

President  
**ANAND JAISWAL**



Hon. Secretary  
**PARIMAL VAIDYA**

### Explanatory Note to Item No.6 of the Agenda.

The Special General Body of the Vidarbha Cricket Association had authorized the Executive Committee of the Association to amend the Constitution as and when required to conform to the directions of the Hon'ble Supreme Court of India dated 18.07.2016 and all subsequent orders.

The Constitution was amended earlier to bring in a clause for disqualification to "Office Bearers" who had held office for a cumulative period of 9 years as an "Office Bearer or Executive Committee Member" of the Association as required by the Hon'ble Supreme Court of India at that point of time.

Subsequently the Hon'ble Supreme Court of India by its order dated 20.09.2019 has clarified that the disqualification would apply to those who had held the post of "Office Bearers" only and not to "Executive Committee Members". As a result the period of 9 years would apply only to the period occupied as "Office Bearers" and the period occupied as "Executive Committee Members" is not be included to determine the period of 9 years.

The Hon'ble Supreme Court has specifically directed that this alteration would apply to all State Associations. Hence it became necessary for our Association to implement this direction.

The Executive Committee therefore amended Article-12 of the Association's Constitution at its meetings dated 11.10.2021 and 03.11.2021 to implement this direction. The amended Article-12 is as follows:

#### Article - 12

Only members or representatives of Affiliated Clubs shall be eligible to contest for the post of an Office-bearer or a Member of the Executive/Managing Committee.

A member or representative of the affiliated club or selector against whom a disciplinary action is taken and is under suspension or expulsion shall not have a right of vote or shall not be eligible to contest at any election of the Association during the period of such suspension or expulsion.

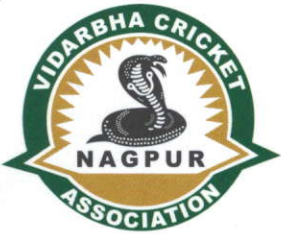
A person shall be disqualified from being an Office Bearer, a Member of the Executive / Managing Committee, a Member of any other Committee or the Association's nominee / representative to the BCCI if he or she:

- Is not a citizen of India;
- Has attained the age of 70 years;
- Is declared to be insolvent, or of unsound mind;

## VIDARBHA CRICKET ASSOCIATION

(Affiliated to The Board of Control for Cricket in India)

Civil Lines, Nagpur 440 001. Tel.: 2541908, 2527467. Fax : (0712) 2524006. email : admin@vca.co.in



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- d) Is a minister or a government servant or holds a public office;
- e) Holds any office or post in a sports or athletic association or federation apart from cricket;
- f) Has been an Office Bearer of the Association for a cumulative period of 9 years;
- g) Has been charged by a Court of Law for having committed any criminal offence, i.e. an order framing charges has been passed by a court of law having competent Jurisdiction.

An Office Bearer who has held any post for 2 consecutive terms either in the Association or in the BCCI (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of 3 years. During the cooling off period, such an Office Bearer shall not be a member of any committee whatsoever of the BCCI or the Association.

Vidarbha Cricket Association obtained the opinion of Hon'ble Justice Navin Sinha, former Judge of the Supreme Court of India, who has confirmed that the amendment by VCA is in accordance with the Order of the Supreme Court of India. So also he has confirmed that since the amendment is as per the direction of the Supreme Court, no further leave of the Court is required.

Sd/-

Parimal Vaidya,

Hon. Secretary, VCA.

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