

From: Committee of Administrators <coa@bccci.tv>

Date: Sun, Nov 4, 2018 at 9:14 AM

Subject: Further Amendments for Compliance with the Hon'ble Supreme Court's judgment dated 9th August 2018

To: Bengal CA <cab@bengalcricket.com>, Bengal CA-Sourav Ganguly <cabpresidentscg@gmail.com>

Cc: Rahul Johri <rahul.johri@bccci.tv>

Dear Madam/ Sirs,

In terms of the Hon'ble Supreme Court's judgment dated 9th August 2018 ("Judgment"), the Committee of Administrators has filed its Tenth Status Report dated 28th October 2018 with reference to the compliance undertaken by the State Associations and seeking certain directions including that a direction to each of the Partially Compliant State Associations in Category B (as mentioned in the Tenth Status Report) to further amend their respective new constitutions to carry out such further amendments as are communicated to them by the Committee of Administrators.

Your association is one of the 10 Partially Compliant State Associations in Category B as per the Tenth Status Report. Accordingly, attached are the further amendments that need to be carried out in the amended constitution of your association.

Your attention is also drawn to the email dated 29th October 2018 addressed by the Committee of Administrators to all State Associations regarding membership structure. The Committee of Administrators is yet to receive a response from your association to the said email. While the issue of granting automatic membership to former international cricketers (men and women) is addressed in the attached further amendments, additional amendments may be identified after considering your response (once received) on the issue of how your association has divorced/ separated the membership of any social club that is part of your association from the administration of cricket. Accordingly, kindly respond to the said email at the earliest in order for the Committee of Administrators to ascertain what (if any) additional amendments may be required in your constitution.

The Committee of Administrators trusts that your association will take necessary steps to become compliant with the Judgment at the earliest.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators

Encl.: Draft Amendments to your Constitution

DRAFT AMENDMENTS TO THE CONSTITUTION OF CRICKET ASSOCIATION OF BENGAL

SR. NO.	EXISTING	PROPOSED
1.	<p>Rule 3(A)(i)</p> <p>“BOARD OF TRUSTEE” shall mean the Body of the Trustees duly elected in accordance with the Rules.</p>	<i>To be deleted</i>
2.	<p>Rule 3(A)(o)</p> <p>“CRICKET PLAYERS’ ASSOCIATION” refers to the association of Players so constituted and governed by the Code for the Cricket Players’ Association.</p>	<p>Rule 3(A)(o)</p> <p>“CRICKET PLAYERS’ ASSOCIATION” refers to the Cricket Players’ Association <u>as per the BCCI Constitution.</u></p>
3.	<p>Rule 3(A)(pp)</p> <p>“TRUST” shall mean Trust created by the General Body of the Association in accordance with Law.</p>	<i>To be deleted</i>
4.	<p>Rule 3(A)(qq)</p> <p>“TRUSTEE” shall mean the person elected by the General Body of the Association from time to time as per the Rules of the Association to manage, control and deal with the corpus of the Trust and affairs vested and/or that may be vested from time to time by the Association in accordance with law.</p>	<i>To be deleted</i>
5.	<p>Rule 7(a)</p> <p>(i) Clubs (ii) District Associations (iii) Office Sports Federation (iv) Universities and</p>	<p>Rule 7(a)</p> <p>(i) Clubs; (ii) District Associations; (iii) Office Sports Federation; (iv) Universities;</p>

