

OMBUDSMAN AND ETHICS OFFICER

CRICKET ASSOCIATION OF UTTARAKHAND

In the Complaint of:

Kumar Thapa and Another

...Complainants

Vs.

Mahim Verma and Another

...Respondents

ORDER

Appointment of Ombudsman and Ethics Officer of Board of Control for Cricket in India (hereinafter being referred to as BCCI) or for that matter in any State Cricket Association has its origin from a judgment of Hon'ble Supreme Court in Civil Appeal 4235 of 2014 titled as "Board of Control for Cricket Vs. Cricket Association of Bihar and Others" in which the Hon'ble Supreme Court while taking cognizance of certain sporting frauds, conflict of interest, allegations levelled against functionaries of BCCI and certain other important aspects with regard to fair sailing of BCCI thought that though there can be resistance to change as the people already involved in it are used to status quo and any change if perceived was going to affect their vested interest in terms of loss of personal ego, status, power or resources had set up a Committee comprising Hon'ble Mr. Justice R.M. Lodha, Former Chief Justice of India as its Chairperson with Hon'ble Mr. Justice Ashokh Bhan and Hon'ble Mr. Justice R.B. Raveendran, Hon'ble Judges of Hon'ble Supreme Court as its Members (hereinafter being referred to as Lodha Committee). This Committee was requested to examine to make and make certain suitable recommendations on certain aspects. It would be relevant to reproduce the extract from Lodha Committee Report:

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"Chapter Seven : Ombudsman, Ethics & Electoral Officers

The functioning of the BCCI cannot be truly transparent and independent without the creation of 3 new authorities essential to its functioning in its new avatar. One to resolve internal conflicts independent of the BCCI, another to administer the principles governing conflict of interest, and a third to ensure that the process of selecting office bearers is clean and transparent.

... ..

In order to reduce the judicial role and the burdening of the courts and to expedite dispute resolution, the Committee therefore recommends the appointment of a retired judge of the Supreme Court or a former Chief Justice of a High Court as the Ombudsman of the BCCI, to be appointed once a year at the Annual General Meeting. This Ombudsman shall, either on a reference by the Apex Council or on a complaint by a Member/Franchisee/Zone/Players'

Association/Player/Team Official/ Administrator or suo motu (on its own), investigate and resolve any dispute between the Board and any of the above entities or among themselves by following due principles of natural justice, production of evidence and fair hearing.

The Ombudsman may also entertain and redress any grievance or complaint by members of the public if they concern ticketing, access and facilities

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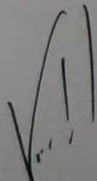
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at stadia, and lack of transparency in the award of contracts for goods and services."

Hon'ble Supreme Court thereafter accepted the report submitted by Lodha Committee and the recommendations made therein with certain modifications. It is then the Constitution of BCCI was finalized by the Hon'ble Supreme Court. BCCI Constitution as approved by Hon'ble Supreme Court contained therein certain provisions that were mandatorily to be the part of State Association Constitution also.

Cricket Association of Uttarakhand (hereinafter being referred as CAU) at Dehradun was registered under Societies Act 1860 in the year 2002 and later got its affiliation from the BCCI as a full Member. Before being affiliated with the BCCI, the CAU had to accordingly amended its Constitution containing many provisions which were virtually in tune with the Constitution of BCCI. The concept of Ombudsman and Ethics Officer has come into effect percolating down from Lodha Committee report and BCCI Constitution being approved by Hon'ble Supreme Court, it is mandated to be part of CAU structure also. It is how I came to be appointed as Ombudsman and Ethics Officer of CAU and immediately thereafter a mechanism was evolved by me for acceptance of any complaint within the parameters of provisions of CAU so as to ensure that only genuine complaint(s) is received and ultimately entertained and decided by me. I, thus issued practice directions on 26.8.2020 known as Practice Directions CAU-1/2020. This mechanism was adopted by me to facilitate smooth functioning of the office of Ombudsman and Ethics Officer of CAU. The said practice directions are available on the website of CAU also.



