not have jurisdiction to decide them. In case the Ombudsman of BCCI and state Association cannot decide *intra-member* dispute of member, franchise, zones or cricket player association, then no remedy would be left for deciding the internal dispute. 'KSCA' is included as a 'member' under the Rule 41 of BCCI constitution. As such, the BCCI Ombudsman would have jurisdiction. Purposive interpretation has to be given to both the provisions to make them workable.

80. The argument that KSCA's *pari materia* Rule 41(A)(a) ousts BCCI's ombudsman jurisdiction is misconceived. The existence of a parallel provision in KSCA's Constitution does not create an exclusionary regime; rather, both provisions operate complementarily within a hierarchical governance structure where BCCI sits as the Apex Body. The consistent practice of BCCI's Ombudsman entertaining and adjudicating disputes raised inter-se within members of affiliated associations reinforces this interpretation and reflects a settled understanding of jurisdictional scope. Purposive construction demands that these provisions be read to effectuate their object ensuring coherent, authoritative resolution of disputes touching upon cricketing governance rather than fragmenting jurisdiction in a manner that undermines the integrity of the administrative framework.

81. The jurisdictional provisions must also be construed purposively. In *Shailesh Dhairyaman v. Mohan Balkrishna Lulla*, (2016) 3 SCC 619, the Supreme Court explained that purposive interpretation requires a court to identify the object sought to be achieved by the provision and to construe the text in a manner that advances that purpose rather than defeats it. The Court observed that statutory interpretation is not confined to literalism and that where multiple constructions are possible, the interpretation that furthers the object of the enactment must ordinarily prevail.

82. The office of Ombudsman was introduced pursuant to the structural reforms directed by the Hon'ble Supreme Court in the BCCI matters. The object behind creation of an Ombudsman was

to establish an independent mechanism capable of resolving governance disputes, constitutional disputes, ethical concerns and institutional disagreements arising within cricket administration. Accordingly, Rules 41 and 41A must receive a purposive and liberal construction consistent with their institutional objective.

83. It was submitted that there was a possibility of conflicting decisions by the Ombudsman of the BCCI and the Ombudsman of the State association. The submission is untenable as dispute has to be decided by either of the two ombudsmen and once an order is passed, the same is final and binding. There are certain practices well established in this regard. The internal disputes which have no ramification on governance structure are not ordinarily entertained by the BCCI Ombudsman.

84. In the present case there is clearly a dispute/difference which has arisen between the BCCI and KSCA. The communication dated 23.08.2025 lays down to the contrary what has been resolved by the KSCA in its meeting dated 16.12.2025. Apart from that, the nature of dispute is of available tenure, the outcome of which affects cricket administration and the BCCI.

85. Thus, the question involved is whether the constitution, the rules, the regulations and bye-laws of KSCA are in tune with BCCI's constitution and directives of the Apex Court. Such a dispute falls within the jurisdiction of BCCI's Ombudsman as it amounts to dispute and 'difference' between the BCCI and KSCA, regarding which dispute has been raised, falls within BCCI Rule 41(1)(a) and such a matter is required to be adjudicated by the BCCI Ombudsman. The objection about BCCI Ombudsman's jurisdiction is untenable and is hereby rejected.

Issue No. 02

86. The learned counsel appearing on behalf of Respondent No. 2 & 3 have raised another preliminary objection with respect to the clarification dated 05.02.2026 of the Ombudsman of KSCA to be final and binding and once a dispute has been decided, it cannot be looked into by BCCI's ombudsman as it is not an appellate forum.

87. A copy of the communication dated 29.12.2025, seeking clarification from the BCCI was sent to KSCA's Ombudsman, same is extracted hereunder:

"Dear sir,

I am writing to seek clarity regarding the maximum permissible tenure an individual can hold office in a State Association. Please find enclosed herewith the email and attachments sent to the Karnataka State Cricket Association (SCA) on 19th & 28th December, which are self-explanatory. It is our considered view that once a person has completed nine years on the Managing Committee, he cannot continue to be part of the Managing Committee in any capacity thereafter. The action of the KSCA appears to be contrary to the clarification issued by your office in August this year. We therefore request you to kindly guide us in this matter, as we are bound by the decisions of the Hon'ble Supreme Court of India:

We further wish to add that it appears KSCA is not adhering to the communication sent by your office regarding the interpretation of the said rule. Accordingly, we seek clarity on whether Mr. Santosh Menon" who is holding office of Hon. secretary at KSCA, has cumulatively completed nine years in the Managing Committee (as elected member), can continue any further. According to our understanding, he has ceased to be an office-bearer upon completing nine years cumulatively, whether as an ordinary Managing Committee member or as an office-bearer.

The interpretation presently being adopted by KSCA suggests that a person may serve as a Managing Committee member for nine years and thereafter as an office-bearer for another nine years, amounting to a total of eighteen years at the State Association level, and similarly another eighteen years at the BCCI level. This would effectively allow an individual, with cooling-off periods after every six years, to remain in the system for nearly fifty-four years. We strongly feel that this is neither what the Lodha Committee recommended nor what the Hon'ble Supreme Court envisaged or decided.

A clear clarification issued to KSCA by your office would effectively resolve this matter. We hope that the

BCCI will take the necessary action by guiding KSCA and exercising the powers vested in it under its rules, thereby protecting the interests of the Karnataka State Cricket Association. If needed, I will be available for an in-person meeting to discuss the above subject matter.

Thanking you,

Yours Sincerely,

Preeth S Hegde

Secretary- Dolphin Cricketers (IM 266)

C-302 Sobha Sapphire”

88. It is apparent from the aforesaid letter that it was not a dispute raised before the state’s ombudsman, but rather a clarification was sought by the complainant on the issue from BCCI. Based on the communication seeking clarification from the BCCI, a report was called by KSCA ombudsman from the CEO, KSCA and it is not in dispute that formal notice to any of the parties was not issued. The opinion of the KSCA has been held not to be erroneous. The relevant opening portion of the Ombudsman clarification dated 05.02.2026 is extracted hereunder.

"This has reference to the communication received from Mr. Preeth S. Hegde, Secretary- Dolphin Cricketers (IM 266) seeking clarity regarding the maximum permissible tenure an individual can hold office in a State Association. He has raised the said query since according to him he needs clarity on whether Mr. Santosh Menon who is holding the office of Hon. Secretary at KSCA can continue any further since he has cumulatively completed nine years in the Managing Committee as an elected member.

The operative portion is extracted hereunder.

“All of the above will lead to the conclusion that as the Rule presently stands, it is explicit that a person who has been an Office Bearer' for the cumulative period of 9 years cannot be elected either as an 'Office Bearer' or as a Managing Committee Member (either elected or nominated) or on any other committee once over again. On the other hand, a person who has served only as a Managing

Committee Member for a cumulative period of 9 years is not disqualified from seeking to be elected as an 'Office Bearer.

The reforms as it stands has come into being based on the recommendations accepted with modifications by the Hon'ble Supreme Court. Therefore, the Rule as contained in the Byelaws has the imprimatur of the Hon'ble Supreme Court. The reading of the Rule as it exists leads me to the above conclusion and the clarification made by 30 the Hon'ble Supreme Court stated above is also to that effect. Since that is the position, the understanding of the Rule in the present case by the KSCA is not erroneous to need any correction unless the Hon'ble Supreme Court itself deems it fit to do so.

Since this matter related only to the aspect of understanding the Rule in its correct perspective and no factual aspects are in dispute and further since the consideration made does not effect any person, the need to notify the person against whom grievance is raised did not arise at this stage. Hence the personal hearing was dispensed."

89. Thus, it is apparent that the ombudsman of KSCA has not treated the letter as a dispute in as much as in the afore-extracted portion the learned ombudsman has clearly observed that the 'query' is related to understanding the relevant rule in its correct perspective, hence 'clarification' is given. Since the consideration made does not affect any person, the need to notify did not arise at this stage, hence personal hearing was dispensed with. It is pertinent to mention that expression consideration made does not affect any person and makes it clear that there was no adjudication of dispute by the learned ombudsman and simply answered the 'query' and clarified the rule. In the case, no notice was issued to any of the parties to submit the reply, nor the case ever posted for hearing, as it was only a clarification issued by the learned ombudsman without adjudication of rights of any person under Rule 41 which requires the parties to submit their arguments and conduction of the hearing in accordance with principles of natural justice, while exercising all powers of enquiry and hearing, and only then appropriate orders can be passed. It is crystal clear that the letter was not treated as a

dispute under Rule 41 by the KSCA's learned ombudsman. Thus, the submission raised, that once a decision has been rendered on a dispute by the State's Ombudsman, the Ombudsman of BCCI cannot enter into the issue, is untenable.

