

## Mumbai Cricket Association

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**From:** Committee of Administrators <coa@bccci.tv>  
**Sent:** 16 September 2019 17:39  
**To:** Andhra Cricket; Andhracricquet; Arunachal CA - Jt. Secretary Joram Anand; Arunachal CA - Secretary; assam cricket association ;; Assam CA - secretary; Baroda CA; Bengal CA; Bengal CA-Sourav Ganguly; Bihar Cricket Association; BIHAR CA; Chhattisgarh State CA; Prasad V. Phaterpekar ;; Gujarat Cricket Association ;; Haryana CA ;; HPCA Dharamsala ;; HPCA Secretary; Hyderabad CA; Hyderabad COA; Jammu & Kashmir CA; Jharkhand State Cricket Association; Debasish Chakraborty; Karnataka Cricket Association ;; Chief Executive Officer KSCA; Kerala CA; Maharashtra Cricket Association ;; Manipur CA; Meghalaya CA; naba bhatta ;; Mizoram CA; MPCA; MPCA Cricket Operations; Mumbai Cricket Association; Nagaland CA-Abu Mehta,Secretary; NAGALAND CRICKET ASSOCIATION; Orissa Cricket Association; Pondicherry CA; arun@cap-cricket.com; Punjab CA; Punjab CA - Deepak Sharma; Saurashtra CA Rajkot; Saurashtra CA Rajkot -Madhukar Worah; Sikkim Cricket Association ;; Sikkim Cricket Association; Tamil Nadu CA; TNCA secretary; Tripcric Assoc ;; UPCA; Vidarbha CA; PS to Justice Dave; Justice Gurram Venkata Seethapathy; C. K. Prasad; justicesalam@gmail.com; Ratnakar Shetty; DDCA CA; chd.cricket@gmail.com; info@cauttarakhand.tv  
**Cc:** Rahul Johri; Electoral Officer  
**Subject:** 9+9 Advisory

Dear All,

The Committee of Administrators had issued an advisory dated 27<sup>th</sup> August 2019 clarifying certain aspects regarding the 9+9 years disqualification rule and cooling-off period in the context of eligibility of representatives to contest in the upcoming BCCI Elections.

In paragraph 3 of the said advisory, the Committee of Administrators had stated that:

*“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 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.”*

Several questions are being raised in relation to interpretation of the above and also the applicability of these rules to elections in BCCI Member Associations. In this context, reference may profitably be made to the division bench judgement dated 23<sup>rd</sup> March 2019 passed by the Hon’ble Delhi High Court in the matter of *Delhi and District Cricket Association vs Municipal Corporation Delhi* where the Hon’ble High Court has held that:

*“11. The objectors had also argued that the fresh or proposed articles should be made effective prospectively and not made to apply to the forthcoming elections. It was urged that the new condition would unfairly take away the chances of those who had served as directors, for previous periods, though they were not office bearers. The Court finds no merit in this submission. The BCCI judgment which accepted the Lodha Committee recommendations are binding. The objective of ensuring that the same people or a clutch of individuals do not maintain their control over sport bodies like cricket associations is to encourage budding talent and promote fresh blood, not only in the sport, but also in the management of its affairs. By occupying one executive or decision making position in an organization after another, a set of individuals*

*can shut out an entire generation of new talent, which would possess greater energy and be more open to innovation. The plea to give prospective effect, in essence is a cry of existing directors who might be staring at the 9 year tenure restriction, to somehow get a “look in” into the fresh election process. It has no merit and is accordingly rejected.”*

In view of the aforesaid clear pronouncement by Hon’ble High Court, the Committee of Administrators believes that the following queries have already adequately addressed in its earlier advisory dated 27<sup>th</sup> August 2019, but still as a measure of abundant caution, the Committee of Administrators deems it necessary to clarify as under:

Q.1 Are the restrictions on tenure of 9 years and requirement of cooling off after 6 years, both applicable to a Councillor in BCCI and Councillor in a Member Association, prospective?

