

BIHAR CRICKET ASSOCIATION

(Affiliated to THE BOARD OF CONTROL FOR CRICKET IN INDIA)



RESOLUTION / DECISION OF 3-MEN COMMITTEE CONSTITUTED BY COM, BCA VIDE AGENDA No. 17(II) OF THE MEETING DATED 15.11.2019 TO DECIDE THE DISPUTES OF DIFFERENT DISTRICT ASSOCIATIONS

The Three men Committee constituted in lieu of the decision of the Committee of Management of Bihar Cricket Association vide agenda no. 17(II) in its meeting dated 15.11.2019 has been pleased to resolve as under:

"The Committee of Management unanimously decided to constitute a three member committee as follows to hear the case of disputes of different Districts Associations and to take necessary decisions for the needful to eliminate the disputes for smooth conduct of cricket activities.

- a) **Shri Rakesh Kumar Tiwary – President (BCA) – Chairman** *Rakesh Kumar Tiwary*
- b) **Shri Sanjay Kumar Singh – District Representative – Member**
- c) **One legal Expert to be appointed by the President of BCA"**

The President, BCA has been pleased to inform the appointment of **Mr. Krishna Murari Prasad** an advocate, having **A.O.R. NO.00219** as 3rd member of the 3-Men Committee vide letter dated 21st November, 2019 Who consented and therefore, attending this meeting.-

The committee assembled on 27th Of November, 2019 to consider the points as delegated by the Committee of Management of Bihar Cricket Association. The meeting was attended by:

- Shri Rakesh Kumar Tiwary – President (BCA) – Chairman- *Rakesh Kumar Tiwary*
Shri Krishna Murari Prasad Advocate—Member- *Shri Krishna Murari Prasad*

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Mr. Chairman informed that he has been regularly talking to Shri Sanjay Kumar Singh – District Representative – Member for attending the meeting, but, he could not attend on pretext of bad health of his son. The meeting was deferred to 7th Of December, 2019.

On 7th of December, 2019 The Meeting of 3 member committee was convened at 46, Patliputra colony, Patna from 11.30 AM onwards, attended by:

Sri Rakesh Kumar Tiwary, President of BCA-Chairman- *Rakesh Kumar Tiwary*

Sri Krishna Murari Prasad, Advocate, Member- *Krishna Murari Prasad*

Sri Sanjay Kumar Singh, District Representative-Member again did not attend in spite of several request.

After discussing status of each district, came to the conclusion that in the following 13 districts there was disputes, which were pending either before the COM of BCA or before the Hon'ble Ombudsman:

- (1) Purnea
- (2) Kishanganj
- (3) East Champaran
- (4) Buxar
- (5) Gaya
- (6) Vaishali
- (7) Muzaffarpur
- (8) West Champaran
- (9) Lakhisarai
- (10) Begusarai
- (11) Sitamarhi
- (12) Bhojpur
- (13) Madhubani

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However, it was also discussed that Mr. Hem Chandra Sirohi, in his order dated 13th September, 2019 has allowed the pleadings of the above mentioned District Units after long hearing and giving all the parties to submit their evidence including the BCA. Mr. Sirohi, in his order, has also given reference of then Ombudsman's order DATED 19.01.2019 in file no.BCA/OMB/03/18/RBI

As the present committee has been elected recently on 29.09.2019 and as far as the Electoral college decided by the Electoral Officer/s after hearing the objections decided to allow the authority of those office bearers of DCA which were holding the office as per the status mentioned in the order dated 13th September,2019.

The committee further came to know from the records available on the website that Mr. Sirohi, the Electoral Officer had initially published the list of voters dated 31.07.2019 wherein only Presidents of DCAs were made voters for respective DCAs. Several persons/district units filed their objections and after several hearings the Electoral Officer passed a reasoned and detail order dated 13.09.2019 and published the FINAL VOTER LIST.Subsequently, this order was again confirmed with typographical and latest inputs on 21st of September, 2019 by Mrs. Meera Pandey, the Electoral Officer. This list at the top clearly mentions '**NAMES OF OFFICE BEARERS OF FULL MEMBERS OF BIHAR CRICKET ASSOCIATION**'. This status of FULL MEMBER of Bihar Cricket Association has also been informed by the Honorary Secretary of BCA through mail dated 08.08.2017 to BCCI and is still uploaded on the official website of the BCCI.