90. The relief prayed in the dispute raised before BCCI's ombudsman is extracted hereunder-

30. PRAYER

Wherefore it is prayed that the Hon'ble Ombudsman be pleased to:

- a) Declare that the Respondent No.3 is not eligible to continue as the secretary of the Respondent No.2 for the advancement of substantial cause of justice.*
- b) Direct the Respondent No.1 to issue directions to the Respondent No.2 to seek the Respondent No.3 to demit office as the Secretary of the Respondent No.2 Association.*
- c) Direct the Respondent No.1 to take all actions as are provided by the Rules to ensure transparency and good governance of the Respondent No.2 Association.*
- d) Direct the Respondent No.2 to take action on the communications filed by the petitioner seeking demission of office by the Respondent No.3.*
- e) Direct the Respondent No.2 to adhere to the clarification/ binding directions issued/to be issued by the Respondent No.1 and take necessary action pursuant to the same.*

And pass such other orders on the petition/ complaint as the Hon'ble Ombudsman deems fit and proper in the interest of justice and equity.

INTERIM PRAYER

- a) Pending decision on the above petitioner, the Respondent No.3 maybe injuncted from attending and participating in the Managing committee/sub-committee meetings of Karnataka State Cricket Association for the advancement of substantial cause of justice.*
- b) Pending final decision, direct the Respondent No.1 to take such actions as permitted in terms of Rule 41(6) as the Respondent No. 3 is an administrator within the meaning of the Rule 1(A) (a) of the BCCI bye laws.*

91. It is noteworthy that neither the Constitution of the BCCI nor the Bye-laws of the KSCA contain any provision empowering the Ombudsman to render advisory opinions or legal clarifications on questions of law. The jurisdiction conferred upon the Ombudsman is adjudicatory in nature and is exercisable only in respect of disputes validly brought before him in accordance with the procedure prescribed under the governing rules *inter alia* by filing affidavit, arraying parties and complying with other formalities.

92. Rule 41 of the BCCI & KSCA Constitution contemplates adjudication of disputes and not the rendering of advisory opinions. The rule thereafter prescribes a structured adjudicatory mechanism. The Ombudsman is required to issue notice, afford opportunity of hearing, follow the principles of natural justice, conduct such inquiry as may be necessary and thereafter pass appropriate orders. The exercise contemplated is therefore judicial or quasi-judicial in character and not advisory.

93. The material placed on record demonstrates that the proceedings before the learned KSCA Ombudsman originated from a request letter of 29.12.2025 seeking clarification from BCCI regarding the interpretation of the KSCA Bye-laws. By letter dated 28.12.2025, Dolphin Cricketers/Complainant addressed a communication to the President, KSCA, seeking clarification on the interpretation of the nine-year tenure provisions and their applicability to the office of Secretary. The communication itself was framed as a request for clarification on the legal position and not as a complaint seeking adjudication of competing rights. Similar clarification was also sent on 29.12.2025 to the BCCI, and a copy was also sent to the learned Ombudsman, KSCA by the complainant.

94. Upon examination of the letter dated 29.12.2025 placed on record, it is clear that there is no dispute, as contemplated under Rule 41, was ever raised before the learned Ombudsman, KSCA, neither was an affidavit ever filed. The original communication dated 29.12.2025 relied upon by Respondent Nos. 2 and 3 did not seek any relief against Respondent No. 3. No formal declaration regarding the eligibility or disqualification of Respondent No. 3 was sought. No claim was raised for adjudication. The

communication was only to seek clarification from the BCCI alleging non-compliance with the communication of the month of August (dated 23.08.2025)and seeking action by the BCCI. The expression *“action of KSCA appears to be contrary to the clarification issued by your office in August this year”* is a reference to communication dt 23.08. 2025 of BCCI. Again expression *“KSCA is not adhering to communication sent by your office regarding the interpretation of said rule”* refers to said letter of the BCCI. The prayer clause is also to BCCI *“your office”* again refers to BCCI lastly mentioning *“we hope BCCI will take necessary action”* makes the position clear. The communication dated 29.12.2025 did not seek an opinion from the Ombudsman, KSCA nor did it request adjudication of any dispute.

95. The complainant usually addresses communications simultaneously to multiple authorities including the Ombudsman. Mere sending of a communication meant for BCCI to the Ombudsman cannot by itself result in institution of proceedings under Rule 41.

96. A dispute under Rule 41 arises only when parties seek adjudication of competing claims and the Ombudsman assumes jurisdiction in accordance with the procedure prescribed under the governing Rule 41. None of these requirements stood satisfied in the present case. In fact, there was no prayer made to the Ombudsman.

97. The communication dated 05.01.2026 by KSCA's Ombudsman proposed a course consistent with adjudicatory proceedings. Such a course mandates existence of a dispute requiring determination after hearing affected parties. However, proposal was dropped and no such procedure was ultimately followed as (i) no notice was issued to the complainant or Respondent No. 3, (ii) no pleadings were called for, (ii) no issues were framed, (iv) no hearing was granted, (iv) no inquiry was conducted, and (v) no adjudication took place. The matter ultimately came to be dealt with as a 'query' for clarification by the Ombudsman, notwithstanding the fact that no such clarification had been sought in the first place from the Ombudsman of KSCA. The subsequent course adopted by the

Ombudsman, KSCA itself demonstrates that no dispute under Rule 41 was ever filed.

98. Further, it is noteworthy that the BCCI Ombudsman had already taken cognisance of the complaint and, by email dated 12.01.2026, show cause notice was issued to Respondent Nos. 2 and 3 to file reply. The complaint before the BCCI Ombudsman was accompanied by extensive pleadings and annexures running into 380 pages.

99. By the time the clarification dated 05.02.2026 came to be issued, the matter had already entered the adjudication before the BCCI Ombudsman. In such circumstances, it was expected of Respondent No. 2, while corresponding with the Ombudsman, KSCA, several times in the month of January after notice, to disclose the complete factual position including the pendency of proceedings before the BCCI Ombudsman and the fact that cognizance has been taken and notices had already been issued in a dispute under Rule 41. These material facts were not placed before the learned Ombudsman, KSCA.

100. The record shows that despite notices being issued by the BCCI Ombudsman on 12.01.2026, the Respondent Nos. 2 and 3 did not file their reply within the period of 4 weeks originally granted and no application seeking extension of time was moved. Subsequently, applications dated 17.03.2026 and 07.05.2026 were moved by the complainant seeking interim relief and hearing of the matter. When the matter came up for hearing on 22.05.2026, the Respondent KSCA and Respondent No. 3 entered appearance and filed their reply on 30.05.2026.

101. It has also come on record that when clarification was sought by the KSCA Ombudsman from the CEO of KSCA regarding the communication of August, 2025 (dated 23.08.2025), mentioned in complainant's letter of 29.12.2025 on the response furnished was that no such communication had been received from the office of the Ombudsman. However, the material placed indicates that the communication dated 23.08.2025 of the BCCI had in fact been received by the KSCA. The communicated dated 23.08.2025 was available with the KSCA, the same ought to have been fairly disclosed to the

learned Ombudsman, KSCA. The failure to place the complete factual position before the learned Ombudsman assumes significance because the very purpose of the exercise was stated to be understanding the effect and scope of the communication dated 23.08.2025.

102. It was agreed by the learned counsel of the parties that there is no provision for rendering opinion or issuing clarification by the Ombudsman in the constitution of the BCCI or KSCA. In the view of the same, the clarification that has been issued cannot constitute a binding precedent.

103. I am conscious that under the constitutional framework, advisory opinions are rendered only where an express constitutional power exists. For instance, under Article 143 of the Constitution of India, there exists a specific mechanism, whereby, the President of India may refer questions of law or public importance to the Hon'ble Supreme Court for its opinion. No analogous provision exists either in the BCCI Constitution or in the Constitution of KSCA enabling a reference for "opinion", "clarification", or "advice". The powers of the Ombudsman are therefore required to be traced strictly to the governing rules and cannot be expanded by implication. Suffice it to observe that the present case concerns a communication issued in the absence of any enabling provision and outside the framework of Rule 41 adjudication.

104. In the *Kerala Education Bill AIR 1958 SC 956*, a decision was rendered by a 7-judges bench under Article 143, where it was held that without adjudication, the same cannot be said to be binding precedent. In the absence of provision for issuing clarification or opinion by the Ombudsman, the clarification issued thus, is merely on the administrative side and cannot be said to be adjudication of dispute by the KSCA Ombudsman under the provisions of Rule 41 of the KSCA Rules.

105. The distinction between an advisory opinion and a binding adjudication is well recognised in law. In *Ahmedabad St. Xavier's College Society v. State of Gujarat, (1974) 1 SCC 717*, while considering opinions rendered under Article 143 of the Constitution, the Hon'ble Supreme Court held that an advisory

opinion does not possess the same binding character as law declared in a contested adjudication under Article 141.