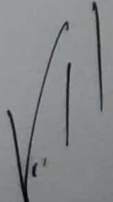
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The present complaint filed by Mr. Kumar Thapa (Complainant No. 1) and Mr. Arjun Negi (Complainant No. 2) is the first complaint which is to be dealt with now by me as Ombudsman of CAU. In my view it is in tune with the practice directions. The respondents herein are the office bearers of CAU namely Mahim Verma, Hon. Secretary, CAU (Respondent No.1) and Prithvi Singh Negi, Hon. Treasurer, CAU (Respondent No. 2).

Both the complainants in short have averred in their complaint that they are the members of Cricket Association Uttarakhand and were appointed as Team Managers for Men's Senior Team and Boys U-23 Team respectively for the season 2019-2020. Their assignment period was between 1.9.2019 to 15.3.2020, during the schedule of the tournament for which they were assigned as Team Managers, which assignment according to the complainants was successfully accomplished to the satisfaction of CAU. The complainants further assert that as per terms of agreement, their professional fees along with DA is to be paid to both the Complainants Mr. Kumar Thapa and Mr. Arjun Negi, but the agreed amount has not been released to them despite the task being complete at their end for which they have approached respondent No. 1 several times and now the payment has been put on hold by respondent No. 2 only raising his concern about instance of conflict of interest regarding their appointment as Team Managers of the aforesaid two teams. Both the complainants further assert that this issue was never raised when their appointments were made by CAU till the accomplishment of the task. Both the complainants thus pray for release of the aforesaid amount at the earliest.



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Finding *prima facie* substance in the complaint, I put both the respondents to notice seeking their respective response to it, which was duly filed by both of them separately, copy thereof was exchanged between both the respondents and also forwarded to the complainants.

Mahim Verma, Hon. Secretary, CAU (respondent No. 1) while admitting the appointment of both the complainants as Team Managers for the aforesaid teams respectively also admits the amount of remuneration to be paid to them as claimed, but with regard to non-payment of the said amount to the complainants, he has put the blame on Hon. Treasurer (respondent No.2) stating that he is one who has not released the payment raising his concern of possible conflict of interest in appointment of both the complainants as Team Managers. Respondent No. 1 has further averred in his reply that in this regard even an advice was sought from the empaneled legal Advisor of CAU namely Shri V.B.S. Negi, Senior Advocate on 26.11.2020 and in his legal opinion, appointment of Member of Cricket Association of Uttarakhand as Manager of the Team would not amount of conflict of interest in view of Provision 38 of CAU Rules. He has further averred that the matter was then placed before respondent No. 2 once again for releasing the amount due to the complainants, but he in turn, asked the CEO of CAU to seek advice from Ethics Officer. However, Ethics Officer returned the reference sent by CEO as unanswered on the ground that the advice sought on the issue by the Ethics Officer would be beyond his jurisdiction.

Respondent No. 1 along with the present conflict where the payment is due to the complainants since long has also brought forward certain other instances stating that it is respondent No. 2 who is creating hurdles in releasing the

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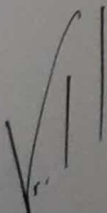
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amount to many other professionals, service providers, vendors etc. who have already provided their effective services to the Association, not only that he refuses to sign the cheques for releasing of the payment which is creating severe problems even for current cricketing season. In short, respondent No. 1 is in favour of releasing the payment to the Complainants who have efficiently accomplished their task to the satisfaction of CAU and in support of his assertions he has relied upon certain documents attached with the reply filed by him.

If one goes by the reply filed by respondent No. 2, it primarily revolves around only one issue that both the complainants are Members of Cricket Association of Uttarakhand, therefore, cannot derive any benefit financially or otherwise from any other source. He asserts that appointment of Mr. Arjun Negi by respondent No. 1 as Senior Team Manager is otherwise bad, he being Member of other Associations relating to Cricket. Not only that respondent No. 2 in his wisdom questions the jurisdiction of the Ombudsman to entertain and decide the present complaint on the pretext that he had sought advice from him being Ethics Officer also but he has not received any response in this regard. Besides other ancillary issues, primarily he has sought dismissal of the complaint on the point of jurisdiction of the Ombudsman to entertain the complaint and then raising the issue of conflict of interest.

Respective written submissions by the complainants as well as both the respondents have also been received by me.

