

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

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

Complaint No. 15/2026

In Re: Complaint dated 23.03.2026 in the matter of:

Mr. Pranab Das

...Complainant

Vs.

Tripura Cricket Association & Anr.

...Respondents

ORDER

1. The present complaint has been filed bringing to the notice of this office that Respondent No. 1, the President of the Tripura Cricket Association ("TCA"), has continued to hold office despite having admittedly attained the age of 70 years, allegedly in violation of Rule 6(5)(b) of the Constitution of the Tripura Cricket Association, which is *pari materia* with Rule 6(5)(b) of the Constitution of the Board of Control for Cricket in India ("BCCI"), as approved by the Hon'ble Supreme Court in *Board of Control for Cricket in India v. Cricket Association of Bihar*, (2018) 9 SCC 624.
2. In the reply, a preliminary objection has been raised that the dispute ought to be adjudicated by the learned Ombudsman of the Tripura Cricket Association. During the course of hearing, the Tripura Cricket Association was represented and Respondent No. 1, the incumbent President, also appeared in person. It was vehemently contended that the question of jurisdiction ought to be decided as

a preliminary issue and, thereafter, time should be granted to the Respondents to consult with a lawyer and the matter be heard after about one month. It was further submitted that the incumbent President may be permitted to continue in office till completion of the construction of the International Cricket Stadium and, in any event, till the ensuing Annual General Meeting proposed to be held in September 2026, when elections are stated to be due.

3. On merits it was submitted in the reply, that the disqualification has to be seen on the date of election and once election has been held, the president has a right to continue under Rule 6 (2), 6 (5) r/w 14 (3) and 14 (4) under the Memorandum of Association & Rules and regulations of BCCI and TCA.
4. Firstly, on merits, the reply was not filed on 30.06.2026, it was filed on specific order on 06.07.2026, in which it was not disputed that age of 70 years has been completed by the President. Now, prayer has been made to allow the President to continue till construction of the international stadium at Tripura or till the Annual General Meeting.
5. The prayer for adjournment is rejected. The controversy involved does not present any legal complexity or issue requiring elaborate interpretation. There was sufficient time to engage a lawyer. It is an admitted position that the incumbent President has already attained the age of 70 years. prayer to permit continuation till the Annual General Meeting, clearly demonstrates that the Respondents were conscious of the constitutional mandate and were only seeking to defer adjudication so that the Annual General Meeting could take place before any decision was rendered. Such a course cannot be countenanced. The decision on disqualification cannot be postponed by relying upon the schedule of the Annual General Meeting.

6. Equally futile is the plea that the President should be permitted to continue till completion of the International Cricket Stadium has no foundation either in the Constitution of the BCCI or that of the Tripura Cricket Association. There is no provision for extension of time, administrative convenience or continuity of a project cannot override an express disqualification.
7. Before considering the merits, it is necessary to deal with the preliminary objection regarding jurisdiction. The objection cannot be accepted. The powers of the Ombudsman under Rule 41 of the Constitution of the BCCI are of wide amplitude and extend to adjudication of disputes and complaints concerning compliance with the constitutional framework governing the BCCI and its affiliated State Associations. The present complaint concerns the alleged continuance of an office bearer in the teeth of the disqualification contained in Rule 6(5)(b) of the Constitution of the BCCI, which stands incorporated in the Constitution of the Tripura Cricket Association and flows from the constitutional framework approved by the Hon'ble Supreme Court in **(2018) 9 SCC 624, Board of Control for Cricket in India v. Cricket Association of Bihar**. The issue, in pith and substance, concerns enforcement of the constitutional mandate approved by the Hon'ble Supreme Court based on Justice Lodha Committee Report. Such mandate is binding upon every affiliated State Association and cannot be permitted to be violated at any level. The ombudsman would be failing in its duty if it declines to examine an allegation of breach of the constitutional framework. It is case of blatant violation of the provisions and dictum of the Hon'ble Supreme Court. The Ombudsman of the BCCI is competent to examine allegations involving violation of the the Hon'ble Supreme Court-approved governance framework.



It is a case of clear violation of the Constitution of the BCCI and the Tripura Cricket Association (TCA). Accordingly, the objection as to jurisdiction is rejected.