106. For all the aforesaid reasons, it is held that the communication dated 05.02.2026 cannot be treated as an order passed under Rule 41, does not constitutes an adjudication of rights, neither operate as *res judicata*, nor precludes the consideration of the issues arising in the present complaint on a query raised. The same shall be treated only as a communication issued on the administrative side, as observed by the KSCA Ombudsman. It is not a conclusive adjudicatory determination of the questions arising therein.

107. Accordingly, I hold that the opinion dated 05.02.2025 off KSCA Ombudsman relied upon by the Respondent Nos. 2 & 3 does not operate as a bar to the maintainability of the present proceedings and does not preclude the BCCI Ombudsman from independently examining and deciding the issues raised herein.

108. I am also unable to accept the contention that the present proceedings are barred by principles analogous to *res judicata*. The earlier opinions neither culminated in a binding adjudication of rights after hearing affected parties. Explanation VIII to Section 11 CPC contemplates a prior adjudication by a competent forum deciding an issue directly and substantially in controversy. The essential ingredients of such final adjudication are absent in the present case.

109. I am, therefore, unable to accept the contention that the communication dated 05.02.2026 constitutes a binding adjudication of the issues arising herein. It was on a communication in which clarification and action was sought from the BCCI. The communication was not rendered pursuant to any express power to issue advisory opinions. It was not rendered in a dispute constituted under Rule 41. It was not preceded by notice. It was not preceded by hearing. It was not preceded by an inquiry. It was not rendered after consideration of rival submissions. It was therefore not the result of any adjudicatory exercise recognised by the governing rules. Thus, the second preliminary objection raised by the learned counsel for



Respondent Nos. 2 & 3 regarding dispute adjudication by KSCA Ombudsman is devoid of substance and is hereby rejected.

Issue No. 03 (a) (b)

110. Coming to the main dispute involved in the case, whether a person who has held an office for a period of 9 years as an office bearer of the association is excluded or the period spent as an 'Office bearer' and member of the Managing committee is to be cumulated. In other words, whether tenure in excess of 9 years is permissible in Association on a post.

111. The case set up by the complainant is that the tenure of the Shri Santosh Menon (Respondent No. 3), is required to be cumulated for the purpose of computation of tenure restriction under BCCI' constitution and KSCA Rules. The Respondent has completed 9 years period, when cumulatively counted, as member of Managing committee and office bearer, thus he stands disqualified from continuing as Honorary secretary of KSCA.

112. On behalf of Respondent Nos. 2 & 3, it has been submitted that an office bearer can hold the office for 9 years and the period spent as member of the Managing committee is to be excluded from such computation of 9 years period. Thus Respondent has not completed 9 years as office bearer.

113. The fact is not in dispute that if the period is counted cumulatively spent by Shri Santosh Menon, as a member of Managing committee of KSCA and office bearer, he completed a 9 years' period on 16.12.2025, nine days after he was elected to the office of Honorary Secretary of KSCA.

114. The question involved, requires consideration of Justice Lodha Committee reforms, interpretation of the decisions of the Apex court and whether the constitution of BCCI and its provisions which are binding upon state associations including the direction issued by BCCI on 23.08.2025 are being observed by KSCA.

115. The Supreme Court in *BCCI v. Cricket Association of Bihar (2016) 8 SCC 535* accepted the fundamental reforms proposed by the Justice R.M. Lodha Committee, directing a comprehensive overhaul of the BCCI's organizational setup. The

Court ruled that because the BCCI discharges critical public functions, its administrative rules must be mirrored by its constituent state units to eliminate conflict of interest and guarantee proper representation. Consequently, state associations were stripped of their structural autonomy regarding membership eligibility and office tenure, forcing them into a mandatory framework of alignment.

116. The Supreme Court in *BCCI v. Cricket Association of Bihar (2018) 9 SCC 624*, approved and finalized the formal text of the BCCI Rules and Regulations (Constitution). The Court targeted uniformity across the entire pyramidal tier of cricket administration. Once registered, all state associations were given a strict deadline to alter their respective governing documents to ensure they strictly conformed with the central document. In this ruling, the Supreme Court approved and finalized the formal text of the BCCI Constitution, Rules and Regulations.

117. The Apex Court in *BCCI v. Cricket Association of Bihar 2022 SCC OnLine SC 1223* addressed a miscellaneous application seeking specific amendments to the cooling-off period requirements for office-bearers. While the Court allowed relaxed terms for consecutive tenures at the national level, it reaffirmed that the modified constitutional restrictions remain absolutely binding on the state associations. However, the Court established a clear legal boundary regarding the limits of structural conformity: it ruled that the mandatory mirroring of the BCCI Constitution applies directly to State Associations but does not extend automatically downward to dictate the micro-composition or inner membership terms of local District Associations.

118. We have to examine the central document i.e. BCCI constitution first.

a. The rules and regulations of BCCI in Rule 1A(c) defines the Apex council as the principal body of governance, which is defined in Rule 1A(c), thus-

c) "APEX COUNCIL" is the principal body of the BCCI tasked with its governance as set out in Rule 14.



b. The members of the Apex council are called 'councillor' as provided in Rule 1A(h) -

h) "COUNCILLORS" are the members of the Apex Council.

c. 'General Body' is the supreme body which is constituted by its members as provided in Rule 1A(o)-

o) "GENERAL BODY" is the supreme body of the BCCI which is constituted by its Members.

d. 'Member' is defined in Rule 1A(t) as full members and associate members.

(t) (i) "MEMBER" is a "Full Member" and an "Associate Member" of the BCCI.

(ii) "FULL MEMBER" is a State Cricket Association having voting rights and as enumerated in Rule 3(a)(ii) of these Rules;

(iii) "ASSOCIATE MEMBER" is a Member of the BCCI not having voting rights and as enumerated in Rule 3(a)(iii) of these Rules.

e. 'Office bearer' has been defined in Rule 1A(v)(a)

"OFFICE BEARER" means the President, Vice-President, Secretary, Joint Secretary, and Treasurer.

f. Rule 1A(y) defines 'President' to be the Honorary President of BCCI and that of Apex council.

"PRESIDENT is the Honorary President of the BCCI and of the Apex Council as set out in Rule 7(1).

g. The Secretary is defined in Rule 1A(bb), thus-

(bb) "SECRETARY" is the Honorary Secretary of the BCCI as set out in Rule 7(3).

h. Rule 7 prescribes powers and functions of 'Office Bearers' vis-à-vis Prez, Vice prez, Secretary and are extracted hereunder-

7. POWERS AND DUTIES OF OFFICE-BEARERS:

(1) THE PRESIDENT

(a)The President shall preside at all meetings of the General Body and the Apex Council.

(b)The President shall be one of the three persons who sign the audited annual accounts and other financial statements of the BCCI.

(c) The President shall also exercise such functions and duties as he may be empowered with by the General Body or the Apex Council.

d)The President shall, in the event of a vacancy or indisposition of an Office Bearer, delegate the functions to another Office Bearer until the vacancy is duly filled up, or the indisposition ceases.

(2) THE VICE PRESIDENT

(a) The Vice President shall officiate in the President's absence when the President is unavailable.

(b) The Vice President shall also exercise such functions and duties as he may be empowered with by General Body or the Apex Council.

(3) THE SECRETARY

The Secretary shall:

(a) Keep and maintain the minutes of Annual General Meetings and Special General Meetings of the General Body, the meetings of the Apex Council and of the Committees appointed by the General Body in appropriate books and shall cause them to be properly and correctly recorded and confirmed.

(b)Be one of the three persons who sign the audited annual accounts and other financial statements of the BCCI.

(c)Be in charge of the records of the General Body, the Apex Council, the Governing Council and all Committees, and such properties as may be entrusted to his care by the BCCI, the Apex Council or the Governing Council as the case may be.

(d) Convene the Annual General Meetings, the Special General Meetings and the meetings of the Apex Council and Governing Council with the concurrence of the President.

(e) Circulate to all Members of the BCCI the statement of accounts prepared by the Treasurer.

119. Thus, the 'Councillors' are the key functionaries of the Apex Council and General body of the BCCI, as apparent from the above powers and duties. The Apex Council of the BCCI, (which is named as the Managing committee of the KSCA), is the main governing body. It comprises 9 Councillors, out of them 6 are elected (5 elected office bearer and 1 elected by full members of BCCI from among their representatives), remaining 3 are nominated members (2 by players associations and 1 by Comptroller and Auditor General of India)

14. THE APEX COUNCIL

(1) There shall be an Apex Council for the BCCI which shall be primarily responsible for the governance of the affairs of the BCCI.

