

MADHYA PRADESH CRICKET ASSOCIATION

Draft Minutes of the Extra Ordinary Meeting of the Madhya Pradesh Cricket Association held on 16th September 2018

(as confirmed by the General Body in the EOGM held on 15.9.2019 with modifications if any)

1. The Extra Ordinary meeting of the Madhya Pradesh Cricket Association, started on 16th September 2018 at the Holkar Stadium, Indore, at 1.30 p.m.
2. The attendance of the members was recorded in the attendance register. Out of the 277 members of the Association eligible to attend the meeting as per clause 13, 137 members remained present. The quorum for the meeting was attained and the meeting started.
3. Dr. Nishith Patel, Vice President of MPCA assumed Chair. He expressed his thankfulness to the members present for the meeting and briefly narrated the exceptional circumstances under which this meeting was convened to consider certain amendment to our Constitution. He then read out the information or the backdrop that has resulted in today's meeting. The text could be treated as a part of the proceedings if required. He shared with the house about the assistance that would be necessary from the legal counsel of MPCA, and also two nominees of the constitution review committee – Mr. Dilip Chudgar and Mr. Kamal Shrivastava who would join him on the dais for the meeting.
4. The synopsis of what transpired during the meeting is as under -
 - 4.1 The Chair sought approval of the house for a short briefing by the legal counsel of MPCA who was handling our matter at the Hon'ble Supreme Court. Being approved by the majority of the house, subject to few members objecting this, the Chair invited Adv. Amol Chitale to share the facts of the case with the house being the professional consultant for MPCA and also few other bodies.
 - 4.2 Adv. Amol Chitale informed the house about the domain of his talk and briefly explained the journey of the matter since the beginning and upto the latest direction by the Hon'ble Supreme Court, thus giving a birds' eye view of the legal situation as of today. He also touched the pending petition of MPCA, and few other Associations, in relation to the recall of the original order and the legal reasons for doing so. A previous direction by the Hon'ble Supreme Court touches the status of the said petition. Yet, in view of the judgment dt. 9th August 2018, the directions stated therein stand applicable. The constitution of BCCI, under clause 3 (b) (1) lays down certain mandatory provisions to be a part of the Constitution of member Associations, as also mentions the consequences for its non compliance u/s 3 (b) (2) and 3 (b) (3). The draft of the compliance report given by the CoA of the BCCI shows signs of the permissibility to the members associations to decide their own constitution on other aspects, subject to giving reasons in support of deviation. After the registration of BCCI Constitution, presently certain clarifications are being solicited from the Hon'ble Supreme Court by few applicants in relation to the contents of the newly framed Constitution of BCCI. Now it rests with the august house to consider the overall circumstances and decide accordingly.
 - 4.3 The Chair thanked Adv. Amol Chitale for sharing the position.
 - 4.4 Mr. Sanjeev Gupta requested the Chair to extend permission to him to share his views. He mostly echoed the progress of this long matter as shared by Adv. Amol Chitale. In addition, he also threw light on some intermittent developments like the provisions of the initial submission by the Justice Lodha Committee that were to be applicable for the Associations being subsequently enlarged to the extent of what we observe today in the Constitution of the

BCCI which was essentially a draft by the CoA of the BCCI and subsequently approved by the Hon'ble Supreme Court vide its judgment of 9th August 2018. He however suggested that the house may consider as to whether we should move forward to amend our Constitution in wake of the recall petition being before the Hon'ble Supreme Court. He also suggested to provide a copy of the said petition to the house for consideration of the issue.

4.5 Mr. Vijay Nayudu expressed that the recent judgment is in force today and anything before that should not hold good. He also expressed that the present office bearers should have taken permission of the house before proceeding with the meeting since their term was over in the past. He also suggested that the Constitution of MPCA should be identical as that of BCCI. The house voted against this proposal.