On prior intimation to both the sides through CEO of CAU, further proceedings of the present complaint were held by me on 28.1.2021. CEO was also directed to make himself




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available in the proceedings along with the relevant records concerning the present complaint. Hearing was held in a room made available to me at a reputed hotel at Dehradun as the Ombudsman doesn't have any space setup till date in the office of CAU, may be due to space constraints. Ombudsman doesn't have any supporting staff till date, therefore, I had brought my Steno from Chandigarh. I did not ask for even a second room for holding the proceedings to avoid the unnecessary expenditure of CAU. However, the proceedings were held adhering to the complete protocol of Covid-19 religiously.

It may be noted here that in the first half of the hearing (pre-lunch session) both the complainants and respondent No. 1 were heard as respondent No. 2 had projected his difficulty of appearing in the pre-lunch session and raised no objection of hearing the complainants and respondent No. 1 in his absence informing CEO of CAU telephonically that he would make himself available in the second half of the day (post lunch session). It is how both the complainants and respondent No. 1 were heard in the first session of the hearing and respondent No. 2 was heard in the second session of the hearing when the complainants and respondent No. 1 had already left. Order was reserved by me.

Both the complainants in one voice prayed for release of their dues for the task they have already accomplished since long to the satisfaction of CAU submitting that raising of issue of conflict of interest as their Team Managers being Members of CAU by respondent No. 2 has no substance in it as it was never pointed out when both the complainants were assigned the task of Team Managers on 01.09.2019 by CAU and withholding their payment at this stage virtually by respondent No. 2 is absolutely professionally unethical and



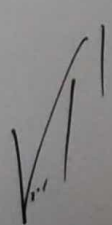
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uncalled for. They also submitted that once their assignment as team managers was complete any allegation of instance of conflict of interest doesn't survive as the assignment is over and any allegation thereafter becomes infructuous. In long and short they want their dues for the task they have already completed.

Respondent No. 1 on the other hand while admitting the liability of CAU to release their dues has passed over the blame upon respondent No. 2 stating that the matter of release of payments of professionals was taken up in the Apex Council Meeting of CAU on 14.06.2020 and it was resolved that all the payable liabilities approved by the Apex Council were to be processed and released at the earliest. He further submitted that this issue was again taken up in Special General Body Meeting held on 21.07.2020 wherein it was resolved that the President, Hon. Secretary and Hon. Treasurer would sort out all the issues and clear all the pending payments within 7 days of meeting. He further submitted that after the funds were received from BCCI, the case of the present complainants was placed before respondent No. 2 but he refused to release the payments raising concern of conflict of interest over their appointments as Team Managers.

On being asked to respondent No. 1 as to how he justifies the various appointment letters being given to Mr. Kumar Thapa (Complainant No. 1) wherein on 1.9.2019 he was given appointment letter for Vijay Hazare Trophy and Syed Mushtaq Ali Trophy for an assignment fees of Rs. 2 Lacs, and then on 4.9.2019 again an appointment letter was given to him for Vijay Hazare Trophy for Rs. 1.5 Lacs and again an appointment letter was given to Mr. Kumar Thapa for Ranji Trophy for Rs. 3 Lacs, therefore as per respondent




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no 1, what should be the amount which is due to Complainant No. 1 (Mr. Kumar Thapa) to be paid by CAU, he admitted that since CAU got affiliation from BCCI as a full Member in August 2019, and due to which there was a sudden rush of administrative requirements with the cricket season was round the corner at that stage, certain administrative lapses might have occurred on account of inexperience which aspect was also discussed threadbare in an Emergent Apex Council meeting held on 14.06.2020, wherein on agenda of pending payments towards salaries of professionals staff, Managers and clothing vendors, the then CEO clarified the position on the certain discrepancies having arisen in issuing of appointment letters to support staff stating that the discrepancies are at best technical in nature, a decision was unanimously taken by the Apex Council to release the payments in interest of fairness and propriety. Respondent No. 1 submitted that as per his understanding the amount due to Mr. Kumar Thapa (Complainant No. 1) is Rs. 1.5 Lacs for Vijay Hazare Trophy, Rs. 3 Lacs for Ranji Trophy and Rs. 1 Lacs for Syed Mushtaq Ali Trophy, therefore in total Rs. 5.5 Lacs as assignment fees for all three tournaments.