(2) The Apex Council shall comprise of 9 Councillors of whom 5 shall be the elected Office Bearers as per Rule 6 and the remaining 4 shall be:

(a) One to be elected by the Full Members of the BCCI from among their representatives;

(b) Two to be nominated by the Players' Association from amongst themselves, one male and one female;

(c) One to be nominated by the Comptroller and Auditor General of India from among the serving senior functionaries of the C&AG's office, co-terminus with the nominee's tenure;

(3) A person shall be disqualified from being a Councillor if he or she:

(a) is not a citizen of India;

(b) has attained the age of 70 years;

(c) is declared to be insolvent, or of unsound mind;

(d) is a Minister or a Government Servant or holds a public office except for the nominee under Rule 14(2)(c)];

(c) holds any office or post in a sports or athletic association or federation apart from cricket;

(f) has been an Office Bearer of the BCCI for a cumulative period of 9 years or of a State association for a cumulative period of 9 years;
or

(g) has been charged by a Court of law for having committed any criminal offence, i.e. an order framing charges has been passed by a court of law having competent jurisdiction.

(4) Each of the elected Councillors shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Apex Council. A Councillor who has held any post for two consecutive Terms either in a state association or in the BCCI (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of three years. During the cooling off period, such Councillor shall not be a member of the Governing Council or of any committee whatsoever of the BCCI or of a state association. The expression 'Councillor' should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI or any state association, as the case may be.

(5) No individual, including one filling up a vacancy under Sub-Rule (9) below shall be a Councillor for more than 9 years. In the event of a Councillor completing 9 years before the expiry of his term, he shall cease to hold office on completion of 9 years.

(6) No nominated Councillor shall have more than one term of 3 years.

(7) Notwithstanding anything contained elsewhere in these Rules, a former President of the BCCI shall not be entitled to be elected or nominated to the Apex Council in any capacity except for a second and final term as President, subject to sub-Rules (4) and (5) above.

(8) No Councillor, once elected, shall hold any office in a Full Member Association. The Full Member shall take steps to fill up the vacancy so created immediately.

(9) Any vacancy in the Apex Council due to death, resignation, insolvency, unsoundness of mind, nomination to the ICC or other disqualification shall be filled up for the remaining period.

(a) In the case of an elected Councillor, by elections at a Special General Body meeting of the BCCI convened by the Secretary for that purpose within 45 days; In the case of a nominated Councillor, in the same manner as prescribed for the respective nominee in Rule 14(2) above;

(10) For the purposes of the Tamil Nadu Societies Registration Act, 1975, the governing body of the BCCI shall be the Apex Council.

120. After clarification dated 20.09.2019, Rule 14(3) and 14(4) of BCCI Rules have been amended by the Supreme Court in ***BCCI v. Cricket Association of Bihar (supra)*** vide judgement dated 14.09.2022.

17-The next amendment is proposed to Clause 6(5) of the BCCI's Constitution. As in the case of Clause 6(4), the amendment which

was proposed to Clause 6(5) was deliberated upon during the course of the hearing and certain suggestions have been made in the course of the discussion by the amicus curiae. The position is tabulated below (in track mode):

Clause	Existing Provision	Amended Provision Proposed by BCCI	Proposed Clause after Amicus's Suggestion
6(5)	A person shall be disqualified from being an office-bearer, a member of the Governing Council or any Committee or a representative to the International Cricket Council or any similar organisation if he or she: (a) is not a citizen of India; (b) has attained the age of 70 years; (c) is declared to be insolvent, or of unsound mind; (d) is a Minister or government servant or holds a public office; (e) holds any office or post in a sports or athletic or federation apart from cricket;	A person shall be disqualified from being an office-bearer, or an Apex Council Member of the BCCI a member of the Governing Council or any Committee or a representative to the International Cricket Council or any similar organisation if he or she: (a) is not a citizen of India; (b) has attained the age of 70 years; (c) is declared to be insolvent, or of unsound mind; (d) is a Minister or government servant or holds a public office; (e) holds any office or post in a sports or athletic association or federation apart from cricket; (f)(e) has been an office-bearer of the BCCI for a cumulative period of 9 years; or of a State Association for a cumulative period of 9 years; or (f) Has been <i>convicted</i> charged by a Court of Law for <i>commission of a</i> having	A person shall be disqualified from being an office-bearer, a member of the Apex Council, Governing Council or any Committee of the BCCI if he or she: (a) is not a citizen of India; (b) has attained the age of 70 years; (c) is declared to be insolvent, or of unsound mind; (d) is a Minister or government servant; (e) has been an office-bearer of the BCCI for a cumulative period of 9 years; or (f) has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment.

	(f) has been an office-bearer of the BCCI for a cumulative period of 9 years or of a State Association for a cumulative period of 9 years; or (g) Has been charged by a Court of Law for having committed any criminal offence i.e. an order framing charges has been passed by a court of law having competent jurisdiction.	committed any criminal offence and sentenced to imprisonment for a period not less than three (3) years. 6.5.2. A person shall be disqualified from being a member of the Governing Council or any Committee of the BCCI if he or she: (a) is not a citizen of India; (b) is declared to be insolvent, or of unsound mind; (c) is a Minister or government servant; (d) Has, i.e. an order framing charges has been convicted passed by a Court of Law for commission of a criminal offence and sentenced to imprisonment for a period not less than three (3) years. court of law having competent jurisdiction.	
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20. An amendment has been proposed to Clauses 14.3 and 14.4, as well as to Clause 3(b)(vii) which are consequential to the amendments which have been made to Clauses 6(4) and 6(5). The amendments to Clauses 14.3 and 14.4 and Clause 3(b) (vii) are in the following terms:



Clause	Existing Provision	Proposed Clause after Amicus's Suggestion
14(3) and (4)		<i>14.3. A person shall be disqualified from being a Councillor if he or she:</i> <i>(a) is not a citizen of India;</i> <i>(b) has attained the age of 70 years;</i> <i>(c) is declared to be insolvent, or of unsound mind;</i> <i>d) is a Minister or government servant;</i> <i>(e) has been an office-bearer of the BCCI for a cumulative period of 9 years; or</i> <i>(f) has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment.</i> <u><i>14.4.1. Each of the elected Councillors shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Apex Council.</i></u> <u><i>A Councillor who has held any post for two consecutive Terms in the BCCI shall not be eligible to contest any further election in the BCCI without completing a cooling-off period of three years. During the cooling-off period, such a Councillor shall not be a member of the Governing Council or of any committee whatsoever of the BCCI. The expression "Councillor" should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI.</i></u> <i>14.4.2. If a person has served two consecutive terms each as Councillor, in the equivalent body of a State Association and</i>

		<i>in the BCCI [or vice versa] continuously without any break, such person shall not be eligible to be a Councillor in the equivalent body of a State Association or in the BCCI, without completing a cooling-off period of three years. During this cooling-off period, such a Councillor shall not be a member of the Governing Council or of any committee (whatsoever of the BCCI or of a State Association. The expression "Councillor" should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI or any State Association, as the case may be.</i>
3(b)(vii)	<i>There shall be a provision whereby an office-bearer or an elected member of the Governing Council/Managing Committee/Apex Council who has held any post for two consecutive terms either in the State Association or in the BCCI (or a combination of both) shall not be eligible to contest any further election without completing a cooling-off period of three years. During the cooling-off period, such an office-bearer or an elected member of the Governing Body/Managing Committee/Apex Council shall not be a member of the Governing Council or of any committee whatsoever of the BCCI or of a State Association.</i>	<i>3(b)(vii)(A) There shall be a provision whereby an office-bearer or an elected member of the Governing Council/Managing Committee/Apex Council who has held any post for two consecutive terms in the State Association shall not be eligible to contest any further election in such State Association without completing a cooling-off period of three years.</i> <i>During this cooling-off period, such an office-bearer or an elected member of the Governing Council/Managing Committee/Apex Council shall not be a member of the Governing Council or of any committee whatsoever of the State Association. <u>The expression "office-bearer" should not be permitted to be circumvented by being a member of any other committee</u></i>



		<i>or of the Governing Council in the State Association, as the case may be.</i> <i>3(b)(vii)(B) There shall be a provision whereby if a person has served two consecutive terms each, in the State Association and in the BCCI [or vice versa] continuously without any break, such person shall not be eligible to contest any further election in the State Association or in the BCCI, without completing a cooling-off period of three years.</i> <i>During this cooling-off period, such an office-bearer or an elected member of the Governing Council/Managing Committee/Apex Council shall not be a member of the Governing Council or of any committee whatsoever of the BCCI or of a State Association. The expression "office-bearer" should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI or any State Association, as the case may be.</i>
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22. The above amendments as tabulated in Column 3 above are accepted.