4.6 Mr. Kamal Shrivastava expressed that the order of the Hon'ble Supreme Court that stands today is the one delivered on 9th August 2018. The term used in the said judgment in relation to the structure of the constitution of member Associations is 'similar lines' which means 'resembling' and not 'identical' or 'in toto'. The original judgment of 2016 mentions about original composition of the Association is not being touched as per the rights under the Constitution and hence the aspects like object, membership, etc. are not affected, except to the extent of qualification/disqualification, tenure restriction etc. mentioned in the new Constitution of BCCI. He also referred to the draft of the compliance report provided by the CoA of the BCCI.

He further enlightened the house about the complicated circumstances that the Association had to face in view of the requirement of registering our amended Constitution within a period of one month from the date on which the new BCCI Constitution came into force. In contrast to our existing provision of giving one month notice for the extraordinary meeting, the situation demanded curtailing the notice period so as to accommodate the right of the members, and a cohesive interaction amongst all, in the process of the amendment. Thereafter, he also replied to the suggestion in relation to the prudence about moving further inspite of the petition for recall of order being pending. For all purposes, now the recent judgment of the Hon'ble Supreme Court is what we have to follow. In future if such petition or the clarification application results in anything contrast or additional to what is being decided by the house today, the course for further amendment always remains open.

4.7 Since the amendments proposed to the house were circulated to all members with a reasonable notice period, also an opportunity was extended to members for providing suggestions/proposals on the draft, we should now avoid such issues particularly when the judgment by the Hon'ble Supreme Court is mandating us to register our Constitution in stipulated time. This was approved by the house by majority.

4.8 Mr. Sanjeev Gupta then expressed that the details as per the section 3 b 1 (i to ix) are mandatory for us to follow. The draft provided to the members covers certain clauses in the entirety - like the cooling off period or the ombudsman etc, certain clauses are repeated, certain clauses are tinkered like the BCCI constitution clause 6(5) etc., while certain clauses are not stated. If such points are revised or rephrased as per the BCCI provisions then the draft can be approved in entirety or else we shall require lot of time. If we do not match the mandatory provisions as above, then we may have to face effects of such non compliance. Mr. Kamal Shrivastava tried to explain that we have repeated certain provisions for sake of convenience, if there is any error in the draft, we can check the same and modify. The Chair opined that the present meeting is being held to understand the views of the members on the draft and all necessary and justifiable suggestions could be considered when we move further and seek votes for the amendments as and when necessary.

4.9 The Chair then read out the procedure for the process for voting for the knowledge of the house, as under -

4.9.1 Clause 17 of the existing Constitution of MPCA describes the right of the member in the decision making towards amending the Constitution of MPCA. Also, it states that "An amendment to the Constitution will be deemed to have been passed if two-third members present and voting vote for the amendment". However,

the context to this decision making is "... to consider any amendment to this Constitution if one third of the members has requested the President in writing ...'

4.9.2 So, the core principle is that such members (one third) should have submitted an amendment to the Constitution. Ordinarily, the moment such strength of members submit any proposal for amendment, the same is to be placed before the all members (General Body) by means of an Extra Ordinary meeting and the amendment is to be put to vote. Hence, the mode and manner of handling such meeting is not complicated.

4.9.3 However, in present scenario, we have to consider following factors which has necessitated the present decision making

A. The amendment to few existing clauses / introduction of new clauses to the extent flowing down from Constitution of BCCI and being mandatory for us to incorporate, (such provisions cannot be altered by any means)

B. Retaining or amending any existing clauses, introduction of new clauses which do not attract any connect with the BCCI Constitution but are considered to be essential to ensure functioning efficacy of MPCA,

C. Any clause requiring amendment / introduction of new clause to reflect the contemporariness of our Constitution irrespective to A and B above.

4.9.4 Fundamentally, there is a flow / sequence of several clauses (independent or inter-linked) which ultimately combine to become a Constitution. While amending the Constitution, the flow / sequence should not be altered else it could lead to ambiguous composition.

4.9.5 We have given reasonable opportunity to the members to read and understand the amendments proposed and also given them an opportunity to extend their proposals / suggestions.