SR. NO.	EXISTING	PROPOSED
	(v) Technological Students Gymkhana (IIT, Kharagpur)	(v) Technological Students Gymkhana (IIT, Kharagpur); and <i><u>(vi) Former international cricketers (male and female) hailing from West Bengal.</u></i>
6.	<p>Rule 7(c)</p> <p>ANNUAL UPDATES: All Affiliated Members shall, on or before 15th November of each year, inform and update the Association as to the names of their Office Bearers and the members of their respective Governing Bodies/ Managing Committees, their respective tenures, the audited statement of accounts and the balance sheets.</p>	<p>Rule 7(c)</p> <p>ANNUAL UPDATES: All Affiliated Members <i><u>(other than former international cricketers)</u></i> shall, on or before 15th November of each year, inform and update the Association as to the names of their Office Bearers and the members of their respective Governing Bodies/ Managing Committees, their respective tenures, the audited statement of accounts and the balance sheets.</p>
7.	<p>Rule 8(iii)</p> <p>The Association shall grant automatic membership to former international players hailing from the State.</p>	<p>Rule 8(iii)</p> <p>The Association shall grant automatic membership <i><u>as Affiliated Members (with the right to attend and vote at General Body meetings of the Association as well as the right to contest elections to any post in the Association)</u></i> to former international players hailing from the State.</p>
8.	<p>Rule 9(1)</p> <p>Each Affiliated Member shall have one vote, to be exercised through its authorized Representative.</p>	<p>Rule 9(1)</p> <p>Each Affiliated Member shall have one vote, to be exercised through its authorized Representative <i><u>or, in the case of former international cricketers, to be exercised personally.</u></i></p>
9.	<p>Rule 9(2)</p>	<p>Rule 9(2)</p>

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	<p>An Affiliated Member, required to submit the annual or other accounts, balance sheets or statements of expenditure either under these Rules or under the rules of any tournament/ match, or under the resolutions or decisions of the Association relating to any grant, fails to submit the accounts or the statements of expenditure relating to such grant, tournament, match or otherwise, within the period stipulated thereunder, shall not be entitled to any further financial grants from the Association till the requirement is complied with.</p> <p>...</p>	<p>An Affiliated Member (<i><u>other than a former international cricketer</u></i>), required to submit the annual or other accounts, balance sheets or statements of expenditure either under these Rules or under the rules of any tournament/ match, or under the resolutions or decisions of the Association relating to any grant, fails to submit the accounts or the statements of expenditure relating to such grant, tournament, match or otherwise, within the period stipulated thereunder, shall not be entitled to any further financial grants from the Association till the requirement is complied with.</p> <p>...</p>
10.	<p>Rule 11(f)</p> <p>The Affiliated Members shall have the right to attend the Annual General Meeting and to take part in voting and also to nominate any person either in the election of the Apex Council or nominate, propose or second any person for being elected as a Trustee.</p>	<p>Rule 11(f)</p> <p>The Affiliated Members (<i><u>including former international cricketers</u></i>) shall have the right to attend the Annual General Meeting and to take part in voting <u>and also to nominate a candidate for and/or seek election.</u></p>
11.	<p>New Provision to be inserted after Rule 14(f)</p>	<p>Rule 14(g)</p> <p><i>Even though former international cricketers hailing from the State shall be Affiliated Members (with the right to attend and vote at General Body meetings of the Association as well as the right to contest elections to any post in the Association), they shall not be required to pay any subscription, whether lump sum or annual.</i></p>
12.	<p>Rule 15(a)(i)</p>	<p>Rule 15(a)(i)</p>

SR. NO.	EXISTING	PROPOSED
	<p>(i) No Affiliated Member shall be eligible to attend, vote for election or to nominate a candidate or seek election at the Annual General Meeting of the Association or nominate, propose or second any person for being elected as a Trustee unless Annual Subscription and other dues to the Association have been paid on or before 15th July, each year and it does not suffer from any disqualifications as per Rules.</p>	<p>(i) No Affiliated Member <i><u>(other than a former international cricketer)</u></i> shall be eligible to attend, vote for election or to nominate a candidate or seek election at the Annual General Meeting of the Association unless Annual Subscription and other dues to the Association have been paid on or before 15th July, each year and it does not suffer from any disqualifications as per Rules.</p>
13.	<p>Rule 15(a)(ii)</p> <p>The Apex Council may remove the name of any such defaulting member after 15 days notice has been served under registered post, should the Annual Subscription and other dues, if any, of the said affiliated member remain unpaid on the 31st July each year. Any notice served at the registered address shall be deemed as duly served.</p>	<p>Rule 15(a)(ii)</p> <p>The Apex Council may remove the name of any such defaulting member after 15 days notice has been served under registered post, should the Annual Subscription and other dues, if any, of the said affiliated member <i><u>(other than a former international cricketer)</u></i> remain unpaid on the 31st July each year. Any notice served at the registered address shall be deemed as duly served.</p>
14.	<p>Rule 17(1)(c)</p> <p>Right to propose or second along with other Two Affiliated members nomination of a person for being elected for the Office of the Chairman of the Board of Trustees or a Trustee thereof in the General Meeting (subject to fulfillment of the requisite qualification by the said person as prescribed in TRUST RULES) in the prescribed Form as at APPENDIX -E subject to the provision of Rules 15(a), provided however, only One person can be either proposed or seconded at</p>	<p><i>To be deleted</i></p>