121. The relevant definition and other provisions in KSCA Rules, are extracted hereunder;

1A(c) "Association" shall mean "The Karnataka State Cricket Association", currently registered under the Karnataka Societies Registration Act, 1960.

(l) "ELECTED Managing COMMITTEE MEMBER" shall mean persons elected in terms of Rule 14(B).



(u) *"JOINT SECRETARY" is the Honorary Joint Secretary of the ASSOCIATION as set out in Rule 7 (D).*

(x) *"Managing COMMITTEE" is the body of the ASSOCIATION tasked with its governance as set out in Chapter 4.*

(z) *"MEMBERS" shall mean "Life Members" and "Founder Institutional Members", subject to the privileges hereinafter mentioned.*

(bb) *"NOMINATED Managing COMMITTEE MEMBER" shall mean persons who have been nominated in terms of Rule 14 (C).*

(cc) *"OFFICE BEARER" means the Honorary President, Honorary Vice-President, Honorary Secretary, Honorary Joint Secretary, and Honorary Treasurer as per Rule 14 (A).*

(gg) *"PRESIDENT is the Honorary President of the ASSOCIATION as set out in Rule 7(A).*

(hh) *"POST" shall mean the post of the President, Vice President, Secretary, Joint Secretary and Treasurer either of the BCCI or of the Association, elected councilor on the Apex Council of BCCI and elected/ nominated Managing committee member.*

(jj) *"RULE" shall refer to any rule or sub-rule in these Rules and Regulations, and "RULES" refer to these Rules and Regulations and the Byelaws of the Association" for the time being in force.*

(kk) *"SECRETARY" is the Honorary Secretary of the ASSOCIATION as set out in Rule 7(B).*

(rr) *"TREASURER" is the Honorary Treasurer of the ASSOCIATION as set out in Rule 7(E).*

(ss) *"VICE PRESIDENT" is the Honorary Vice President of the ASSOCIATION as set out in Rule 7(C).*

5. CONSTITUTION AND FUNCTIONS OF THE ASSOCIATION:

i. The General Body is constituted of all the Members of the ASSOCIATION.

ii. *The Life Members, personally present at the meeting shall cast their votes on their own behalf. The President or The Secretary or the Authorised Representative of the Founder Institutional Members shall cast their votes on behalf of their respective Founder Institutional Member. The Associate shall have no right to vote.*

iii. *All powers of governance, management and decision- making shall vest in the General Body. In addition to the powers already given to the Managing Committee and the CEO under these Rules, the General Body may delegate such powers as it deems fit to any of them.*

iv. *In addition to, and without prejudice to the generality of powers vested in it, the General Body shall have the power:*

a) *To collect funds and wherever necessary borrow, with or without security, for purposes of the ASSOCIATION and to raise loans with or without security and to purchase, redeem or pay off any such security.*

b) *To frame the Laws of Cricket in the State to make alterations, amendments or additions to the Laws of Cricket in the State whenever desirable or necessary, which are in confirmation and consistent with the laws made by the BCCI.*

c) *To direct and control the Managing Committee, to lend oversight and assistance to the KPL conducted by the Association and to ensure that the interests of the franchises and the players are protected.*

d) *To review any decision of the Managing Committee.*

e) *Generally to do all such other acts and things as may appear to the General Body to be expedient, convenient and/or conducive to the carrying out of the above functions of the ASSOCIATION.*

14. Managing COMMITTEE:

The Association shall be managed by a Nineteen member(19) Managing Committee which shall be primarily responsible for the governance of the

affairs of the Association and shall comprise of (5) elected Office Bearers, Eleven (11) elected Managing Committee members and Three dominated members

A. Elected Office Bearers:-

President, Vice President, Secretary, Joint Secretary and Treasurer, all of whom shall be elected at the concerned Annual General Meeting of the Association.

B. Elected Managing Committee Members:-

Eleven members are elected at the concerned Annual General Meeting out of members or authorized representatives of the members, as applicable, standing for election to the Managing Committee. All the Office Bearers and Members of the Committee shall, save as otherwise provided hold office for one term and remain in office until their successors are elected. They shall be eligible for re-election subject to restrictions provided herein.

The aforesaid eleven members shall be elected as follows:-

- (i) THREE members from amongst the authorized representatives of Founder Institutional Members participating in league and other tournaments conducted by the Association, comprising the City and Districts known as Bangalore Zone.*
- (ii) ONE member from amongst the authorized representatives of Founder Institutional Members in Mysore Zone, comprising of Mysore and Mandya districts.*
- (iii) ONE member from amongst the authorized representatives of Founder Institutional Members in Shimoga Zone, comprising of Shimoga, Chikmagalur and Hassan districts.*
- (iv) ONE member from amongst the authorized representatives of Founder Institutional Members in*

Tumkur Zone, comprising of Tumkur, Davangere, Chitradurga and Bellary districts.

- (v) *ONE member from amongst the authorized representatives of Founder Institutional Members in Dharwad Zone, comprising of Dharwad, Belgaum and North Kanara districts.*
- (vi) *ONE member from amongst the authorized representatives of Founder Institutional Members in Raichur Zone, comprising of Raichur, Bijapur, Bidar and Gulbarga districts.*
- (vii) *ONE member from amongst the authorized representatives of Founder Institutional Members in Mangalore Zone, comprising of South Kanara and Coorg districts.*
- (viii) *TWO members from amongst the Life Members of the Association.*

C. Nominated Members:-

The remaining 3 members of the Managing Committee shall be Nominated Managing Committee Members to be nominated as follows:

- 1. Two, one male and one female, to be nominated by the Cricket Players' Association from amongst those of its members who hail from Karnataka; and*
- 2. One to be nominated by the Accountant General of Karnataka from amongst the serving senior functionaries of his/ her office, co-terminus with the nominee's.*

122. Rule 5 of Rules, Bye-laws and Regulations of KSCA provides the constitution of the General body of all members of association. 'Managing committee' constitution is provided in Rule 14.

123. It is apparent from the Rule 14, 'Managing Committee' is the Managing body of the association, comprising 19 members (5 are elected Office Bearers, 11 are elected Managing committee members and remaining 3 members are nominated members).

124. Rule 6 of KSCA provides for 'election term', 'qualification' and 'disqualification' of the member of the Managing Committee. Rule 6 is extracted hereunder-

6. ELECTION, TERM & QUALIFICATION:

A. OFFICE BEARERS:-

i. Qualifications of the Office Bearers:-

Any Life Member whose name is on the rolls of the Association or President/Secretary, as per the records of the Association of a Founder Institutional Member on the rolls of the Association, who has completed the age of thirty years and who is not suffering from any legal disabilities, subject to the disqualifications and restrictions contained here under may be elected as an Office Bearer.

Provided, President / Secretary of a Founder Institutional member shall be eligible to contest for the post of the Office bearer only if that person, as per the Association records, has completed at least two terms or six years (whichever is higher), serving as the President/Secretary of that respective Founder Institutional member.

Note: The cut-off date for being on the rolls/records of the association shall be reckoned as on 30th June of the election year.

Disqualifications for Office Bearers-

A person shall be disqualified from being an Office Bearer, a member of the Governing Council in BCCI or any Committee/ Sub-Committee or a representative to the BCCI or any similar organization if he or she:

- a) is not a citizen of India;*
- b) has attained the age of 70 years;*
- c) is declared to be insolvent, or of unsound mind;*
- d) is a Minister or Government Servant;*
- e) has been an Office Bearer of the BCCI for a cumulative period of "9 years" or of the Association for a cumulative period of 9 years;*

Explanation:- The period of "9 years" contemplated above for the BCCI and the Association is mutually exclusive, thus it is clarified that a person may be able to serve for a period of nine years in the BCCI and 9 years in the Association. Or;

f) has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment.

g) due to deletion of earlier clause (e) [holds any office or post in a sports or athletic association or federation apart from cricket] and because of which the clauses (a) to (h) are renumbered hence this clause (g) stands deleted.

h) (a) An Office Bearer who has held any post of an Office Bearer for two consecutive Terms in the Association shall not be eligible to contest any further election in the Association without completing a cooling off period of three years.

During this cooling off period, such an Office Bearer shall not be a member of the Managing Committee or of any committee whatsoever of the Association. The expression 'Office Bearer' should not be permitted to be circumvented by being a member of any other committee or of the Managing Committee of the Association.

(b) If a person has served two consecutive Terms each, in the Association and in the BCCI (or vice versa) continuously without any break, such person shall not be eligible to contest any further election in the Association or in the BCCI, without completing a cooling off period of three years.