4.9.6 Amid such scenario, a definite procedure is essential to be accepted by the house so as to reach an effective conclusion. The procedure is listed below –

- i. We have to extend our vote only.
- ii. Clause no. 50 of the existing constitution states that "except as otherwise provided all the decisions will be taken by simple majority and if demanded, by a secret ballot". Since majority of the house was not in favour of secret ballot, the voting was decided to be by show of hand.
- iii. Members were requested to show hand only for one decision i.e. either for or against.
- iv. The MPCA staff / volunteer standing near each block of seat will count the hands. So please keep your hand raised for reasonable time to complete counting.
- v. The Chair would read the clause proposed for amendment and also any comment / suggestion (restricting it to the core subject only) shall be read by the nominee of the constitution committee and same shall also be displayed if needed.
- vi. Any amendment for which there has been no suggestion received, the Chair shall place the same for vote immediately.
- vii. For any clause where there is a suggestion received from members, the Chair shall give time for the house to judge and then put it for vote.
- viii. The Chair shall seek then mandate of the house by show of hands.

- ix. Mr. Kamal Shrivastava and Mr. Dilip Chudgar shall record the sum and substance of the amendment thus approved by 2/3 majority and in case if a new text is required then they shall draft the same and inform the house immediately before proceeding to the next clause.

The house accepted the proposal in principle but it was agreed that in view of undivided house on almost all provisions proposed, except a few new suggestions we shall follow (a) the amendments proposed to the members along with the notice shall stand approved if there is no contrary suggestion, (b) apart from this, the proposals suggested on the floor and endorsed by the nominees of the Constitution Committee shall stand approved upon acceptance by the Chair, (c) show of hands to record votes shall be considered only if any member proposing an amendment or the house desires to do so. This will ensure coverage of the long list in reasonable timeframe. The meeting continued.

- 4.10 Mr. Kamal Shrivastava then read out the gist of the proposed amendments covering the initial amendments proposed as also suggestions received from members and any incidental provisions resulting out of this. A synopsis of the suggestions accepted by the house is a part of this proceeding and is appended/attached. This also covers the provisions for which show of hands was necessitated.
- 4.11 During the course of the meeting, handful members raised few observations, objections etc. which are consolidated to form a part of the proceedings and is appended herewith.
- 4.12 After covering the entire list of provisions and before concluding with the meeting, the house then approved the following resolution proposed by the Chair -
- 4.12.1 The provisions/clauses of the constitution of the MPCA has/have been amended today i.e. 16 September 2018 in the extra ordinary meeting of the MPCA held at Holkar Stadium, Indore, with stipulated majority on the respective provisions/clauses by the members present and voting, except dissent by handful members on certain issues.
- 4.12.2 The members accordingly resolve that the amendments to the constitution, after checking the clause numbers, punctuation, spellings etc. by the Constitution Review Committee within 2-3 days of the meeting, shall be submitted to the appropriate authority for its registration under the MP Societies Registrickarn Adhiniyam.
- 4.12.3 Thereupon, the Hon. Secretary is authorised to submit the constitution in the entirety to the Committee of Administrators of BCCI as per the judgment of the Hon'ble Supreme Court.
- 4.12.4 The extra ordinary meeting of MPCA was held under 'exceptional circumstance' as stated in the note to the notice for this meeting. In view of the intricacies of the matter, the responsibility entrusted on the Committee of Administrators of BCCI for submitting a compliance report to the Hon'ble Supreme Court as per the judgment dated 9.8.2018, possibility of further orders by the Hon'ble Supreme Court in the matter, the amended constitution shall not affect the authority, working procedure of the Office Bearers and/or Managing Committee of MPCA and any sub committees till the time a newly elected body of office bearers and Managing Committee is constituted as per the provisions of the amended constitution.
- 4.12.5 The Managing Committee is required to adopt needful procedure to hold the elections within a period of twenty one days after the One Day International Cricket match to be organised by MPCA on 24 October 2018. This special resolution is made to provide unhindered working authority (by adopting proper working procedure) to the present Managing Committee, Office bearers and any sub committees to ensure smooth and efficient conduct of the ODI to maintain high standards and repute of MPCA in the national and international cricket. Thus, the incumbent office bearers, members of the Managing Committee, members of sub-committee shall

continue to hold respective offices till the elections of the Association are held. In the interest of the smooth functioning of the Association and keeping attention to the One Day International match to be staged by MPCA in October 2018, it is desired that no member shall approach the court of law for any inconsequential matters related to this.