In his least breath of arguments, Mr. Mahim Verma (respondent no 1) raised his concern of how handicapped he is as a Hon. Secretary of the association when the Treasurer creates hurdles in release of payments to the service providers who are working for various activities of the association. According to him, apart from this instant case, there are other payments too that are not being released by the Treasurer for some reason or the other thereby the activities of the association are being hampered. Giving example of a sports apparel agency named SMG IMPEX



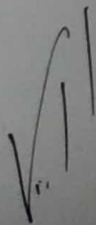
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which provided clothing to CAU teams, this agency was selected as it provided apparel to BCCI and on the same rate as of BCCI he was given the order, the Treasurer has kept on hold around 45 Lacs of amount due to this vendor and since the amount is long due now the said agency is threatening CAU with legal action. He states that Treasurer seldom attends the office of CAU which is also affecting the health of CAU.

Respondent no. 1 submitted that there is a list of payments pending to be released to the various agencies and tendered the said list during the course of his submissions (list supplied will form part of the record as it is initialed by me). He submitted that the activities of association are virtually stalled due to non-payment of dues denting the image of the association badly. He added that as an association they need to keep a balance between release of long pending payments and payments for current ongoing activities, so that activities do not come to a standstill. He submitted that according to the provisions of CAU, Hon. Secretary and the CEO of the association are the best judges to foresee the ongoing activities and determine priority of payments to be released. He also added that CAU being a relatively new association may have had some teething problems in the beginning but they are trying to create and introduce systems and processes like financial powers policy, procurement of goods & services policy, TA/DA policy, HR policy etc. for effective and transparent working of the association. Respondent No. 1 thus urged before me that as an Ombudsman, while dealing with this particular matter with regard to the grievance projected for release of payments due to two persons (Complainants herein) a mechanism may be evolved rendering a solution to the CAU administrative



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structure which mechanism if created would ensure smooth and easy release of payments to the service providers and in turn would save the image of CAU.

Respondent No. 2, however vehemently sticking to his main objection over the issue of Ombudsman not having the jurisdiction to entertain the complaint as asserted in the reply, once again reiterated that he has not received any response in this regard from the Ethics Officer. On a specific query put to him as to whether CEO of CAU has conveyed him the communication received by the CEO in this regard from the Ethics Officer, he stated before me that he has no knowledge of the same. On being asked, the CEO about it, Mr. Aman Singh, CEO confirmed that he had forwarded the email of the Ethics Officer to the Hon. Treasurer on email on 13.12.2020 itself. In his rebuttal, when respondent No. 2 was confronted, he stated that he had not checked his email within that period till the time he had submitted his reply on 5.1.2021, as he is very casual in seeing his e-mail, therefore, he had no idea about the reply sent by the Ethics Officer. He however, reiterated his stand once again that the appointment of both the complainants as Team Manager is wrong. He also submitted in his arguments about the potential instance of conflict of interest in the appointment of Mr. Kumar Thapa and Mr. Arjun Negi as team managers of their respective teams, as according to him, Mr. Kumar Thapa (Complainant No.1) is a member of the CAU and Mr. Arjun Negi (Complainant No. 2) is a member of CAU, director of District Cricket Association of Dehradun and also member of District Cricket Association of Tehri Garwal, therefore appointing them as Team managers for their respective teams attract conflict of interest. He, however, has not disputed the fact or raised any concern over the

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accomplishment of task by both the complainants as Team Managers between the period 01.09.2019 to 15.03.2020. So far as appointment of Mr. Arjun Negi as EA to Tournament Director is concerned which a point raised by the respondent No. 2 in his reply, the CEO Mr. Aman Singh brought to light the fact that the BCCI has already done the payment directly to Mr. Arjun Negi, to which the respondent no 2 submitted that in that case he would withdraw his objection regarding appointment of Mr. Arjun Negi as EA to tournament Director. He also admitted the fact that certain payments are still due but in his wisdom since there are many irregularities in that, the payments are not being released by him. To wrap up his arguments he lastly submitted that both the complainants are not entitled to any amount on the pleas raised by him, therefore, the compliant filed by them merits dismissal.

I, for my satisfaction have also perused the record placed before me by Mr. Aman Singh CEO of CAU.

Since respondent No. 2 who is Treasurer of CAU has raised a question of jurisdiction of Ombudsman stating that he cannot entertain the present complaint as there was a demand of advice sought from him as Ethics Officer regarding the appointments of the Complainants, thus there being conflict of interest involved and that being pending with the Ethics Officer who is the same person as Ombudsman, he has no jurisdiction and authority to hear the present complaint, let me first of all deal with this objection raised by respondent No. 2 before entering into factual aspects of the matter.

