

BEFORE B K MEHTA

OMBUDSMAN PUNJAB CRICKET ASSOCIATION

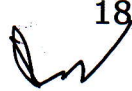
REFERENCE NO. 2/ 2019

Received from the office of Hony secretary, Punjab Cricket Association vide his letter no. PCA/2019/47019 13-7-2019/20-7-2019, as one of the 3 matters mentioned there.

Perused.

The complainant Sh. Naresh Marwaha has addressed an undated letter to All Members and office bearers of Ludhiana District Cricket Association , copies whereof were sent to as many as 9 others persons/offices. asking them to immediately resign from different posts , they were holding in Ludhiana District Cricket Association and accept SC orders in good and true spirit with immediate effect and follow the mandate given by the Apex Court in true spirit. " It is that letter which has been referred to this Office by Hony Secy PCA.

The complainant in his letter has referred to order dated 18/7/2016 from Supreme Court of India to "intimate"



members of Ludhiana District Cricket Association that "we" all stand disqualified/ ineligible to hold office in our respective posts/seats and help to desist office here with with immediate effect.

I have gone through judgement dated 18/7/2016 rendered by the Apex Court in CA No. 4235 of 2014 titled Board of Control for Cricket Vs Cricket Association of Bihar & Ors. In the entire 143 pages long judgement , the word District has appeared twice in the judgement and relevant portions from the judgement containing the word District are reproduced hereunder for facilitation of reference :-

.....The policies of BCCI regarding dispute resolution and Conflict of Interest, as well as the norms for Agents' Registration will have to apply to the State Associations as well. In order to administer this, the associations may also appoint an Ombudsman-cum-Ethics Officer. It would be open to multiple States have a single Ombudsman / Ethics Officer so as to reduce expenditure.

The person so appointed shall be an eminent person well versed in adjudicatory processes and it will be his/her task to decide all disputes between the Association and any of its constituents (Districts, Clubs, etc.), or between the constituents, or complaints of any player or member of the public, by



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following the principles of natural justice before rendering a decision.

..... The Cost of Construction of a Stadium runs into hundreds of crores. On the other hand, formation of a cricket playing ground costs a small fraction of the cost of a stadium. It makes more sense to have cricket playing grounds in each District, rather than having one or two stadia in a State. In fact, the Committee learns that some members are merely collecting the grants from BCCI and depositing them in a Bank so as to accumulate sufficient funds necessary for taking up construction of a stadium. The result is some smaller States have neither a stadium nor well developed cricket playing grounds.

The 1st reference to "District" in the judgement is that task of the Ombudsman is to decide all disputes between the Association and any of its constituents (**Districts**, Clubs, etc.), or between the constituents, or complaints of any player or member of the public

The 2nd reference to "District" in the Judgment is with regard to "...encourage setting up of cricket playing grounds in each district , rather than having one of two stadia in a State.".



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Qualifications and disqualifications for Office Bearers and Apex Council were suggested by Justice Lodha Committee for BCCI and State Associations only. As already noted above , the word "District" has appeared only in context of these two recommendations , reproduced here in above . Even the word constituent of BCCI or of State Associations has been used only twice , in the entire judgement, as already noticed hereinabove. The judgement dated 18/7/2016 , has not laid down any qualifications or disqualifications for office bearers / members of Apex Council of District Cricket Associations / constituents.

This Office working under the scheme of things laid down in the judgement dated 18/7/2016 cannot go beyond that scheme and since it cannot be worked out from the judgement dated 18/7/2016 that any disqualifications were prescribed from holding an office or being member of Apex Council in a District Cricket Association , no action from this office in that context would be justifiable.

The reference is answered accordingly.


(B K Menta)

Ombudsman , Punjab Cricket Association, Mohali

11-8-2019