It was recorded to send the amended constitution to the members in 2-3 days.

Meeting concluded with vote of thanks to the Chair.

Before the house dispersed, the Hon. Secretary invited the attention of the members to the restriction placed on complementary tickets for International matches / ipl etc. as per the BCCI Constitution, which may affect us.

Dr. Nishith Patel
Vice President, MPCA

Mr. Milind Kanmadikar
Hon. Secretary

Appendix 1 : Sum and substance of the suggestions received as per notice for the meeting, and also those which emerged as a part of discussion on the floor

Topic / Essence (not verbatim)	Consequence
The Constitution of MPCA should be mirror image of BCCI Constitution	Decided against (by show of hands) (i.e. proposal turned down)
Definition of the term administrator to be as per the BCCI Constitution	Decided in favour (i.e. proposal accepted)
Use of single term Managing Committee and eliminating other term 'Committee of Management' wherever applicable	Decided in favour (i.e. proposal accepted)
There shall not be any fees for International cricketers	Decided in favour (i.e. proposal accepted)
Membership application if not admitted in the year shall be carried forward only for one subsequent year	Decided in favour (i.e. proposal accepted)
Clubs / Institutions not playing cricket should be transferred to a new category of membership that shall not have voting rights	Decided against (by show of hands) (i.e. proposal turned down)
Right to grant new membership to life members be vested with the General Body and not the Managing Committee.	Decided against (i.e. proposal turned down)
Placing an upper limit of 55 years for new members	Decided against (i.e. proposal turned down)
Bar on membership if the applicant faces any order framing charges	Decided against (i.e. proposal turned down)
Suspending membership of existing member for framing chargesheet	Decided against (i.e. proposal turned down)
The two cricketers on the Managing Committee should be nominated in the AGM and not elected. Also, having a provision for player association.	Decided against (i.e. proposal turned down)
General body to decide the MPCA representative to represent us on the Board	Decided against (i.e. proposal turned down)
Having only two selection committees for mens cricket and two for womens cricket. Also, each committee to have 5 persons as per qualifications proposed.	Decided in favour (i.e. proposal accepted)
Players who have played Vijay Trophy should not be eligible to become selectors	Decided against (i.e. proposal turned down)
The proviso of conflict of interest for selectors in selection committee to be elaborated	Decided in favour (i.e. proposal accepted)
The authority to nominate a representative to represent us rests with	Decided in favour (i.e. proposal accepted)

the Managing Committee however such representative shall not to be replaced frequently	
Concept of 'Local Committee' to be abolished	Decided in favour (i.e. proposal accepted)
The point no. 15 (f) of existing Constitution to be deleted	Decided in favour (i.e. proposal accepted)
Process for filling up vacancy for office bearers or members of the Managing Committee to be in accordance to the concept followed by BCCI	Decided in favour (i.e. proposal accepted)
Details of Financial Power and procurement procedure should not be defined in the Constitution but it shall become duty of the Managing Committee	Decided in favour (i.e. proposal accepted)
The provision to delegate power of Managing Committee to Divisional Association be eliminated	Decided in favour (i.e. proposal accepted)
Have a provision of 5 days notice for special meeting of Managing Committee	Decided in favour (i.e. proposal accepted)
Any General Body meeting (i.e. annual/special/extra ordinary) shall have agenda for confirmation of minutes of previous such meeting	Decided in favour (i.e. proposal accepted)
Power to form sub-committee be given to the General Body and not the Managing Committee	Decided against (i.e. proposal turned down)
Committee of former cricketers having played at least 10 FC shall appoint selection committee, assess coaching and coaches etc.	Decided in favour (i.e. proposal accepted)
Provision related to formation of District Association, and the provision for ad-hoc body for District Association be removed	Decided in favour (i.e. proposal accepted)
Creating room for consultation between Divisions while framing model constitution for the Division	Decided in favour (i.e. proposal accepted)
Only a retired judge shall be eligible to be nominated as an ombudsman cum ethics officer	Decided in favour (i.e. proposal accepted)
Requirement of affidavit for filing complaint to the ombudsman/ethics officer to be removed	Decided in favour (i.e. proposal accepted)
Decision of the ombudsman/ethics officer should be final and binding	Decided in favour (i.e. proposal accepted)
Composition of the Managing Committee to be as per BCCI (i.e. 9 members)	Decided against (by show of hands) (i.e. proposal turned down)
The provision in relation to exclusion of proxy voting to be defined elaborately	Decided in favour (i.e. proposal accepted)
Clarifications to appropriately reflect the point under 3(b)(i)	Decided in favour (i.e. proposal accepted)
The electoral officer can only be a member of the election commission of central or state, or a chief electoral officer	Decided in favour (i.e. proposal accepted)
Only office bearer to be the replacement for authorised signatory for operating bank accounts	Decided in favour (i.e. proposal accepted)
Removing the rider 'exceeding one month' from clause 37	Decided in favour (i.e. proposal accepted)
Minimum limit for displaying expenditure on website to be brought down from proposed 25 Lakh to Ten Lakh	Decided in favour (i.e. proposal accepted)
Use of email as additional means of sending notice	Decided in favour (i.e. proposal accepted)