With regard to conflict of interest, the provisions of Rule 38(1) to 38(5) of BCCI Constitution shall apply *mutatis mutandis* to CAU constitution. Also is clear from Chapter 8

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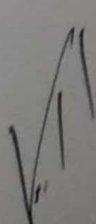
of Constitution of CAU whereas the mode of appointment of Ethics Officer, instance of conflict of interest where the Cognizance is to be taken by Ethics Officer and other relevant factors to be followed by Ethics Officer to declare the conflict of interest as tractable or intractable. It reads:

"39. THE ETHICS OFFICER

- 1) *The Association shall appoint an Ethics Officer at the Annual General Meeting for the purpose of guidance and resolution of instances of conflict of interest. The Ethics Officer shall be a retired Judge of a High Court so appointed by the Association after obtaining his/her consent and on terms as determined by the CAU in keeping with the dignity and stature of the office. The term of an Ethics Officer shall be done one year, subject to a maximum of 3 terms in office.*
- 2) *Any instance of Conflict of Interest may be taken cognizance of by the Ethics Officer:*

Suo Motu; .a

- b. By way of a complaint in writing to the official postal or e-mail address; or*
 - c. On a reference by the Apex Council;*
- 3) *After considering the relevant factors and following the principles of natural justice, the Ethics Officer may do any of the following:*
 - a. Declare the conflict as Tractable and direct that:*



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- i. *The person declare the Conflict of Interest as per Sub- Rule(3);or*
 - ii. *The interest that causes the conflict be relinquished; or*
 - iii. *The person recuse from discharging the obligation or duty so vested in him or her;*
- b. *Declare the conflict as Intractable and direct that:*
- i. *The person be suspended or removed from his or her post; or*
 - ii. *Any suitable monetary or other penalty be imposed; and*
 - iii. *The person be barred for a specified period or for life from involvement with the game of cricket;*

The Ethics Officer is wholly empowered to also direct any additional measures or restitution as is deemed fit in the circumstances."

In my considered view the objection raised by respondent No. 2 has no substance in it and it falls flat on two grounds, firstly that in the capacity of being an Ethics Officer, when the email was received seeking advice the same was replied back by Ethics Officer clearly mentioning that the reference seeking advice was being sent unanswered as the Ethics Officer can take cognizance of instance of conflict of interest only as per provisions of CAU Constitution. It is a

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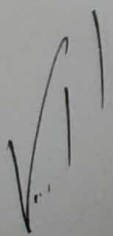
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matter of record that the communication of Ethics Officer was duly forwarded by CEO of the Association to the Treasurer (Respondent No. 2). Also. On being enquired from the CEO, if there has been any communication from the Treasurer to the association between the period from 13.12.2020 to 5.1.2021, the CEO stated that there were some communications sent by the Treasurer to the association between the said period, to which he had shown the relevant records to me. After going through the records, it can be safely presumed that the Treasurer must have seen the email sent by the CEO to him on 13.12.2020. So the statement made by respondent No. 2 which is reiterated also before me is factually not correct. I show all my constraints on commenting over it lest it may create bickering in the in-house functioning of CAU which otherwise has gone haywire for one and many reasons and certain corrective measures are required to be adopted for streamlining its business which aspect also calls for due consideration. Fact of the matter is that respondent No. 2 is a responsible office bearer of CAU along with President and its Secretary and CAU expects a lot from him.

The issue, whether the Ethics Officer has jurisdiction to give any advice or opinion on an instance of conflict of interest to any office bearer, the answer is inbuilt in Rule 39 of the Constitution of CAU which clearly states as to when an Ethics Officer can take cognizance of any matter. As per provision 39(2), the Ethics Officer may take cognizance in an instance of conflict of interest (a) *suo motu* (b) by way of a complaint in writing (c) on a reference by Apex Council. It would not be out of place to mention here that the purpose of Ethics Officer as provided in the Constitution is guidance and resolution for instances of conflict of interest.



