

BEFORE THE FORMER ACTING CHIEF JUSTICE V. ESWARAI AH
ETHICS OFFICER AND OMBUDSMAN ADDL. CHARGE
THE HYDERABAD CRICKET ASSOCIATION AT RGICS, UPPAL,
HYDERABAD

CASE NO. 9 OF 2024

Dated: 07.06.2024

BETWEEN:

1. SUNIL KUMAR AGARWAL
Plot No. 37, Sy. No. 267/182,
Luxura Greens, Opp. Kendriya
Vidyalaya School, New Bowenpally,
Secunderabad, Hyderabad-500011.
2. KHUSH AGARWAL
Plot No. 37, Sy. No. 267/182,
Luxura Greens, Opp. Kendriya
Vidyalaya School, New Bowenpally,
Secunderabad, Hyderabad-500011.

...Petitioners No.1 & 2

AND

The Hyderabad Cricket Association
RGICS, Uppal, Hyderabad
Rep. by its Secretary

...Respondent

1. The 1st Petitioner Mr. Sunil Kumar Agarwal is the father of the 2nd Petitioner and he has been elected as Councillor of Hyderabad Cricket Association (HCA) on 10th October 2023. He had filed a disclosure statement on 28.10.2023 under rule 38(v)(2) informing the Apex Council of the HCA about the fact that his son Mr. Khush Agarwal, the 2nd Petitioner herein was selected for Hyderabad under 14, under 16, and also under 19 much before the election of the 1st Petitioner as a Councillor and his son the 2nd Petitioner is in the Zone of consideration 'Under 19', Four Day Team for this year.



The 1st Petitioner in the disclosure statement stated that there is no potential conflict of interest if his son is considered by the Cricket Advisory Committee consisting of Test Players, 1 Day Players, 1st Class Players, who will be selecting the team basing upon performance evaluation reports tabled before the Selectors and therefore there is no conflict of interest as a Councillor and has no role to play in the selection of the Selectors. The Men's Selection Committee was formed in the Annual General Meeting in which the 1st Petitioner has no role to play. He submits that he was ill-advised to file a representation dated 21.12.2023 withdrawing his son from the Zone of Selection till such time as an order is passed by the Ethics Officer. The 1st Petitioner filed a representation dated 24.05.2024 requesting the Ethics Officer to take an appropriate decision to declare that there is no conflict of interest in regards to the selection process of his son.

- 2.** The 2nd Petitioner Mr. Khush Agarwal who is the son of the 1st Petitioner filed a representation dated 01.06.2024 stating that he is seriously pursuing cricket as a career from his age of 10 years and he has represented Hyderabad cricket Team when he was 14 years old. He has represented under 14 cricket team during 2018-19, under 16 cricket team during the year 2019-20, Hyderabad junior men's under 19 cricket team during 2022-23 and represented Hyderabad junior men's under 19 cricket team in the All-India Junior Men's Under 19 Cricket Tournament for Coach Bihar Trophy held at various venues during 2023-24. He born on 12.01.2005 and his present age is 19 years 5 months. Therefore, he is a major and he is entitled to protect his cricket game career independently without any involvement of his father.



3. In view of the aforesaid facts and circumstances of the representations, the point for consideration is as follows:

“Whether Mr. Sunil Kumar Agarwal, being a Councillor of HCA has any direct or indirect conflict of interest or Tractable or Intractable Conflict of Interest on account of his son Khush Agarwal being in the Zone of consideration for selection of Hyderabad cricket team”

4. Conflict of interest is defined under Rule 1(A)(g) as follows;

“Conflict of Interest” refers to situations where an individual associated with the HCA in any capacity acts or omits to act in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38”.

The types of conflict of interest are narrated in Rule 38. The conflict of interest may be direct or indirect. As per the illustration 1, Clause (v) of Rule 38, the 1st Petitioner is not a Elector and his son is in the Zone Selection for consideration. The 1st Petitioner is not hit by conflict of interest. Rule 38 (v) Illustration 1 extracted as follows:

“Illustration 1: A is Elector. His son is in the zone of consideration for selection. A is bit by conflict of interest.”

Therefore, as per the above rule there is no any conflict of interest. I do not also see any conflict of interest under the provisions of Rule 38(1), (2), & (3) and the illustrations thereunder.



Conclusion:

In view of the above facts of consideration, it is clear that Mr. Sunil Kumar Agarwal, who is a Councilor for Hyderabad Cricket Association and his son is a budding Cricketer has been playing Cricket much prior to Mr. Sunil Kumar Agarwal became Councilor for Hyderabad Cricket Association.

It is to be noted that the Selectors are appointed by the due process through AGM and the Selectors cannot be influenced by Councilor as they are governed by laws and bye-laws of Hyderabad Cricket Association. The merits and demerits are considered, ethics are followed by the Selectors. It is not easy process to approach the Selectors and influence them. Hence it would be opt to say that in the above case Sunil Kumar Agarwal 1st Petitioner cannot influence the Selectors as there is a fair Selection Process which is based on merit and performance.

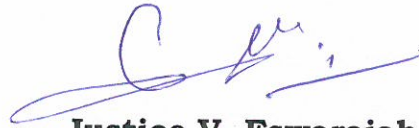
The criteria followed in the Men Selection Committee will be formed in the Annual General Meeting (AGM).

1. There is a Cricket Advisory Committee.
2. There are Performance Evaluation Reports which are tabled before the Cricket Advisory Committee which are prepared purely on Performance of the Player on merits.
3. Based on the above process/criteria the selection will be done.



There is no conflict of interest in the above case and the Cricket Advisory Committee and Selectors have to strictly follow the guidelines of Hyderabad Cricket Association, Memorandum of Association and Rules and Regulations of the Hyderabad Cricket Association in all the Selection Process without influenced by any of the Councillor or the Office Bearers and in accordance with law and fair play to protect improve the quality and standards of Game of Cricket.

The petitions are accordingly disposed off.



Justice V. Eswaraiah
Ethics Officer and Ombudsman Addl. Charge
The Hyderabad Cricket Association