Rakesh Singh

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The committee also considered and decided that the majority of the office bearers of full members mentioned in the said voter list shall officiate conduct and carry on the activities and be authorized to represent in the meetings/election at any appropriate forum or BCA. The Electoral Officer has also authorized a representative among themselves/ their full members, approved by the majority, to vote in the BCA Election held on 29th of September, 2019 from which present members of COM of BCA have been declared to be elected.

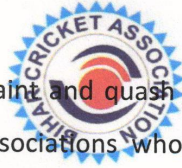
The committee also considered few of the following observations made by the Electoral Officer in its order dated 13.09.2019:

1. **Such disputes do not fall within the purview of the Electoral Officer and should be placed for disposal before the appropriate forum.** However, the issues of District Associations ultimately affect the voter lists so the undersigned has been requested to take the reference of the order passed by the Hon'ble Ombudsman, BCA, Patna in order dated 19.01.2019 passed in File No. BCA/OMB/03/18/RBI while deciding the matter of status of district association as on 18.02.2017 **which seems to be most appropriate.** The operating part of this order is reproduced as under **which makes it mandatory to be obeyed scrupulously,** "Hence, if Shri Mishra, learned counsel insists that this Tribunal should reach an opinion on the basis of his submissions he has made today before the Tribunal, then in that case this Tribunal will be constrained to

Rash Kumar

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allow the complaint and quash this letter and direct the BCA to recognize only those district associations whose managing committee had been constituted after holding elections in terms of letter dated 18.02.2017". **This status stands submitted to the CoA by the BCA on 08.08.2017**, therefore this voter list for the purposes of this election to be held of 27.09.2019 would be final.

2. Any District Association aggrieved of this order will be at liberty to approach an appropriate forum for the redressal of its grievance.
3. The finalization of the voter list for this election disposes of many issues regarding alleged unwarranted interference by the BCA in the matters of the District Associations

The Committee has no information whether this final voter list which contains names of office bearers of full members of Bihar Cricket Association has been assailed or challenged before any competent forum. As such this list of names of office bearers of full members of Bihar Cricket Association is not in dispute.

THUS, THE COMMITTEE UNANIMOUSLY ARRIVES AT THE CONCLUSION THAT THE VOTER LIST PUBLISHED BY THE ELECTORAL OFFICER DATED 13.09.2019 and 21.09.2019 WHICH CONTAINS NAMES OF OFFICE BEARERS OF FULL MEMBERS OF BIHAR CRICKET ASSOCIATION SHALL BE THE FINAL STATUS OF THE FULL MEMBERS OF BIHAR CRICKET ASSOCIATION SUBJECT TO ANY ORDER/ORDERS PASSED BY ANY COMPETENT FORUM/COURT. THE OFFICE BEARERS OF DCAs WHOSE NAMES FIGURES AGAINST EACH OF THE DCA WILL DISCHARGE ITS DUTIES WITHIN THEIR JURISDICTION HENCEFORTH. This order shall be read out with the order/s of Mr. H.C.Sirohi and order dated 19.01.2019 of then Ombudsman in file no.BCA/OMB/03/18/RBI & File no. BCA/OMB/13/18/SCM.

Rakesh Kumar

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The committee also considered and decided that the majority of the office bearers of full members mentioned in the said voter list shall officiate conduct and carry on the activities and is authorized to represent in the meetings/election at any appropriate forum or BCA. This interim order shall be superseded only when concerned party or parties submit their respective complaint/claim to this order at complaint.bcapresident@gmail.com The THREE MEMBER COMMITTEE after receiving such complaint/claim, shall immediately inform the concerned party or parties for hearing the case of disputes, if any.

This order is being given as per the relevant clauses of the bye laws of Bihar Cricket Association and aggrieved party, if any, is free to challenge it before any appropriate forum.

Absent
[SANJAY SINGH]
DISTRICT
REPRESENTATIVE/Member

Krishna Murari Prasad
[Krishna Murari Prasad] 7/12/19
ADVOCATE/member

Rakesh Kr. Tiwari
7/12/2019
[RAKESH KR. TIWARI]
PRESIDENT-cum-Chairman