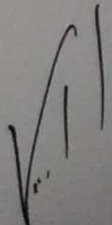
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Therefore, in case of a cognizance of a *suo motu* and/or reference by Apex Council for the instance of conflict of interest, the Ethics Officer shall provide guidance and with regard to cognizance with respect of complaint filed, the Ethics Officer shall resolve the dispute. It is in these circumstances, the advice sought by the Treasurer (Respondent No. 2) was absolutely uncalled for and in my view the Ethics Officer had rightly sent it back as unanswered. In this background the present complaint filed under the provisions of 41(1) (a) of the Constitution falls exclusively within the ambit of jurisdiction of the Ombudsman. The preliminary objection thus, raised by respondent No. 2 is hereby rejected.

Having decided the preliminary objection raised by respondent no. 2 vis-a-vis the jurisdiction of the Ombudsman, the other main issue that now survives is with regard to the payments due to the complainants for which they have knocked the doors of the Ombudsman and the said release of payment is being stalled only at the end of respondent no. 2, there being otherwise no objection having been raised by respondent no. 1 the Hon. Secretary of CAU, rather admitting the payment due to the complainants on their accomplishment of respective tasks as per the satisfaction of CAU. The stumbling block now raised by the respondent no. 2 is the instance of conflict of interest for the reason that both the complainants are the members of the CAU and one of them is also member/director of two district cricket associations. In my considered view, it is purely an attempt to hold on the payments for one or the other reasons. The most interesting feature of the present case is that the assignment of the complainants as Team Managers for respective teams has since been long over as both the



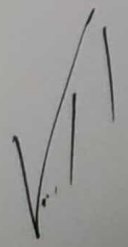
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complainants had completed their tasks by the end of March 2020 which is an admitted position before me. In such like situation, stopping the payment on the plea of probable instance of conflict of interest at the end of respondent no. 2 does not survive at all. Not only that it is not the case of respondent no. 2 that both the complainants have not completed their jobs to the satisfaction of CAU and now asking for monetary compensation for the same being in gloves with any of the office bearer or for that matter any person connected with the affairs of CAU.

I am conscious of the fact that respondent no. 2 has drawn my attention to three documents available on file with regard to amount to be paid to Mr. Kumar Thapa (complainant no. 1) in connection with his being team manager for two different formats i.e. Vijay Hazare Trophy and Syed Mushtaq Ali Trophy which aspect, undoubtedly would be considered by me when the amount due to the complainants is to be finalized. That apart, what appears to me is that respondent no. 2 is now trying to flog a dead horse, in fact wants to satisfy himself in raising the present objection of probable instance of conflict of interest whereas, he within the provisions of CAU Constitution had an opportunity from a different channel altogether to approach the Ethics officer projecting an instance of conflict of interest, if any surviving in the present case which he did not chose to. Therefore, this objection raised by respondent no. 2 at this fag end being the Treasurer of CAU cannot be considered for any discussion on this forum at least when the present complaint is being entertained and decided by me as Ombudsman only. Therefore, very carefully and cautiously I am refraining myself from commenting upon the instance of conflict of interest at hand.



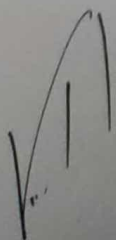
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Although the case at hand is one which does not call for any adjudication on the instance of conflict of interest, as already observed by me in the preceding para, the present forum being different, yet one must understand academically the concept of conflict of interest. Since the principle of conflict of interest is to be followed *mutatis mutandis* to the relevant provisions of BCCI Constitution, but there is a fundamental difference in the structure of membership in BCCI and state associations. Like many state associations, CAU also has individual memberships apart from other categories. It is, therefore, important to understand and take into consideration the fundamentals of Cricket governance at the level of State Cricket Association, its operational processes and multi-tasking necessities for human resources while dealing with the instances of conflict of interest. In State Associations, generally individual memberships are granted to individuals who are involved in the cricketing activities and contribute to the development of Cricket in that very State. Such individual are generally entrusted with the responsibility based on his expertise and ability. It is also worth mentioning here that any instance of conflict of interest would survive till either the conflict is surviving or the assignment or task in question is continuing. Any allegations for that matter cropping up post facto in a stale matter would become infructuous by efflux of time.

