Advisory to Electoral Officers of BCCI Member Associations

The Hon'ble Supreme Court of India, vide its Judgement dated 9th August 2018 in Civil Appeals No.4235/2014 and connected matters, handed down a judgement that intended to usher in far reaching changes to the entire administration connected with the sport of cricket in India, from the Board of Control of Cricket (BCCI) at the apex to the various member cricket associations of the BCCI.

The judgement accepted, with suitable modifications, the report of the Justice Lodha Committee constituted by the Supreme Court itself, with a view to bring in greater accountability, professionalism, transparency, higher ethical standards and integrity in the bodies connected with the game of cricket in India.

The constitutions of the BCCI as well as a few member associations ("**Member Associations**") have already been revised to be in compliance with the changes mandated in the judgement.

In addition, the election processes for the BCCI and several Member Associations are under way, with timelines for such Elections laid down, under the supervision of Electoral Officers appointed for this purpose.

It is in the interest of the BCCI and the Member Associations, their respective members and the candidates for elections that respect for "universal fundamental ethical principles" should prevail in the conduct of the election procedures. It is also essential that equality be observed between candidates for any posts and an atmosphere of mutual respect prevail amongst them. There is a need to ensure a degree of harmonisation in the conduct of the elections across Member Associations and the BCCI itself and as the electoral college for the BCCI will comprise of the nominees of compliant Member Associations, it would seem appropriate to highlight a few salient issues related to the upcoming elections that may be helpful for the Electoral Officers of the Member Associations ("**Electoral Officers**") to carry out their duties effectively. Accordingly, Electoral Officers overseeing the conduct of elections of Member Associations may note and consider the following:

- The BCCI Electoral Officer has issued the Rules of Procedure governing the election to various BCCI posts, to be conducted on October 22, 2019. The Rules of Procedure are available on the BCCI's website.
- The aforesaid Rules of Procedure could serve as a point of reference and as model election guidelines for the Member Association elections to be supervised by the respective Electoral Officers.
- 3) The Supreme Court appointed Committee of Administrators of the BCCI ("COA") has recently issued a set of clarifications, communications and notifications that have a bearing on the constitution of memberships and electoral colleges, eligibility criteria and disqualifications applicable to election candidates and other relevant issues regarding elections at the BCCI and Member Association levels. Due notice and consideration may be taken by the Electoral Officers of the following documents and any other clarifications, communications and notifications that might be issued in respect of or have a bearing on the aforesaid elections:
 - a) Directions on multiple membership to State Associations, issued on 19 July 2019, appended as *Annexure 1* hereto.
 - b) Directions on membership of Cricketing Clubs issued on 13 August 2019, appended as *Annexure 2* hereto.
 - c) Protocol for Induction of Former International Players issued on 14 August 2019, appended as *Annexure 3* hereto, and extension to the same issued on 23 August 2019, appended as *Annexure 4* hereto.
 - d) Advisory on 9+9 rule in the context of eligibility of representatives to contest in upcoming BCCI elections, issued by the COA via email to all Member Associations on 27 August 2019, appended as *Annexure 5* hereto

- e) Directions to BCCI and all Member Associations on eligibility of former players currently employed by Railways, Government or Public Sector Undertakings to be elected/appointed as Office Bearers, Councillors or members of committees, appended as *Annexure 6* hereto
- 4) The COA, in concurrence with the BCCI Electoral Officer, issued an email to all Member Associations, titled '*Representatives of Member Associations*' and dated 29 July 2019. As per this communication (which is appended as *Annexure 7* hereto), Member Associations are required to ensure that their representatives to the BCCI for the BCCI elections, duly nominated on their behalf, should not be disqualified to become an office bearer of BCCI or a Councillor of BCCI in terms of the BCCI Constitution.

Electoral Officers may take note of the issues/points raised in Paragraphs 1 to 4 above and follow the various clarifications/notifications issued by the COA in the interests of conducting free and fair elections. Further policy decisions, if any, of the CoA, that would have implications for the elections at the Member Associations level will be brought to your notice from time to time. We acknowledge your valuable contribution in the establishment of a democratically and fairly elected administration across BCCI and its Member Associations.

