



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

MCA/21/408/2019

10th April 2019

To,
Mr. V.C.Shukla
Advocate assisting Amicus Curiae

Dear Sir,

We refer to our email dated 4th April 2019 requesting for an appointment with Amicus Curiae and your email dated 6th April 2019 whereby you have sought details of the IA(s) filed before the Court.

At this point we make our following submissions in regards to Constitution of State Association:

At the outset we may feel it necessary to bring to your kind attention that the Hon'ble SC in their order dt. 09/08/2018 has ordered as under:

"40. Having regard to the fact that the draft constitution submitted by the CoA on 27 October 2017 has now been approved by this Court subject to the aforesaid modifications we, issue the following directions:

- 1. The Registrar of Societies under the Tamilnadu Societies Registration Act 1975 shall upon the presentation of the said Constitution by the CEO register the document forthwith and report compliance by way of a report to the Secretary General of this Court within four weeks.*
- 2. Upon registration of the said constitution of BCCI, each of the members shall undertake registration of their respective constitutions on similar lines a period of thirty days thereafter."*

In view of the above we strongly feel that though the State Associations have a limited scope to modify their respective constitutions, some essential modifications, including those relating to number of Managing Committee members, number of sub committees and other State Association specific problems, issues/relations with local authorities, State Government, Tenants, obligations of respective State Government etc., will have to be suitably provided for in respective State Association constitutions for a smooth functioning of these Associations.

The State Associations have peculiar problems/situations of their own and adoption of BCCI constitution in toto would not resolve these problems and situations faced by State Associations in the absence of appropriate modifications on case to case basis.



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-2-

The Apex Court has at para 10 of the Order dt. 18th July, 2018 also made reference that the Lodha committee has in Annexure A, Volume I of the report proposed (i) Model Memorandum of association and Rules and Regulations of the BCCI, (b) code for Cricket players Association and (iii) regulations for Registration of Players' Agents.

We are of the opinion that adoption of such Model Memorandum of Association and Rules and Regulations by State Associations, was suggested by the Lodha Committee, in their wisdom.

We may in this regard invite your kind attention to para (5) page 20 of the Lodha Committee report, which says as under:

"BCCI can persuade the state associations to change the constitution by suggesting a model rules and regulations and uniform constitution."

Thus no uniform State constitution draft has been given by Justice Lodha Committee.

In this regard and with due respect, it may be seen that even without taking all above factors into consideration, particularly different functions of the State Associations vis a vis BCCI, the BCCI/ CoA without consulting State Associations, have proposed and insisted uniform draft by only replacing words "State Association" in place of "BCCI" in Draft BCCI constitution. This will cause lot of impediments in adopting and implementing the proposed Constitution to State Associations and come in way of smooth functioning.

The Apex Court has in its said order dated 18th July 2016 further observed that,

" *the report of the committee was not ipso facto binding but was only recommendatory*, completely excludes any chance of any prejudice to BCCI nor has any prejudice otherwise been demonstrated." (para 45).

The Apex Court further observed that,

"..... Suffice to say that so long as the initial voluntary composition of the State Cricket associations who are complaining of the breach of their rights under Article 19(1)(C) remains unaffected, there is no violation of what is guaranteed by Article 19(1)(C). "(Last part of para 60)

Para 61. Seen in the backdrop of above, *the recommendations made by the committee in the instant do not interfere with or alter the composition of the state Association.*" (para 61)



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-3-

Here it does mean the initial voluntary composition should be understood as the types of membership (clubs or individuals), Memorandum of association and rules and regulations for day to day functioning.

Reading the above findings of the Apex Court, it is clear that the Lodha committee and the Apex Court do not intend to interfere with or alter the substantial composition of the State Association.

Further, we may point out the different rolls, functioning and responsibilities of BCCI and State Associations, though both are Cricketing bodies to understand how it will be unreasonable and unacceptable to ask for adopting "ditto" constitutions for all across the board

With Due respect, the Constitution of BCCI, does not acknowledge the fact that there is a basic difference in functions between the BCCI and the State Associations.