Now the issue regarding as to what payment is due to both the complainants falls for my consideration. As regards to the amount due to be paid to Mr. Arjun Negi it is clear that as per the terms of the appointment letter he is to be paid Rs 4 Lacs for his appointment as Team Manager for Boys Under 23 Team along with other permissible allowances . As regards to the payment due to Mr. Kumar Thapa, if all the



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appointment letters issued to him are to be collated then total amount comes to Rs. 6.5 Lacs along with other permissible allowances. However, by his own admission by respondent No. 1 (Hon. Secretary) due to certain administrative lapses different appointment letters were issued to Mr. Kumar Thapa, he himself submitted that as per his understanding the total amount due to be paid to Mr. Kumar Thapa would be Rs. 5.5 Lacs plus other permissible allowances. Although on one hand I am inclined towards giving benefit of doubt to the Hon. Secretary and the association for administrative lapses on account of inexperience as one can easily appreciate. It is very well understandable that there can be teething problems which any cricket association would face in the beginning especially when its complexion is altogether changed after becoming affiliate member of the BCCI. It emerges from the records of CAU that in its Emergent Apex Council meeting held on 14.06.2020 and Special General Body Meeting of the Association held on 31.07.2020 took up the agenda of the payments due to others and decided that the issue be sorted out by the President, Hon. Secretary and Hon. Treasurer, yet I being the Ombudsman consider it to be my duty that in the best interest of CAU, no undue amount should be disbursed may be on account of administrative lapses whatsoever. Therefore, after considering the appointment letter dated 1.9.2019 for Vijay Hazare Trophy and Syed Mushtaq Ali of Rs. 2 Lacs as professional fees, appointment letter dated 4.9.2019 for Vijay Hazare trophy of Rs. 1.5 Lacs and appointment letter for Ranji Trophy of Rs. 3 Lacs, in my view the amount due to be paid to Mr. Kumar Thapa (Complainant No. 1) should be Rs. 5 Lacs plus other permissible allowances that being Rs. 3 Lacs for Ranji Trophy, Rs. 1.5 for Vijay Hazare Trophy and Rs. 0.5 Lacs for Syed Mushtaq Ali Trophy. He is not, thus entitled to the

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entire amount of Rs. 6.5 lacs as claimed by him or even Rs. 5.5 lacs as stated by respondent No. 1. It is however made clear that since there is no dispute with regard to the amount to be paid to Mr. Arjun Negi to the tune of Rs. 4 lacs plus other permissible allowances except the objection raised by respondent No. 2 which has already been adjudicated and rejected accordingly, he will also be entitled to the said amount. **Ordered accordingly.** CAU is directed to release the payments to both the complainants within 7 days from today by any modus of payment already persistent within CAU. Any delay in it on any count by any office bearer including the Hon. Treasurer (respondent No. 2) would be taken very seriously by me.

Having wrapped up the main issue arisen in the complaint vis-a-vis the payment in the aforesaid terms to both the complainants, another important aspect which has surfaced before me from the pleading and from arguments put across as well and cannot be just ignored, rather needs immediate attention/indulgence by me, is that the huge delay in release of the payments by CAU with regard to the pending bills and the future payments as well.

It is known to all concerned that CAU just after being granted full member affiliation of the BCCI was entrusted with the responsibility of hosting various domestic cricket matches like Vijay Hazare Trophy, U23-One Day Trophy, Ranji Trophy matches, junior domestic matches etc. CAU's U-19 team also performed exceptionally well last season having reached the semi-finals in Cooch Behar Trophy. In the current season also CAU has appointed former indian test cricketer Mr. Wasim Jaffer as coach for Men's Senior team for the season 2020-21. This is intended to raise the bar of Uttarakhand Cricket. CAU is also bringing experienced



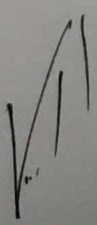
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domestic players who have played IPL as guest players playing for CAU and this will help the team collectively as these players have experience that will help the local home grown players of Uttarakhand.