Ans: No, the above restrictions will also apply retrospectively and will apply to any individual who has already served as a member of the working committee of the BCCI for the prescribed duration and/or has served as a member of the working/managing/executive committee of a Member Association (by whatever name the apex level governance committee is called) or as a director of a Member Association for the prescribed period.

Q.2 Whether the period spent by an individual as a working committee member in BCCI and/or member of working/managing/executive committee of a Member Association (by whatever name the apex-level governance committee is called) or as a director of a Member Association will be counted to calculate the 9 year period applicable as cap on tenure as a Councillor and the 6 year period necessitating cooling off?

Ans: Yes.

Q.3 Whether the period spent by an individual as member in any BCCI committee other than the working committee (such as the Cricket Advisory Committee, Technical Committee or Governing Council) and/or member of any committee other than the working/managing/executive committee of a Member Association (by whatever name the apex-level governance committee is called) will be counted to calculate the 9 year period applicable as cap on tenure as a Councillor?

Ans: No.

Q.4 Whether the period spent by an individual as member in any BCCI committee other than the working committee (such as the Cricket Advisory Committee, Technical Committee or Governing Council) and/or member of any committee other than the working/managing/executive committee of a Member Association (by whatever name the apex-level governance committee is called) will be counted to calculate the 6 year period necessitating cooling off?

Ans: No. However, it is clarified that once the cooling off requirement is triggered the concerned individual cannot hold any post (including on any committee) in the BCCI or the Member Association during the cooling off period of 3 years. If an individual who was required to cool off has been a part of any committee of the BCCI or Member Association such an individual will necessarily have to undergo a cooling off period of 3 years before being eligible to be an office bearer or Councillor or member of any committee or representative in BCCI or a Member Association.

Q.5 Is a person who has completed 6 years as an officer bearer and 3 years as a member of the working committee of the BCCI (or any other combination of the above that totals to 9 years) eligible for contesting the post of Officer Bearer or Councillor in BCCI?

Ans: No.

Q.6 Is a person who has completed 3 years as an officer bearer in BCCI and 3 years as a member of the working committee in a member association consecutively (or any other combination of any 'posts' that totals to 6 consecutive years), eligible for contesting the post of Councillor in BCCI or member association?

Ans: The person would have to undergo a cooling off period of 3 years before contesting in either such election in the BCCI or the Member Association

Q.7 Whether a person who has been a member of working/managing/executive committee of a Member Association (by whatever name the apex-level governance committee is called) or as a director of Member Association for a period of 9 years is eligible to contest the post of Councillor in the BCCI?

Ans: Yes, subject to having satisfied the cooling off requirement.

Q.8 Is a person who has finished 9 years (either as office bearer or committee member or combination of both) in a Member Association eligible to contest the post of officer bearer or Councillor in the Member Association?

Ans: No.

Q.9 Is a person who has finished 9 years (either as office bearer or committee member or combination of both) in BCCI eligible to contest the post of officer bearer or Councillor in BCCI?

Ans: No.

Q.10 Can the affiliated Clubs/Universities/District Associations or Member Organizations of a Member Association nominate a person who is disqualified to become an office bearer or Councillor of the Member Association as a representative on their behalf to the Member Association to participate in the Member Association's electoral process or attend its general body meetings?

Ans: No. There will only be one Representative each of the affiliated Clubs/Universities/District Associations or Member Organizations and the same person shall vote in and may stand for elections in the Member Association's election or attend its general body meetings. This is in line with the spirit of the cricket reforms accepted by the Hon'ble Supreme Court which requires only non-disqualified and eligible nominated/elected individuals to occupy positions of responsibility and functioning such as representatives to the BCCI and/or Member Associations. This will also ensure that there is a greater pool of talent available from amongst whom officer bearers and Councillors are elected. At the same time, it is clarified that this rule is not applicable to individual members of Member Associations such as life members or former international players who will be entitled to attend the general body meeting and vote. Needless to add that only non-disqualified and eligible members shall be entitled to contest for posts at the elections.

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 objections arising, including but not limited to objections 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, shall be decided by the Electoral Officer and such decisions shall be final and conclusive.

Yours faithfully,  
Supreme Court appointed Committee of Administrators