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	a time by an Affiliated member.	
15.	<p>Rule 21(2)</p> <p>The authorized Representatives of the various Affiliate Members shall cast their votes on behalf of their respective Affiliate Members. The Members other than Affiliate Members shall have no right to vote.</p>	<p>Rule 21(2)</p> <p>The authorized Representatives of the various Affiliate Members <i><u>(other than former international cricketers)</u></i> shall cast their votes on behalf of their respective Affiliate Members. <i><u>Affiliated Members who are former international cricketers hailing from the State shall cast their votes personally.</u></i></p> <p>The Members other than Affiliate Members shall have no right to vote.</p>
16.	<p>Rule 22(5)</p> <p>A person shall be disqualified from being an Office Bearer of the Association or any Committee or a representative of the International Cricket Council or any similar organization if he or she:</p> <p>...</p>	<p>Rule 22(5)</p> <p>A person shall be disqualified from being an Office Bearer or <i><u>a member of</u></i> any Committee or a representative <i><u>to the BCCI</u></i> or any similar organization if he or she:</p> <p>...</p>
17.	<p>Rule 31(1)</p> <p>At the Annual General Meeting / Special General Meeting/ Emergent Meeting, each Affiliated Member shall have one vote. Members other than Affiliated Members shall have no vote. A person shall be entitled to vote as the authorized representative of only one affiliated member.</p>	<p>Rule 31(1)</p> <p>At the Annual General Meeting / Special General Meeting/ Emergent Meeting, each Affiliated Member shall have one vote. Members other than Affiliated Members shall have no vote. A person shall be entitled to vote as the authorized representative of only one affiliated member. <i><u>An Affiliated Member who is a former international cricketer hailing from the State shall only be entitled to vote personally and cannot also vote as the authorized representative of another Affiliated Member.</u></i></p>

SR. NO.	EXISTING	PROPOSED
18.	<p>Rule 33</p> <p>CREDENTIAL AT THE MEETING: At the Annual General meeting or the Special General Meeting or the Emergent Meeting, a representative of an Affiliated Member shall submit a letter signed by its Hony. Secretary authorizing the representative to attend the meeting failing which he shall not be allowed to attend the meeting. The name of such representative shall be incorporated in APPENDIX 'A' No other person shall be allowed to attend the Meetings whose name does not appear in APPENDIX 'A'.</p> <p>No person shall be allowed to attend the Meetings if any Affiliated Member fails to submit the APPENDIX 'A' within the stipulated time.</p> <p>Subject to Rule 15(a)(iii), in any Meeting each member having voting right shall be entitled to send only one authorised representative with a Letter of Authority signed by its Hony. General Secretary/Appropriate Authority authorising him to attend the Meeting, failing which such representative shall not be allowed to attend the meeting.</p>	<p>Rule 33</p> <p>CREDENTIAL AT THE MEETING: At the Annual General meeting or the Special General Meeting or the Emergent Meeting, a representative of an Affiliated Member (<i><u>other than a former international cricketer</u></i>) shall submit a letter signed by its Hony. Secretary authorizing the representative to attend the meeting failing which he shall not be allowed to attend the meeting. The name of such representative shall be incorporated in APPENDIX 'A' No other person shall be allowed to attend the Meetings <i><u>on behalf of an Affiliated Member (other than a former international cricketer)</u></i> whose name does not appear in APPENDIX 'A'.</p> <p>No person shall be allowed to attend the Meetings if any Affiliated Member (<i><u>other than a former international cricketer</u></i>) fails to submit the APPENDIX 'A' within the stipulated time.</p> <p>Subject to Rule 15(a)(iii), in any Meeting each <i><u>Affiliated Member (other than a former international cricketer)</u></i> shall be entitled to send only one authorised representative with a Letter of Authority signed by its Hony. General Secretary/Appropriate Authority authorising him to attend the Meeting, failing which such representative shall not be allowed to attend the meeting.</p>
19.	Rule 34(2)(b)	Rule 34(2)(b)