During this cooling off period, such an Office Bearer shall not be a member of the Managing Committee or of any committee whatsoever of the BCCI or of the Association. The expression 'Office Bearer' should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in the BCCI or any state association, as the case may be

iii. Additional Disqualification only for Honorary President, Honorary Secretary or Honorary Treasurer-

A person who is not a permanent resident of Bangalore shall not be eligible for being elected as Honorary President, Honorary Secretary or Honorary Treasurer.

B. MEMBERS OF THE Managing COMMITTEE:

1) QUALIFICATION OF MEMBERS OF THE Managing COMMITTEE

Any life member or an authorized representative of a Founder Institutional Member whose name is on the rolls of the Association, and who is not suffering disabilities and subject to the disqualifications and restrictions contained hereunder may be as elected Managing Committee member (Founder Institutional Members shall be represented by its President/Secretary/authorized representative.

Note:- The cut-off date for being on the rolls / records of the association shall be reckoned as on 30th June of the election year.

ii) (a) Each of the elected member of the Managing Committee shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Managing Committee.

An Elected Managing Committee Member or a Nominated Managing Committee Member who has held any Post or who has been an elected representative of a Founder Institutional Member prior to these Rules coming into force, for two consecutive Terms in the Association shall not eligible to contest any further election in the Association without completing cooling off period of three years.

During this cooling off period, such a Member of the Managing Committee shall not be a member of the Governing Council in BCCI or of any committee whatsoever in the Association. The expression member of the Managing Committee' should not be permitted to be circumvented by being a member of any other committee's of the Association.

(b) If a person has served two consecutive Terms each as a member of the Managing Committee of the Association and as a Councillor in the BCCI (or vice versa) continuously without any break, such person shall not be eligible to be a Councillor in the BCCI or a member of the Managing Committee of the

Association, without completing a cooling off period of three years.

During this cooling off period, such a member of the Managing Committee of the Association or the Councillor in the BCCI shall not be a member of any committee whatsoever of the BCCI or of the Association. The expressions "Councillor in the BCCI" or "a member of the Managing Committee" should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in the BCCI or any state association, as the case may be.

*iii) Any person to be nominated by the Cricket Players' Association shall be a member thereof, shall not suffer from any legal disabilities and shall hail from
Karnataka.*

iv) Any person to be nominated by the Accountant General of Karnataka shall be a serving senior functionary of the said office and shall not suffer from any legal disabilities.

2)DISQUALIFICATIONS FOR MEMBERS OF THE Managing COMMITTEE:

i) A person shall be disqualified from being an Elected Managing Committee Member or a Nominated Managing Committee Member or representative on the Managing Committee of any Founder Institutional Member or a member of any other Committee/ Sub-Committee of the Association if he or she:

- a) is not a citizen of India;*
- b) has attained the age of 70 years;*
- c) is declared to be insolvent, or of unsound mind;*
- d) is a Minister or a Government Servant (other than the Nominated Managing Committee Member who is nominated by the Accountant General of Karnataka);*
- e) has been an Office Bearer of the BCCI for a cumulative period of "9 years" or an Office Bearer of the Association for a cumulative period of 9 years;*

Explanation:- The period of "9 years" contemplated above for the BCCI and the Association is mutually exclusive, this it is clarified that a person may be able to serve for a period of 9 years in the BCCI and 9 years in the Association.

- f) has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment; or*
- g) Has already completed a cumulative period of 9 years either as an Office Bearer or as an Elected Managing Committee Member or a Nominated Managing Committee Member or a representative of a elected Founder Institutional Member (including the period prior to these Rules coming into force).*

ii) No nominated Managing Committee Member shall have more than one term of three years.

iii) Notwithstanding anything contained elsewhere in these Rules, a former President of the Association shall not be entitled to be elected or nominated to the Managing Committee in any capacity except for a second and final term as President, subject to Rule 6(B) above.

iv) No elected Managing Committee Member shall, once elected, hold any office in the said Founder Institutional Member. The Founder Institutional Member shall take steps to fill up the vacancy so created immediately.

C. TENURE OF OFFICE:-

- a) Each tenure of the elected body shall be for one "TERM" of a period of three years or until their successors are elected.*
- b) All Office Bearers shall save as otherwise provided, hold office for one term of a period of three years and remain in the office until their successors are elected.*
- c) All Members of the Managing Committee shall save, as otherwise provided, hold Office for one term of a period of three years and remain in the office until their successors are elected.*

d) No Office Bearer or elected representative of a Founder Institutional Member shall, once elected, hold any office in the said Founder Institutional Member. The Founder Institutional Member shall take steps to fill up the vacancy so created immediately.

125. It is apparent that as per Rule 14 of KSCA, Managing committee of KSCA is constituted of 19 members, whereas the equivalent Apex Council of BCCI as per Rule 14 of BCCI which is constituted of 9 councillors (5 elected are office bearers and 1 elected by full members of BCCI from amongst their representatives), nonetheless all of them are 'councillors' of Apex Council and 'members' of the Managing Committee, whether they are elected office bearer under Rule 14A or elected member of managing committee under Rule 14B or nominated by player's association. Rule 6B(2)(ii) provides for a cap of 3 years on the nominated Managing committee member.

126. When we come to the disqualification of 'Office Bearers', it is provided in Rule 6A(ii) that if a person has been an office bearer for BCCI or association for a cumulative period of 9 years, he shall stand disqualified to hold the office. Explanation provides that the 9 years period as contemplated for the BCCI and association are mutually exclusive and a person may serve for a period in the BCCI and 9 years in association. If any person has held the post of officer bearer for six years, he has to undergo a cooling off period of 3 years., during which he shall not be a member of the Managing committee or of any committee. It is clearly provided that expression 'Office Bearer' should not be permitted to be circumvented by being a member of the 'Managing committee' or any other committee of the association for that regard. It is apparent that 'Office bearers' do not enjoy any special protection, they are at par with other members in the matter of cooling-off period after tenure of 6 years.

127. The aforesaid provision of office bearers contained in Rule 6A has to be read with Rule 6B, dealing with members for the Managing Committee, as the office bearers are also its members, the provisions of Rule 6B is squarely applicable to them.

128. Rule 6B(1) provides qualification for members of the Managing committee, providing a term of 3 years, subject to a maximum of 3 terms. A Cooling-off period is also provided in a manner that members of the Managing committee cannot be members of the Governing Council of the BCCI or any other committee of the association. The provisions cannot be circumvented by being members of any other committee of the association.

129. The disqualification clause in Rule 6B(2) is of utmost significance. A cap on the tenure has been provided for 9 years both in the BCCI and the association for an 'office bearer'. Disqualification has also been provided in Rule 6B(2)(g), in case a person has completed a cumulative period of '9' years either as 'Office bearer' or elected member or nominated member of the Managing committee, the period of 9 years has to be cumulated, i.e., collectively counted for either as office bearer, elected Managing committee member or nominated Managing committee member. It is also clear that in case a person has completed 9 years as office bearers or elected or nominated Managing Committee member, he shall be disqualified to be a member of Managing Committee. A person can have 9 year term cumulative on Managing Committee once he is disqualified as such he can not enter Managing Committee by way of office bearer and vice versa office bearer once disqualified to be a member of Managing Committee, he can not enter it by direct election or by nomination, on completion of 9 years person is stripped off membership for all the time.

130. Rule 6B(2) has to be read harmoniously with Rule 14, and Rule 6B of KSCA and the central document The Constitution of BCCI.

131. The expression used in BCCI's Constitution is 'councillor' of Apex Council, which is constituted of 6 elected members (5 as 'Office bearers' and 1 elected by full members, nonetheless all are elected). In Rule 14(4) of BCCI Rules, the expression 'Elected Councillor' has been used, and it is provided that he shall have a tenure of 3 years, subject to maximum 3 terms as elected councillor of the Apex Council. Mode of election to Apex Council is not of significance as an 'Office bearer' is elected to

the Apex Council. For the provision of KSCA, same interpretation is to follow that an elected office bearer and elected managing committee member cannot be treated differently.

132. The "Office bearer" is also a member of the Managing Committee or Apex Council. As such, it is apparent that his tenure has to be cumulated for holding the post of Managing Committee as 'Officer bearer' or as 'Managing Committee member', otherwise the entire purpose of the 9 years cap each for BCCI and State association would stand diluted.

133. It has been provided in Rule 14(4) that each member will have a term of 3 years, subject to 3 terms in Apex Council. It is clear that the expression 'councillor' is given in rule in 1A(h) of BCCI Rules to mean members of Apex Council and the Rule 14(2) says that Apex Council shall comprise 9 councillors- (6 of them are elected and 5 shall be elected office bearers and elected by all members of BCCI). Thus 6 are elected members. Elected members have not been defined other than 'councillors' in the matter of constitution of Apex Council of BCCI under Rule 14(2) of central document, which are binding and KSCA rules have to be in consonance with its rule and provisions have to be interpreted as such. The expression 'Elected Members' in the Rules of KSCA has to be read in the spirit of the aforesaid provisions of BCCI Rules. The tenure provisions are binding on KSCA.