8. Rule 14 (3) and (4) of the Constitution of the BCCI, which finds place in identical terms in the Constitution of the Tripura Cricket Association, reads as under:

14(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;

(e) has been an Office Bearer of the BCCI for a cumulative period of 9 years; (f) or has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment.

(4) 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. 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.

14.4.2 If a person has served two consecutive terms each as Councillor, in the equivalent body of a State Association and 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.

9. Rule 6 (2) & 6 (5)(b) of the Constitution of the BCCI, which finds place in identical terms in the Constitution of the Tripura Cricket Association, reads as under:

6. Election and Term of Office Bearers

(1) The following Office Bearers of the BCCI shall be elected by the Full Members of the BCCI from amongst their representatives at an Annual General Meeting:

- 1. The President*
- 2. The Vice-President*
- 3. The Secretary*
- 4. The Joint Secretary*
- 5. The Treasurer*

(2) The Term of office of an Office Bearer shall be 3 years. Their position shall be Honorary

(5) 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."*

10.A plain reading of the aforesaid provision leaves no manner of doubt that the disqualification is attracted the moment an office bearer has attained the age of



70 years, or ceased to be Indian citizen, becomes of unsound mind or declared insolvent: completes 9 years of tenure or becomes Minister or Government Servant or is convicted for a criminal offence or is sentenced to imprisonment, at that very moment disqualification is incurred and becomes operative. It cannot be that if he is not disqualified on the date of election, he can continue in Office for 3 years. Tenure cap, age cap, and other disqualifications are incurred upon and operated on the continuance of person who becomes disqualified and such a disqualified person cannot continue in Office. The language employed is clear, plain and admits of only one interpretation. The Rule does not provide that a person who is not at the age of 70 years on the date of election and who attains the age of 70 years during the tenure of office shall continue for 3 years even after he has attained the age of 70 or till the next Annual General Meeting. On the contrary, once the prescribed disqualification is incurred, the office bearer becomes ineligible to continue and is bound to demit office forthwith. Reading any such exception into the Rule would amount to rewriting the same and would defeat the very object of the age-based disqualification of 70 years cap, incorporated pursuant to the directions of the Hon'ble Supreme Court and the Justice Lodha Committee Report.

11. The submission that since Respondent No.1 was below 70 years of age on the date of election, he is entitled to continue for the remainder of his elected tenure cannot be accepted. Eligibility to contest an election and continuation in office operate in different fields. A person may be eligible on the date of election; however, the moment he incurs any of the disqualifications prescribed under Rule 6(5), he becomes ineligible to continue in office and is required to demit office forthwith. The disqualification operates immediately upon its incurrence and is not postponed till expiry of the elected term.

12.The matter of the identity of the complainant was not pressed by the Respondents during the hearing. Be that as it may, *suo moto* powers can be exercised in such cases, hence, proceedings in this particular case cannot be dropped. In addition, it is a fit case to exercise the *suo moto* power and jurisdiction of the Ombudsman, BCCI, which is exercised in the present case.

13.On the question of disqualification, the Hon'ble Supreme Court in (2018) 9 SCC 624, **Board of Control for Cricket in India v. Cricket Association of Bihar**, approved clause 6 (5) which disqualifies an office bearer on attaining the age of 70 years, the court held as under:

42. In regard to disqualifications, we accept the clause in the draft of the Constitution as proposed with the incidental modifications as suggested by the Amicus. The disqualifications read as follows:

"Clause 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 association or federation apart from cricket;

(f) has been an office-bearer of BCCI for a cumulative period of 9 years or of a State Association for a cumulative period of 9 years;

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

44.We approve the above clauses. We are emphatically of the view that once the draft Constitution has been approved by this Court, any amendment ! should not be given effect to without the leave of this Court.

14.In view of the above, it is held that Respondent No. 1, having admittedly attained the age of 70 years, is disqualified from continuing as President of the Tripura Cricket Association under Rule 6(5)(b) of the Constitution of the BCCI



and the corresponding provision of the Constitution of the Tripura Cricket Association.

15. The president is disqualified to continue as such post is declared vacant. The Tripura Cricket Association is directed to take immediate steps to fill the resultant vacancy by conducting election to the office of President strictly in accordance with its Constitution and the applicable Rules and Regulations.

16. The complaint is accordingly allowed.

Dated: 15.07.2026



Justice Arun Mishra
Ombudsman, BCCI