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	Two to be nominated by the Players' Association from amongst themselves, one male and one female;	Two, one male and one female, to be nominated by the Cricket Players' Association from amongst <i>those of its members who hail from West Bengal.</i>
20.	<p>Rule 34(2)(c)</p> <p>One to be nominated by the Comptroller and Auditor General of West Bengal from among the serving senior functionaries of the CAG's office, co-terminus with the nominee's tenure;</p>	<p>Rule 34(2)(c)</p> <p>One to be nominated by the <u>Accountant General</u> of West Bengal from among the serving senior functionaries <u>in the said office</u>, co-terminus with the nominee's tenure;</p>
21.	<p>Rule 34(4)</p> <p>Each of the elected Councilors shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Apex Council. A Councilor who has held any post for two consecutive Terms in the BCCI or the Apex Council of the Association (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of three years. During the cooling off period, such a Councilor shall not be a member of any committee whatsoever of the BCCI or of the Association. The expression 'Councilor' should not be permitted to be circumvented by being a member of any other committee or of the Governing Council of BCCI or in the Apex Council of the Association, as the case may be.</p>	<p>Rule 34(4)</p> <p>Each of the elected Councillors shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Apex Council. A Councillor who has held any post for two consecutive Terms in the BCCI or the Apex Council of the Association (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of three years. During the cooling off period, such a Councillor shall not be a member of any committee whatsoever of the BCCI or of the Association. The expression 'Councillor' should not be permitted to be circumvented by being a member of any other committee of BCCI or the Association, as the case may be.</p>
22.	<p>Rule 35(4)(z)</p> <p>To appoint representative or representatives from amongst the members of the Apex</p>	<p>Rule 35(4)(z)</p> <p>To appoint representative or representatives to represent the Association on the Board of</p>

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	Council or from amongst the Trustees to represent the Association on the Board of Control for Cricket in India or any State Body or any Organisation.	Control for Cricket in India or any State Body or any Organisation.
23.	<p>Rule 35(4)(rr)</p> <p>To consider and take appropriate actions, if required, relating to any irregularity in the mode of functioning of the Association brought to its notice by the Board of Trustees.</p>	<i>To be deleted</i>
24.	<p>Rule 35(4)(ss)</p> <p>In the Event of any disagreement by and between the Board of Trustees and the Apex Council relating to or arising out of any matter concerning the Trustees, to refer the same to the General Both, whose decisions shall be final and binding.</p>	<i>To be deleted</i>
25.	<p>Rule 35(4)(tt)</p> <p>To nominate the members of the Trust including its Chairman; to demise and transfer to the Trust such movable/immovable assets as may be decided from time to time and to make rules for the governance of such Trust.</p>	<i>To be deleted</i>
26.	<p>Rule 45(2)(C)[b](a)</p> <p>To maintain the Assets save and except as may be vested to the Trust from time to time.</p>	<p>45. THE STANDING COMMITTEES</p> <p>To maintain the Assets.</p>
27.	<p>Rule 46(2)[A](i)</p> <p>The Men's Selection Committee shall select</p>	<p>Rule 46(2)[A](i)</p> <p>The Men's Selection Committee shall select</p>