134. Rule 14(4) of BCCI Rules opens with expression 'elected Councillor', which points to elected councillors, although 5 are office bearers and 1 is elected members. It gives maximum three terms to elected councillors whether he is office bearer or elected by full members of BCCI under Rule 14(2)(a). The provisions of Rule 14(3)(f) provides disqualification for being a councillor, if he has been an office bearer of BCCI for a cumulative period of 9 years or of the state association for a cumulative period of 9 years. It has to be re-conciled for harmonious interpretation with the provisions of Rule 14(4) which also lays down that 'each' elected councillor shall have 3 years tenure, subject to a maximum cap of 3 terms in the Apex Council. Thus, 'each' means an elected Office Bearer being a member of Apex Council, can have 3 terms maximum which is the criteria

applicable to 1 elected councillor by the full body of the BCCI also. The expression 'each' clarifies that the provision is not confined to only one of the elected members in the Apex Council but all 6 councillors as 5 of them are Office bearers.

135. There is no iota of doubt that what is intended by the BCCI constitution, that maximum term of 9 years is available for holding a position in state association either in the capacity of office bearer or other kind of member of Apex Council/Managing Body. The view is further fortified by the fact that during the cooling off period, as is clarified in Rule 14(4) the expression 'councillor' used in the BCCI Rules cannot be permitted to be circumvented by being a member of any other committee or Governing Council of BCCI or any state association. It has been made clear further by the Apex Court's orders of 2022.

136. On the conjoint reading of the Constitution of BCCI and Rule 6A and 6B of the KSCA Rules, the Bye-laws provide the maximum period of 9 years exclusively as office bearers in the BCCI or State Associations. In case he has held other 'posts' such as 'office bearer', as Member of the Apex Council or Managing Committee, the entire period has to be cumulated, which is again 9 years.

137. The intendment of Rule 6A of KSCA is clear, it provides for a maximum 9 years tenure as Office bearer. One person can be an Office bearer exclusively, then there is no occasion to cumulate the terms of other posts. But when it comes to cumulating the period, Rule 6B would be attracted.

138. It is provided in Rule 3B(1)(i) of BCCI rules that "no association shall have any provision for holding any post for more than 9 years". The expression 'Post' has been defined in KSCA Rules 1A(hh). The post of 'Office bearer' 'elected councillor' and 'elected/nominated committee' member are included. The provision creates an embargo that in an association, no post can be held for more than 9 years. The period spent on a post as mentioned in Rule 1A(hh) of the KSCA Rules has to be cumulated, otherwise it would mean that every post can be held for 9 years, which is not the intention of Rule 3(b)(1)(i) of BCCI Rules. Thus, KSCA is acting contrary to Rule 3(b)(1)(i)

of BCCI rules and rules of KSCA have to be interpreted in the manner in which BCCI's Constitution provides.

139. Rule 3B(1)(i) of BCCI Rules has been violated as in no state association can an individual hold any post for more than 9 years. KSCA was also bound by the clarification dated 23.08.2025 issued by the BCCI, and the decision of the Supreme Court in ***BCCI v. Cricket Association of Bihar (2016) 8 SCC 535***, ***BCCI v. Cricket Association of Bihar (2018) 9 SCC 624***, ***BCCI v. Cricket Association of Bihar 2022 SCC OnLine SC 1223***.

140. In Paragraph 32 of the judgment dated 09.08.2018, passed by the Hon'ble Supreme Court of India and reported in ***(2018) 9 SCC 624***, it is expressly held that the stipulation prescribing a three-year term of office for office-bearers of the Board of Control for Cricket in India ("BCCI"), and the further stipulation restricting any individual from holding office in the BCCI for a cumulative period exceeding nine years irrespective of the post or posts held are manifestly in public interest. A corresponding nine-year cap was simultaneously prescribed for office-bearers of the State Associations. The Court characterised both stipulations as valuable safeguards designed to prevent the concentration of power in any individual. Subsequently, by its judgment dated 14.09.2022, reported in ***2022 SCC Online SC 1223***, the Hon'ble Supreme Court of India categorically directed that the Rules of the BCCI as sanctioned and approved by the Court vide its earlier judgment dated 09.08.2022 shall not be amended or modified without prior leave of the Hon'ble Supreme Court. While the said judgment of 14.09.2022 approved certain amendments to the BCCI Rules, as tabulated therein, Rule 3-B(1)(i) remained unaltered and was not among the provisions subjected to any amendment. It is further clear that Paragraph 22 of the judgment dated 14.09.2022 expressly records the acceptance of the amendments set out in Column 3 of the tabulation appearing in Paragraph 17 and 20 thereof.

141. It is apparent that the Supreme Court has directed in its judgement dated 14.09.2022 that the rules of BCCI as approved in the judgement on 09.08.2018 in ***BCCI v. Cricket Association of Bihar, (2018) 9 SCC 634*** shall not be changed without leave of court. The Rule 3B(1)(i) remains unchanged even after the

amendment as approved by the Apex Court in order dated 14.09.2022.

142. The Supreme Court in *BCCI v. Cricket Association of Bihar (2018) (supra)* has observed in Para 32 that an individual should not hold office in BCCI in period excess of 9 years regardless of the post held, with the stipulation of time of 9 years for state associations. Same is required to be implemented earnestly and is based on the Lodha committee report.

143. In the decision dated 09.08.2018 in *BCCI v. Cricket Association of Bihar (supra)*, The Apex Court has observed thus;

26. The Lodha Committee recommended that:

26.1. The tenure of each term for office-bearers of BCCI and State Associations should be three years;

26.2. 'A maximum of three terms should be allowed regardless of the post held; and

26.3. There should be a mandatory "cooling-off period" after each term.

27. In making these recommendations, the Committee has been guided by the need to ensure that vested interests do not emerge out of the indefinite continuation in office of one or more individuals. These recommendations seek to enforce a rule against self-perpetuation by stipulating the period of each term of office, the number of terms which a single individual may hold and the requirement of a break between successive terms. The recommendations can be construed as an effort to ensure a dispersal of authority so that control over BCCI and the State Associations is not concentrated in the hands of one or a limited group of persons. The proposals for setting limits on tenures and terms were incorporated in a section which the Committee describes as the "end of the innings".

32. Understood from the above perspective, the requirements that the term of office of an office-bearer should be three years; and that an individual should not hold office in BCCI for a period excess of nine years (regardless of the post held) with a similar stipulation of nine years for the State Associations is manifestly in public interest. Both the stipulations are valuable safeguards to ensure against the concentration of power.

33. *The requirement of a cooling-off period of three years at the end of every term in office, however, requires careful consideration. The argument against the imposition of such a requirement is that by requiring an office-bearer who has held a post for three years to undergo a break of three years prevents office-bearers from applying their knowledge and experience in regard to the administration of the game of cricket. The submission which has urged before the Court is that once there is a cap of a nine year tenure for BCCI, with a similar tenure of nine years for the State Associations, an additional cooling-off period of three years at the end of every term of office may not be necessary.*

144. After the clarification made by Apex court dated 19.09.2019. The Court in judgement dated 14.09.2022 has accepted the amendments which were also accepted by the BCCI as mentioned in Column 3 of Para 17 & 20 extracted above. The amendments are required to be considered, in the expression 14.4.1, each of the elected councillors shall have a tenure of 3 years, subject to maximum 3 terms. This applies squarely to the 'Office Bearers', as they are also elected councillors in the name and style of 'Office bearers'.

145. One such accepted provision is sub-rule 14.4.1 stipulates that each elected Councillor shall hold office for a term of three years, subject to a maximum of three terms on the Apex Council. The acceptance of this provision by the Hon'ble Supreme Court, in unambiguous terms, reaffirms that the outer limit of nine years remains operative and binding upon office-bearers of the BCCI, in consonance with the constitutional safeguard laid down in the judgment dated 09.08.2018.

146. It has also been provided in 14.3(e), that a person shall be disqualified from being a councillor if he/she has been an office bearer for cumulative period of 9 years and this provision has to be read in consonance with amended Rule 14.4.1 of Rules of BCCI, where maximum 3 terms are provided in Apex Council to elected councillors. Since office bearers of Apex Council are also elected members, the cap of maximum 3 terms is clearly attracted to them and the tenure restriction in Apex council, is applicable to all councillors in Apex Council, whether they are elected as



office bearers or elected directly as members of Apex Council by full members of BCCI, similar provision is in KSCA.