The said differences are:

1. The BCCI does not have any property or infrastructure except bank accounts/properties taken on rent. All the properties, facilities and infrastructure with stadiums, academies which are used for holding BCCI tournaments like IPL etc. belong to and are owned by the concerned State Associations. For that State Associations are obliged to either local authorities and/or to State Governments.
2. The BCCI deals with only 60 top players in the country, who have matured and have attained certain level in the game and do not need basic training, coaching as grassroot level players need. But State Associations need to groom, manage, coach, train nearly 20000 players by conducting various age group tournaments, matches, selection trials, take care of maidans. (In Mumbai in a year alone there are more than 108 tournaments and more than 2000 matches where around 20000 players take part).
3. The BCCI directly, does not conduct any tournaments and/or matches. BCCI matches are conducted by the State Associations. In case of International matches, BCCI only gives letter of allotment of venues to State Associations, which may be a job of 15 minutes. But when an International match is allotted to the State Association, it has to work for at least 3 to 4 months in advance for pitch and ground preparation, obtaining various permissions from local authority/State Government/police authorities, for repairs and fitness of the stadium and make it ready for public viewing by making ready Toilets, catering, preparing broadcast facilities, commentary boxes, security of players



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-4-

and spectators, printing and distribution of tickets and passes etc. Particular difficulties are when the stadiums are old and new requirements such as multiple broadcast rooms etc. are to be created temporarily.

4. As mentioned herein above, the BCCI does not own any grounds, stadiums or other immovable property. So it does not have to face maintenance problems, when there are no international matches. The State Associations on the other hand continue to not only have to maintain number of grounds in its jurisdiction for its own use for conducting local matches, training camps but also required to provide its facilities to BCCI for Coaching, camps, practice for home team, foreign team, visiting other State Association teams etc.
5. The BCCI does not deal with Grass root level cricketers. To give couple of players to BCCI, State Associations have to manage more than 20000 players. To provide coaching to those youngsters in so many numbers, identify and prepare and provide grounds for their coaching, for their matches and tournaments, train and provide coaches/umpires for those many matches is a huge task and a lot of man power is needed to manage the same. For example yearly 15000 cricketers from the age group of Under 14 to Under 23 participate in training programmes/ matches conducted by MCA. 35000 players are registered with MCA. Similarly over 150 coaches are registered. MCA looks after basic needs of about 20 maidans. Besides these various issues concerning administration, management have to be tackled on day to day basis. The Managing Committee members hold honorary posts and are not paid employees. It is absolutely difficult to run the administrative/managerial and other functions with only 6 honorary members.
6. The BCCI does not deal with various local Govt. agencies for the match preparation at the venue and the State association has to tackle the issues.
7. The BCCI does not have obligations towards the seats in the Stadium for International matches except to sponsors as allotment of seats for international matches always is linked with the obligations, with which State Association reciprocate for acquiring Plot of land for constructing stadiums or office or accepting donations for financial help to create office, stadium or infrastructure like indoor cricket Academy or for any facility for the game or to get routine or specific compliances from Govt. or Local bodies.
8. Unlike the BCCI, the State Associations are required to maintain the facilities and infrastructure created by the State Associations, even when the said



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-5-

facilities are not being used in off season, which require huge man power and finance.

9. The facilities are required to be created permanently though the matches are not played continuously for all twelve months of the year and the facilities are required to be maintained throughout the year and required to be kept fit for use, whenever required, as the said facilities could not be created overnight or in short period and then to demolish as soon as match is over. For example MCA may annually get to host only one test match of five days and one one day international cricket match. It may get about 8 IPL matches. Around 30 to 40 days the pitches are used to host BCCI domestic matches like Ranji Trophy, Vijay Hazare Trophy, Syed Mushtaq Ali Trophy, C.K.Nayudu Trophy, Cooch Behar Trophy, Vinoo Mankad Trophy, Vijay Merchant Trophy, etc which bring hardly any revenue
10. The legal disputes arising due to ownership, lessee of the property with the constituents like own members, State Governments, Local authorities, members of public, tenants, which takes generally years together to resolve, and disputes with cricket clubs for tournament rules, umpire decisions, and match official decisions at ground levels which needs continuity and resolution of the disputes in very short time, as the tournaments are ongoing and the tournament cannot be allowed to be disturbed or for its smooth transition, etc. About 350 cricket clubs are the members of MCA,

Therefore, though, both BCCI and State Associations are cricketing bodies, they perform different rolls and functions. Therefore, with due respect, "ditto" constitution with may be little play of words, interchanging of terms and names cannot serve the purpose of State Association. And that is the reason that, Hon'ble SC has also carefully not insisted on uniform constitution but has used term "**on similar lines.**"