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	<p>the Senior Team representing the Association for representation in Domestic matches, One Day matches, Twenty/20 and any other formats. This selection shall be subject to final decision by the President. This Committee shall also be responsible for providing evaluation reports of the respective team performances to the Apex Council on a quarterly basis.</p>	<p>the Senior Team representing the Association for representation in Domestic matches, One Day matches, Twenty/20 and any other formats. This Committee shall also be responsible for providing evaluation reports of the respective team performances to the Apex Council on a quarterly basis.</p>
28.	<p>Rule 46(2)[A](ii)</p> <p>The Men’s Selection Committee shall consist of five persons to be appointed by the Apex Council comprising of reputed former national cricketers identified by the Association at the Annual General Meeting, subject to the following criteria:</p> <p>...</p>	<p>Rule 46(2)[A](ii)</p> <p>The Men’s Selection Committee shall consist of five persons to be appointed by the Association at the Annual General Meeting, subject to the following criteria:</p> <p>...</p>
29.	<p>Rule 46(2)[B](i)</p> <p>The Junior Cricket Committee shall consist of five persons to be appointed by the Apex Council, on such terms and conditions as may be decided by the Apex Council from time to time. This selection shall be subject to final decision by the President. Only former Players who have played a minimum of 25 First Class games shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most amongst the members of the Committee shall be appointed as the Chairperson.</p>	<p>Rule 46(2)[B](i)</p> <p>The Junior Cricket Committee shall consist of five persons to be appointed by the <u><i>Association at the Annual General Meeting</i></u>, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have played a minimum of 25 First Class games shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most amongst the members of the Committee shall be appointed as the Chairperson</p>

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30.	<p>Rule 46(2)[C](i)</p> <p>The Women’s Selection Committee shall select the Women’s Team representing the Association across all age groups for representation in Domestic Tournaments, One Day matches, Twenty/20 and any other format. This selection shall be subject to final decision by the President. This Committee shall also be responsible for vetting and selecting Coaches and Support Staff (physiotherapists, trainers, therapists, analysts and medics) for the respective teams, as well as providing evaluation reports of the respective team performances to the Apex Council on a monthly basis.</p>	<p>Rule 46(2)[C](i)</p> <p>The Women’s Selection Committee shall select the Women’s Team representing the Association across all age groups for representation in Domestic Tournaments, One Day matches, Twenty/20 and any other format. This Committee shall also be responsible for vetting and selecting Coaches and Support Staff (physiotherapists, trainers, therapists, analysts and medics) for the respective teams, as well as providing evaluation reports of the respective team performances to the Apex Council on a monthly basis.</p>
31.	<p>Rule 46(2)[C](ii)</p> <p>The Women’s Selection Committee shall consist of five persons to be appointed by the Apex Council, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have represented the Women’s National Team shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most international amongst the members of the Committee shall be appointed as the Chairperson.</p>	<p>Rule 46(2)[C](ii)</p> <p>The Women’s Selection Committee shall consist of five persons to be appointed by the <u><i>Association at the Annual General Meeting</i></u>, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have represented the Women’s National Team shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most international amongst the members of the Committee shall be appointed as the Chairperson.</p>
32.	<p>Rule 62(2)</p> <p>The Electoral Officer shall oversee and supervise the entire election process including</p>	<p>Rule 62(2)</p> <p>The Electoral Officer shall oversee and supervise the entire election process including</p>

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	scrutiny of the electoral rolls for Councillors and the Players' Cricket Association, which shall include all nominations and candidatures being subject to his scrutiny in accordance with the Rules.	scrutiny of the electoral rolls for Councillors, which shall include all nominations and candidatures being subject to his scrutiny in accordance with the Rules.
33.	<p>Rule 62(3)</p> <p>In case of any dispute or objection as to candidacy, disqualification, eligibility to vote, or the admission or rejection of a vote in the elections to the Apex Council, the Players' Cricket Association or any of the Committees, the Electoral Officer shall decide the same and such decision shall be final and conclusive.</p>	<p>Rule 62(3)</p> <p>In case of any dispute or objection as to candidacy, disqualification, eligibility to vote, or the admission or rejection of a vote in the elections to the Apex Council or any of the Committees, the Electoral Officer shall decide the same and such decision shall be final and conclusive.</p>
34.	<p>RULES GOVERNING THE TRUST</p> <p>...</p>	<i>To be deleted</i>