147. The expression '9 years as officer bearer' has been given with the view in case a person has been exclusively as 'office bearer', not elected as per provision of Rule 14(2) (a) of BCCI Rules. Similarly, there may be a case where a person has been elected to the Managing committee without being an 'office bearer'. The period has to be cumulated for a 'councillor' in the BCCI directly elected under Rule 14(2)(g) with that of office bearer, as provided in amended Rule 14(3) as per decision dated 14.09.2022, the disqualification is clearly attracted on completion of the 9 years period.

148. The Rule 6A simply contains the cap of 9 years on 'Office bearer' which is a cap to hold the office in BCCI or State Association. Once a person is disqualified to be a member of the Managing Committee on cumulation of term under Rule 6(2)(g) of KSCA, he cannot enjoy additional term in the Managing committee as an 'Office bearer'. A person should be qualified to be a member of the Managing committee on applying the disqualification criteria for a member of the Apex Council/Managing Committee. However, it is also clear that an office bearer is disqualified to be a member of the Managing committee in case he has exclusively completed a cumulative period of 9 years as an office bearer as provided in Rule 6B(2)(e). But if a person has held various posts as specified in Rule 6B(2)(g), such an Office bearer /elected member of the Managing committee /nominated member, the period of 9 years is to be counted cumulatively i.e., by combining the period of each post for disqualification as member of the Managing committee . Thus, the cap of tenure is also 9 yrs under Rule 6B(2)(e) and 6B(3)(g).

149. The purpose of the constitution of Lodha Committee was inter-alia to bring an end to the monopoly of few persons in BCCI and other associations. In case the interpretation suggested by Respondent Nos. 2 & 3 is accepted, an individual would be entitled term, each of 9 years, as elected officer bearer and elected member of Apex Council/ managing body, then cooling off breaks of 3 years on completion of 6 years, the total period

would come to 24 years, actual 18 years in Association and in case, the period for BCCI is also computed- 9 years for Office bearer and 9 years for member of Managing committee, the total tenure enjoyed by a person of 18 years each in BCCI/ State Association, actual term in total, 36 years. That is not what is intended by the capping provision of a 9 years period each in the BCCI as well as state associations. The total period envisaged is 18 years as such, and purposive interpretation of the provisions has to be made in light of Lodha Committee report and the judgements of Supreme Court.

150. The same yardstick for the purpose of cumulation has to be applied in both the cases, where a person has been elected as an office bearer to the Apex Council or Managing Committee or elected otherwise to the Apex Council/ Managing Committee in order to ensure that there would remain no repugnancy between the interpretation of provisions of BCCI's Constitution Rule 14 and KSCA's Rule 14, which is also consistent with the Apex Court's decision of 2018 & 2022. The provisions have to be interpreted in a manner that no deviation from BCCI's Constitution takes place.

151. In case the provision of disqualification of a member of the Managing committee under Rule 6B(2) is confined to elected members, and not to members who are elected 'Office bearers' then the provisions will become discriminatory, arbitrary and irrational, such an interpretation must be avoided.

152. The rule of cumulation applies to all the members of the Managing Committee in KSCA, in the case of BCCI, to all 'councillors' of the Apex Council, whether office bearer or directly elected to managing committee or Apex Council. When tenure of 9 years is to be counted together, merely by circumstances that Respondent No. 3 is holding a position of office bearer as on today will not come to his rescue because computation of cumulative tenure is done on the basis of post held, at any point of time. Had Respondent No. 3 been elected a member of the managing committee under Rule 14B and not an elected office bearer today under Rule 14A, he would have been disqualified. The circumstance that he has held the post of an elected office bearer at an earlier point of time or subsequently is

not going to come to his rescue, irrespective of the fact that when the 'post' as defined under Rule 1A(hh) of KSCA Rules is held, at the time when the cumulation has to be done, entire period has to be computed.

153. In case a person has only held exclusively the post of office bearer, he would be disqualified on completion of 9 years in total, to be a member of the Managing Committee. Thus, he cannot have 9 years' term in the Managing committee by being directly elected to it under Rule 6B.

154. Each Office bearer is holder of post under Rule 1A(hh) KSCA Rules and also a member of the Managing Committee, it is not permissible for him to violate provisions of 6B(2)(g) by remaining a member of the Managing committee for 9 years as an Office bearer and then in other capacity as elected or nominated member of the Managing body. That would clearly be in juxtaposition to the provisions of Rule 6(B)(2)(g) which provides to cumulate the terms.

155. As a matter of fact, Rule 6B(2)(e) is clearly a provision for Office bearers to remain member of the Managing Committee for 9 years and then he is disqualified to be member of the Managing Committee of such Association for all the time to come. Then he cannot enter the Managing Committee in any capacity either as elected Office bearer/Elected/nominated Managing Committee member or that of the Apex Council.

156. There is no iota of doubt that provisions of 6(A) and 6B do not provide extra terms to a person who has exclusively remained as an Office bearer in the Managing Committee for more than 9 yrs and in case he has held multiple post as elected Office bearers/Managing Committee member/nominated member, his entire term has to be cumulated to work out the disqualification. He can not enter the Managing Committee as office bearer. No other interpretation is possible on conjoint reading of the provisions of disqualification and cooling off.

157. Putting a cap of 9 years in BCCI and 9 years in State Association with cooling off provisions support the aforesaid interpretation. Otherwise the term, an Office bearer would be circumvented which is prohibited under Rule 6A & 6B of KSCA

Rules under provision of cooling off. The Respondent No. 3 has completed cumulative terms by 9-year term as member of Managing Committee and office bearer, he is disqualified u/s 6B(3)(g). The provisions of 6A and 6(B)(2)(e) do not come for rescue in case a person is holding different posts then, the period for all the posts has to be cumulated under Rule 6(B)(2)(g) of KSCA Rules.

158. Same is provided in Rule 3(b)(i) of BCCI constitution, that no 'post' can be held for more than 9 years. The Respondent No. 3 Shri Santosh Menon has held the post defined under KSCA's Constitution in Rule 1A(hh) for 9 years, as such he is clearly disqualified w.e.f. 16.12.2025 to hold office of Honorary Secretary of KSCA. He is illegally usurping the post of Secretary and cannot now hold any post in KSCA on completion of 9 years. The Advice dated 23.08.2025 of BCCI has been illegally ignored, which is found to be correct on the proper interpretation of the Rules of BCCI, KSCA and the decisions of the Apex Court and Lodha committee report.

159. It is clear that the earlier resolution of Oct. 14, 2025 was recalled in undue haste within 9 days of assuming office by Respondent No. 3. He was elected to the post of honorary secretary on 07.12.2025 and his remaining 9 days period, if counted on a cumulative basis, was going to be completed on 16.12.2025, counting cumulatively the period spent as office bearer and Managing Committee member. Precisely, on the same day, the previous resolution was withdrawn and in order to save Respondent No. 3 from being disqualified, a fresh resolution was passed contrary to Resolution dated 14.10.2025. It is not proper for such bodies to pass such a resolution taking a U-turn in a short period of time.

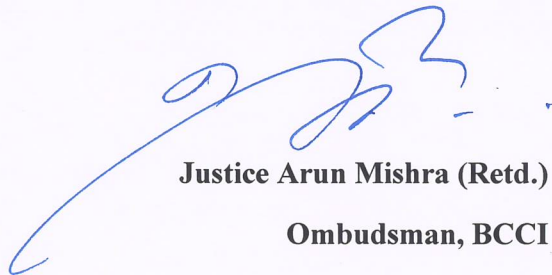
160. Be that as it may, there is no estoppel against the law. It is a question of interpretation of provisions. The view expressed in the communications by KSCA in 2019, to Deputy Registrar of Society and to members of KSCA, and the stand taken before the High Court by KSCA in its reply, BCCI advisory dated 23.08.2025 and the resolutions of legal advisory committee and the Managing Committee dated 14.10.2025 and 16.12.2025 cannot be the final arbiter of the interpretation to be put upon the

aforesaid provisions of the rules and decisions as to the intendment of the Apex Court's decisions, including Lodha committee report. Hence they need not be elaborated upon .

161. Resultantly, it is held-

1. That the BCCI Ombudsman has the jurisdiction to decide the dispute.
2. The clarification made by the KSCA Ombudsman dated 05.02.2025 is not an Order under Rule 41 of the KSCA Rules and does not create an embargo upon deciding the instant dispute.
3. It is further held that Respondent No. 03 has completed maximum permissible '9' years tenure in KSCA on 16.12.2025. He is not entitled to continue as Honorary Secretary of KSCA. The Office of the Honorary Secretary is declared to be vacant.
4. The BCCI and the KSCA shall take appropriate steps to implement the order forthwith.

Date: 24.06.2026



Justice Arun Mishra (Retd.)
Ombudsman, BCCI