Appendix 2 : Consolidation of objections / dissent raised by handful members

1. A demand for a cordless mike being provided to members as in AGM was raised. Though a podium with mike was in place, the additional requirement was addressed soon for the additional convenience.

2. An objection that the lawyer was on a professional term and hence there could be an angle of conflict of interest as also he may give only a specific view was shared. This view was not accepted by the majority of the house. The necessity of inviting outsider lawyer was also raised when few of our members were renowned legal luminaries. The Chair informed the house about discussions and interaction that indeed took place with our senior member Adv. Satish Bagadiya. The legal counsel was invited to provide an opportunity for the members to know details of the matter from someone who has handled this as a consultant to us and hence there should be no reservation on this. The house supported the view by majority.
3. A requirement about the minutes of the previous extra ordinary meeting held on 21st August 2008 and approval of the same in this meeting was responded by the Chair, informing the house that after the last such meeting in 2008, the needful documents were provided for appropriate registration of the amended constitution and we are functioning since then. Its long past and there should not be a ground for such issue now. Not being satisfied, such members expressed their dissent. The dissent was not supported by the majority of the house.
4. On being asked as to whether the draft of the Constitution was approved by the Managing Committee, the Hon. Secretary informed the house about the circular resolution by the Managing Committee which resolved that amid the prevailing circumstances, recorded in the notice, the recommended amendments (by the Constitution Review Committee) be circulated to the members of the Association which is the Supreme body for due consideration in this meeting. The opinion by a member about point no. 28 (d), it was clarified that amendment to Constitution is not covered in this provision. As also, the Constitution prescribes rules for functioning in normal circumstances. The present one is an exceptional situation which requires this meeting to be held and decision be taken by two-third majority about the amendments proposed.
5. Few members objected for adopting show of hands as a method of voting. However, the rest of the house by majority accepted the method of show of hands for the purpose of votes.
6. Not supplying the copy of the BCCI Constitution to the members was objected citing inconvenience for members. The Chair responded that the Constitution was available on the website and was so notified in our notice for the meeting. Those who had demanded such additional documents were provided a copy as well.
7. Supplying the draft of the compliance report received from the BCCI would have avoided the lengthy discussion. It was responded that that draft was a declaration by the Hon. Secretary to the CoA of BCCI on the amendments and hence would come into effect after the meeting/amendments.
8. Reference to other Associations and particularly the legal consequence was objected by the Chair.
9. Expression of personal view for considering former cricketers for the post of Secretary or the President was not appreciated.
10. Frequent interruption by handful members had to be calmed down to put the house to order. Several remaining members objected for allowing participants to get involved in personal disagreements thus diluting the efficiency.

Dr. Nishith Patel
Vice President, MPCA

Mr. Milind Kanmadikar
Hon. Secretary