Dated: this 28th day of August 2019

Issued by The Electoral Officer, Board of Control for Cricket in India



DIRECTIONS ISSUED BY THE COMMITTEE OF ADMINISTRATORS 1. The Report submitted by the Hon'ble Justice Lodha Committee accepted by the Hon'ble Supreme Court vide its judgment dated 18th July 2016 whilst identifying the problem plaguing the state associations stated as under: "Some Member Associations have clubs and individuals as members, some have only clubs as members and others have individuals and patrons as members. There does not seem to be any guideline or basis for membership, and there seems to be ad-hoc, often at the pleasure of the incumbents. Where clubs are members, a very few interests control several cricket clubs, thereby positioning themselves for easy election with a sizeable chunk of convenient electorate. New entrants are discouraged or muzzled out of contention. Some associations exclude even former Indian cricketers from membership (including legendary performers), without any basis, and ensure that association functions more as a social club controlled by a few families." The priority often seems to be to have an exclusive venue with bar and dining facilities with other recreational avenues for the members, and not the promotion of cricket. Tickets to games are also distributed as largesse among members as entitlement, thereby shrinking their availability to the public at large." (Emphasis Added)

- 2. The Committee of Administrators is of the view in order to implement the recommendations of the Hon'ble Justice Lodha Committee and for the furtherance of the Cricket Reforms process, it is necessary that State Associations should enlarge the pool of members such that persons who are involved in cricketing activities at the grass root level, are involved in cricket governance at the State Association. This will ensure that greater number of persons experienced in cricketing activities are associated with the governance of cricket at the State Association level.
- 3. In light of the above, the Committee of Administrators is of the view that the State Associations should encourage membership and participation of cricketing clubs within the State, if such club demonstrates good track record and experience in conducting cricketing and cricket development activities. However, the membership structure of the State Association and the existing affiliation of the concerned club with existing member district association and parity and equality in treatment of clubs that are similarly placed shall be borne in mind, while considering applications for membership from such cricket clubs.
- 4. Further, there is nothing either in the Report submitted by the Hon'ble Justice Lodha Committee or the judgements of the Hon'ble Supreme Court dated July 18, 2016 and August 9, 2018 that forbids cricketing clubs (which are not social clubs) from being affiliated to or having voting rights in the respective member associations. Therefore, the Committee of Administrators is of the view that in case any member association has taken away membership or voting rights of such cricketing clubs, who are engaged in established cricketing activities (and are not social clubs) and were earlier affiliated

with member associations, it would be appropriate for such member associations to restore membership and/or voting rights in the concerned member association.

5. Further, the Committee of Administrators hereby advises member associations to encourage cricketing clubs carrying on cricketing activities within their respective territorial jurisdiction to make application for membership to member associations. Since encouraging membership is in furtherance of cricket governance which is a public function, member associations are bound to deal with the said applications in a fair and transparent manner keeping in mind the aforementioned objective of encouraging membership and participation of cricketing clubs in governance of member associations. In order to ensure transparency and fair play, it is incumbent that member associations give reasons for rejecting such applications for membership.

Dated: this 13th day of August 2019

Issued by The Supreme Court Appointed Committee of Administrators



- d. For the purpose of this protocol, the respective association of former players from Railways, Services and Universities mentioned in Rule 3(a)(ii)(E)(F) and (G) shall not be treated as a State/Member Association.
- e. The BCCI shall send a list to the State/Member Associations of former international players hailing from the relevant State who shall be automatically inducted as members with voting rights by the State/Member Associations.
- f. The BCCI is directed to put this protocol on its website and give this protocol publicity in order to ensure that former international players who want to become members of State/Member Associations become aware and comply with the requirements.

Dated this 14th August, 2019

The Supreme Court appointed Committee of Administrators for the BCCI.

EXTENSION FOR PROTOCOL FOR INDUCTION OF FORMER INTERNATIONAL PLAYERS DATED AUGUST 14, 2019

The Protocol for Induction of Former International Players was set out by the Supreme Court Appointed Committee of Administrators on 14th August 2019 ("**Protocol**"). All former international players had to intimate the BCCI in writing, details as provided in the Protocol, on or before 22nd August 2019, through an email addressed to <u>playerinduction@bcci.tv</u>.

BCCI has now decided to extend the date for sending of intimation till 30th August 2019.

Dated this 23rd August, 2019

The Supreme Court Appointed Committee of Administrators.



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of Officer Bearer or Councillor or member of Governing Council in BCCI whilst eligible representatives of Full Members of the BCCI and eligible representatives of Indian Railways, Armed Forces/Services and Association of Indian Universities are entitled to vote at BCCI Elections. Associate Members of BCCI are entitled to attend the AGM of BCCI but not entitled to vote in or field candidates for the BCCI Elections.