Apart from generality, We would also like to highlight the following specific concerns:

1. Composition of Apex Council

We say that the new Constitution provides for Composition of Apex Council and as per the same, Apex Council will comprise of 9 Councillors of whom 6 shall be the elected Office Bearers. The remaining 4 shall be:

- (a) One (Other than International Player) to be elected by the Ordinary Members of the MCA;
- (b) Two to be nominated by the Player's Association from amongst themselves, one male and one female;



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-6-

- (c) One to be nominated by Account General of the State from among the serving senior functionaries of the office, co-terminus with the nominee's tenure

Considering the huge amount of work load of the Association, 6 elected members will not be able to smoothly manage the activities of the Association. Earlier there were 17 Managing Committee members who were conducting the affairs of the Association. the composition of the Managing Committee was as follows:

- 1 President
- 2 Vice Presidents
- 1 Treasurer
- 2 Jt. Hon. Secretaries
- 11 Managing Committee members

Thus the provision to have only effectively 6 members as working members of the Apex Council is too inadequate and impractical and requires to be changed in the interest of better functioning of the association.

Since, all Associations are having Honorary members in their respective managing committee, no prejudice will be caused, if required number of Committee members and number of sub committees, in each State Associations, are allowed, for smooth conduct of Association functions.

2. Disqualification of member

We say that the new constitution provides a disqualification of members who have attained the age of 70 years.

We feel that a disqualification of the basis of age is neither fair nor practical. There are many examples of administrators who have served the game of cricket beyond the age of 70 years. Mumbai Cricket Association owes much of its success to the great leadership of administrators who contributed to the Association even after they were 70 years old. We strongly feel that the game should not be deprived of their expertise.

3. Conflict of Interest

We say that the expertise of cricketers is essential in training young cricketers and forming the structure of cricketing activities. As such all cricketers are involved in some or the other assignments either with BCCI or IPL franchisees. We feel that the clause of conflict of interest should be amended to make it practical for former cricketers to contribute to the Association in different capacities.



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-7-

4. Standing Committees

We say that the new constitution provides for having 2 standing committees –viz. Tournament Committee and Tour, Fixtures and Technical Committee.

The new constitution provides for having 7 Cricketing Committees viz. Cricket advisory/improvement committee, Men's Selection Committee, Junior Cricket Committee, Women's Selection Committee, Women's Cricket Committee, Differently-Abled Players Cricket Committee, Cricket Talent Committee.

The new Constitution also provides for Umpires Committee.

Thus in all the new Constitution provides for having 10 committees.

It is to be noted that there were 24 Sub-Committees in Mumbai Cricket Association apart from 8 Selection Committees and particulars of the same are as under:

- i. Tournament Committee
- ii. Dr.H.D.Kanga Cricket League Committee
- iii. Board of Umpires
- iv. Registration of Players' Committee
- v. Maidan Committee
- vi. Stadium Committee
- vii. Finance Committee
- viii. Affiliation Committee
- ix. Constitution Committee
- x. Staff Committee
- xi. Marketing Committee
- xii. Coaching Committee
- xiii. Special Committee for Suburban Cricket
- xiv. Special Committee for Officer Cricket
- xv. Legal Committee
- xvi. International Match Organising Committee
- xvii. Statistical Committee
- xviii. Women's Wing Committee
- xix. School and Colleges Committee
- xx. Information Technology Committee
- xxi. Sharad Pawar Indoor Academy Committee
- xxii. Sachin Tendulkar Gymkhana Committee
- xxiii. Cricket Improvement Committee
- xxiv. Media Committee



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-8-

Considering the above existing committees, apart from cricketing and selection committees, the following committees may be continued

- A) Tournament Committee
- B) The Stadium and Maidan Committee
- C) Umpire Committee
- D) Players' registration Committee
- E) Finance Committee
- F) Registration of players committee
- G) Constitution, staff and Legal Committee

We say that MCA has been in existence since 1930 and the committees and sub-committees have been created based on the past experience and requirement. It will be therefore necessary to have adequate number of Committees /Sub-Committees to take care of the huge workload of the Association.