This is one aspect of which CAU should feel proud of as it is bringing laurels to the State of Uttarakhand and aiming to produce best Cricketers (male and female) in future, but at the same time CAU is stalling its functioning by not making payments to the persons, firms who are associated to CAU one way or the other and have already rendered their services to the satisfaction of CAU. It is a very sad state of affairs that in less than two years of getting affiliated with BCCI, CAU is earning bad name and instead of moving forward, it is going backward. It is giving bad name to State of Uttarakhand as well. After looking at the present case and otherwise the situation which has emerged before me, it appears that both the respondents herein are not pulling on well and that is creating hurdle in functioning of CAU which has not even completed its second year after getting affiliation with BCCI. Not only that it does not have even full-fledged running office including the office of Ombudsman and Ethics Officer. This being a very important aspect cannot be just brushed aside by me, therefore, some permanent mechanism for release of payments at least is required to be evolved for the reason that for any Cricket Association outsourcing is always required and this is a very common feature for that purpose regular payments are required to be made in routine without any delay. Any delay in release of these payments would stall the functioning and activities of the Association creating hurdles for an effective functioning of the Association. Personal egos and for that matter any other unfounded reason should not come in the way of



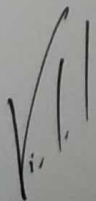
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functioning of any Cricket Association whereas CAU is giving me a different picture altogether. At any cost, reputation of CAU will not be allowed to fall prey in such like situations. It is not acceptable to me at all. Therefore, an instant solution is required to be evolved to save CAU from earning any bad name in future.

For any association President, Hon. Secretary and Hon. Treasurer are very important limbs for the smooth functioning of the association and their respective powers and duties are very well defined in the provisions of the CAU Constitution itself, their coordination as such is of utmost importance considering their powers and duties prescribed as their appears to be no overlapping in this regard. Therefore, it is expected of these three responsible office bearers to coordinate with each other for smooth sailing of the cricket association, whereas in the case at hand as emerged, it speaks volumes of lack of coordination between the Hon. Secretary and Hon. Treasurer and the apprehension in my mind is that CAU might not sink at this very juncture, therefore, a serious thought is required so as to avoid such like situation to be faced by CAU in near future. The present created situation, in my view cries for a solution, therefore, an instant mechanism is the need of the hour. In my considered view, it would be most appropriate in the fitness of the present situation of CAU that a committee consisting of three office bearers viz. the President, Hon. Secretary and Hon. Treasurer is constituted forthwith of which the CEO of the association shall be the convener and I direct accordingly. The CEO who is otherwise vested with the responsibility of day-to-day management of the affairs of the association shall provide the list of pending cases/files to this newly constituted committee where the payments are due along



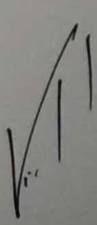
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with his recommendation as to the priority of payment to be made considering a balance between overdue previous pending payments and payments required for ongoing activities of the association so as to ensure that the activity of current season are also not hampered with on account of non-payment of dues, undoubtedly keeping in view the financial health of the CAU. It is further directed that the constituted Committee, without any delay shall hold its first meeting within 4-5 working days of this order wherein all the items in the list regarding pending payments shall be taken up for consideration and the items falling in the list if approved by majority (any two of the three members) shall be considered as '**Approved Item**' for the purpose of release the payments forthwith. However, if on any item if all the three members of the Committee agree that it needs further clarification or details, the said item shall be deferred till the next meeting, but not beyond that, causing any further delay. It is made very clear that all the item(s) considered and approved by the majority shall be considered as '**deemed to have been approved**' and thereupon the payment shall be made to the concerned individual/firm/organization within 4 working days. The Hon. Secretary and Hon. Treasurer (Respondents No. 1 and 2 herein) in that eventuality shall be duty bound to sign the cheques for such approved payment(s).

It is further directed that the meeting of the aforesaid constituted Committee for the release of payment(s) shall be held once a week at least irrespective of pending payments and that CEO shall submit a status report to the Ombudsman after every 15 days unless as directed otherwise.



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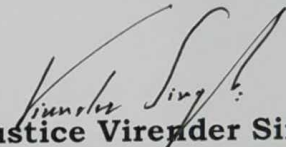
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In case of default or non-adherence of this order by any concerned individual/office bearer shall call for a stern action as per the provisions of the CAU Constitution.

This order (in original) signed by me shall now form part of the record of the office of Ombudsman of CAU, scanned copy thereof is being sent to both the complainants, both the respondents and the CEO of CAU through email today itself on their respective email addresses available with me. The CEO is further directed to put this order on official website of CAU without any delay and intimate accordingly.

Record of the present complaint has been retained by me which shall be transmitted to CEO in due course.

Announced on
Date: 03.02.2021
At Chandigarh


Justice Virender Singh
Former Chief Justice
Ombudsman
Cricket Association of
Uttarakhand (CAU)