2. That a person who has been an Officer Bearer or Councillor or member of Governing Council or any committee in a Member Association for a cumulative period of 9 years or more shall **<u>not</u>** be disqualified to be a representative of the Member Association to the BCCI and to contest election for the post of an Officer Bearer or Councillor or member of Governing Council in BCCI so long as the said person:

- (a) Is a citizen of India;
- (b) Has not attained 70 years of age;
- (c) Has not been declared insolvent or of unsound mind;
- (d) Is not a Minister or Government Servant or does not hold a public office;

(e) Does not hold office or post in a sports or athletic association or federation apart from cricket;

(f) Has not been an Office Bearer of the BCCI for a cumulative period of 9 years;

[Note: The BCCI Constitution defines an "Officer Bearer" to mean the President, Vice President, Secretary, Joint Secretary or Treasurer. Therefore, any person who has been President, Vice President, Secretary, Joint Secretary or Treasurer of the BCCI for a cumulative period of 9 years is disqualified to be a representative of the Member Association to the BCCI and to contest election for the post of an Officer Bearer or Councillor or member of Governing Council or any Committee in BCCI or to be BCCI's representative to the International Cricket Council.]

(g) Has not been charged by a Court of Law (i.e. an order framing charges has not been passed by a court of law having competent jurisdiction) for having committed any criminal offence;

(h) Has completed a cooling off period of three years after holding the post of an Officer Bearer for two consecutive terms either in a Member Association or in the BCCI (or a combination of both);

[Note: The Cooling Off requirement is applicable to persons who have held the post of Office Bearer (i.e., President, Vice President, Secretary, Joint Secretary or Treasurer) either in a Member Association or in the BCCI (or a combination of both) for two consecutive terms aggregating to six years or more unless he/she has undergone cooling off for a period of three years. To clarify, if on the date on which the concerned individual is nominated by the Member Association as its representative to the BCCI, he/she has not completed six years as Office Bearer in a Member Association or in the BCCI (or a combination of both) in two consecutive terms, he/she is eligible to contest in the BCCI Election. However, he/she will not have a full term and will have to demit office immediately upon completion of the six year period. It is further clarified that an individual who has not held any post (either as a committee member or a governing council member or in any governance or managerial capacity) in the Member Association or the BCCI for the period of three years or more, immediately prior to the date on which the concerned individual is nominated by the Member Association as its representative to the BCCI, is not required to undergo cooling off even though he/she has spent more than six years as Office Bearer for two consecutive terms either in a Member Association or in the BCCI (or a combination of both).]

Any person who does not fulfil any of the conditions set out in (a) to (h) above shall not be eligible to be a representative of a Member Association to the BCCI or contest for the post of an Officer Bearer/Councillor and member of Governing Council in BCCI, respectively.

3. In addition to the above, it is also clarified that no individual shall be a Councillor for more than 9 years and in the event of a Councillor completing 9 years before expiry of his/her term, he/she shall cease to hold office on completing of 9 years. Similarly, a Councillor who has held any post for two

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consecutive Terms either in a Member 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.

This clarification is being issued with the concurrence of the Electoral Officer, BCCI. In terms of Rule 7 of the Rules of Procedure for BCCI Elections prescribed by the Electoral Officer, BCCI, all disputes or objection arising including but not limited to objection to candidacy, disqualification, eligibility to vote or the admission or rejection of a vote in the election to the Apex Council or any of the committees, the Electoral Officer shall decide the same and such a decision shall be final and conclusive.

Dated: 27th August, 2019

Yours faithfully, Supreme Court appointed Committee of Administrators

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Some of the member associations have sought a clarification from the Committee of Administrators on whether former players who are currently employed with Railways, Government or Public Sector Undertakings would be disqualified from being an Office Bearer, Councillor or member of committee/cricket committee of the BCCI or Member Associations by virtue of being "Government Servants" or a person holding a "public office".

The Committee of Administrators had sought and received legal advice on this issue. After considering the issue and the legal advice received it is hereby clarified that former players employed with the Railways, Central or State Government, Central or State Government Departments/undertakings, Nationalised Banks or Public Sector Undertakings, particularly under "sports" quota will not be deemed to be disqualified as being "Government Servants" or holding a "public office" for the purpose of determining their eligibility to become an Office Bearer of the BCCI or a Member Association, Councillor in the BCCI or a Member Association or member of any committee of the BCCI or a Member Association.

In other words, former players who are employed with the Railways, Central or State Government, Central or State Government Departments/undertakings, Nationalised Banks or Public Sector Undertakings particularly under "sports" quota may be elected to and hold the post of an Office Bearer of the BCCI or a Member Association, Councillor in BCCI or a Member Association and member of any committee of the BCCI or a Member Association.

Dated this 27th day of August, 2019.

Issued by the Supreme Court appointed Committee of Administrators for the BCCI