5. Voting rights to International Cricketers.

Mumbai Cricket Association has clubs as its members. There are maidan clubs, office clubs and school/college clubs which form the members of the Association. Each member club has voting rights which is exercised by one representative of each club. As such no individual has voting rights. Also the Lodha Committee had only recommended that International players should be granted memberships of the Association. There is no mention of granting voting rights to them. Assigning voting rights to international cricketers would amount to altering the foundation of the Association and hence we submit that voting rights should not be assigned to individual cricketers.

The International Players will have membership of Players Association to take care of their interest where they will also have voting rights. There are two representatives in the Apex Council from the international players. In addition the international players may be coaches, managers, commentators and may be mentors of teams, which will be clearcut Conflict of Interest, on which subject Lodha Committee has heavily come down. Also refer to Definition of member (w), which has excluded the International players as "Member". Therefore, the Association having Clubs as voting members cannot give right to individual International players. Members in the category of Patron, Hon. Life and Doner members and Associate members have been denied voting rights in general body. Therefore, international players should also be excluded from the voting at general meeting though they shall be invited and shall attend the meeting and make their contribution/ suggestions.



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-9-

6. Qualification of Chief Executive Officer

We say that the new Constitution provides for Qualification of Chief Executive Officer and state that he should be a management professional with management experience of at least 5 years as the CEO/MD of a company with a turnover of at least Rs. 100 Crore.

We understand that a person with the above qualifications will be required to be paid a salary of more than Rs. 2 crores per annum. In addition he may not know the intricacies involving local cricket activities/issues. Association which is a public trust, cannot afford such a huge financial burden and cost. Also, Association will have to pay for 6 managers whose salaries may go upto Rs.12 lakhs each, per annum. Thus the Association will land up paying salaries to the tune of Rs.3-4 crores in a year for this top management. The Association does not have any major income apart from the Subsidy from BCCI and income from One Day International and T20 matches. There is no income from the Test match.

We say that the criteria of C.E.O. should be decided by Apex Council.

7. Complimentary tickets

We say that Rule 37 (viii) of the new Constitution provides for Complimentary tickets and provides that all sponsor and free allotments shall in no event be more than 10% of the entire seating capacity.

We say that at present the Wankhede stadium has a sitting capacity of 33006. Thus 10% of the same would be 3301 (rounded figure) seats. It is to be noted that MCA has 329 members (cricket clubs) who are allotted 4 free tickets each as per past practice and decisions of general body of the association. Further there are various government commitments and BCCI commitments which are to be provided complimentary tickets. Hence it is not possible to manage in 10% of the capacity.

8. Appointment of Ombudsman and Ethics officer

In case of dispute the Association presently charges Rs. 1,000/- as protest fee and such disputes regarding matches need to be adjudicated within one week as tournaments are ongoing. A retired High Court Judge will not do that job at that cost and in such short time, So the appointment may be optional and temporary.

These are the broad and glaring instances where the changes should be allowed. There are certain impractical clauses which also may be allowed to change, as per the requirement of smooth functioning.



Mumbai Cricket Association

CRICKET CENTRE, WANKHEDE STADIUM, 'D' ROAD, CHURCHGATE, MUMBAI - 400 020.

TEL.: 2279 5500, FAX: 91-022-2279 5566/67/68

E-mail : mcacrik@mumbaicricket.com, Website : www.mumbaicricket.com

-10-

Therefore, with utmost due respect and most humbly we submit that proposing the uniform constitution under the Hon'ble Supreme Court order for State Associations, without taking into account the application of above factors and without proper interpretation of those orders, without understanding long term effects on working of State Associations and without taking State Associations in confidence for their specific requirements, the uniform constitution may not be enforced on State Associations and the views of each association should be considered with a view to improve their functioning.

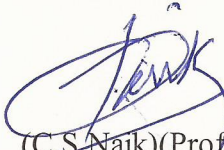
We trust that your goodself will take due note of the difficulties expressed above and help in resolving the pending issues. We would also be thankful if we can have a personal hearing in the matter.

It is thus prayed that all above submissions may be allowed and any other changes which are not contrary to Lodha Committee recommendations and Hon'ble Supreme Court order be allowed.

Looking forward to hearing from you.

We remain.

Yours Sincerely,


(C.S. Naik)(Prof. Dr. Unmesh Khanvilkar)
C.E.O. Authorised Signatory