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Bengaluru

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NATIONAL CONSTITUTIONAL LAW
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Before the Supreme Court of Indigo

Society for Cricket Control in Indigo v. Mr. Dev & Others

1. Indigo is a federal country with 30 states. It is a developing country striving hard to surmount the damage it suffered during the colonial rule. Though it has witnessed a robust economic growth; still the majority of its population are in the state of penury. There are a great number of various sports that the rural masses have engaged themselves with, as Indigo nation has a civilization of over 5000 years. However, as a part of colonial legacy that it has inherited, the sport of cricket has been exceptionally popular in the country, assuming almost a status of a religion and the players- a demigod!
2. Society for Cricket Control in Indigo (SCCI) is established in Indigo to control the sports of Cricket. It was formed in 1928 and was registered in 1940 under Societies Registration Act, 1860. It has its head office situated in Erupadi which before States Reorganisation was under Maha Pradesh State and after States Reorganisation in 1956 it fell into the Tamil Pradesh State territory. As Trumbay Public Trust Act 1952 was in force in Maha Pradesh area SCCI was registered as a Public Trust and was filing the change reports and property reports under the 1952 Act. Trumbay Public Trust Act 1952 was applicable to Tamil Pradesh also. The Tamil Pradesh Legislature had subsequently passed Tamil Pradesh Societies Registration Act 1975. Later in 1998 the operation of Trumbay Public Trust Act, 1952 in so far as it applied to the State of Tamil Pradesh was repealed.
3. SCCI is engaged in hosting international cricket one day matches and test matches. From 2009 it has started domestic cricket 20-20 matches. It selects Indigo cricket team to represent Indigo in International cricket matches. It is a self funded organisation, generating more than Rs. 10,000 Crore revenue annually from franchisees, sponsors and advertisements. Because of its lucrative ventures in the sports of Cricket, the society attracted many business tycoons, politicians and film stars who occupied dominant positions in the management of SCCI.

4. SCCI has dominant position and controls almost all the State Level Cricket Associations and its functions like Cricket Federation as well. It has absolute power to select the players for Indigo Cricket team; it fixes the remuneration of players by classifying them into three categories. Many former Indigo cricketers are part of team selection committee of SCCI and nepotism is not ruled out in selection. The new format of cricket in the form of 20-20 over matches was introduced by SCCI and it also started Indigo Premier League (IPL) a domestic cricket tournament. It has made cricket more famous among the fans and more lucrative investment for many industrialists, politicians and film stars. IPL gained huge popularity in 2009 and brought lot of revenue to SCCI and owners of different teams earned huge income from advertisements and sale of tickets. IPL became an absolute entertainer than just being a sporting event. It was a feast for the spectators and lucrative business for Film Actors, Politicians and Businessmen.
5. Unfortunately, corruption made inroads into the great entertaining sport in the form of Match Fixing. It turned out to be a biggest scam of the millennium with involvement of team owners, players and middle men. In the raids that the state police conducted and in view of several interceptions and sting operations conducted, the said scam came into light. Few middlemen and even players and owners were apprehended and prosecuted. The players who were involved in Match fixing were banned for lifetime. Meanwhile dispute arose over election to the Board of Directors (BOD) of SCCI. Mr. Nivasan who was chairman of BOD of SCCI was alleged to have abetted the match fixing through his Son in Law Mr. Lalit, who was owner of one of the teams which took part in IPL. However by wielding money power, he continued to be the chairman, silencing all his opponents in the BOD.
6. Aghast by the enormity of corruption and its impact on the quality of the game of Cricket, a former Cricketer of Indigo, Mr. Dev filed a PIL in the High Court of Maha Pradesh alleging that the top management of SCCI had involved in corruption in elections to BOD, match fixing and betting. Further due to nepotism of members of BOD of SCCI, quality of Cricket in Indigo is affected and real talents are being sidelined and sons, grandsons of members of BOD are being selected for Indigo Cricket team. Briefly on the above facts and grounds, he sought for appropriate directions to revive the credibility of the sports.

7. SCCI appeared before Hon'ble High Court and filed its counter affidavit. Denying the contentions and claims of the petitioner Mr. Dev, it was contended that corruption, if any, is an offence and any individual member alleged to have committed such an offence are being prosecuted as per criminal law of the land and the writ petition is not maintainable. Without admitting the allegations, it was further contended that even if there is any mismanagement in SCCI, only the members who have a grievance could approach a civil court to vindicate their rights if any, under the Bye Laws of the SCCI. Upon repeal of Trumbay Public Trust Act, 1952 in Tamil Pradesh State SCCI has become an autonomous body and therefore no writ petition was maintainable in the absence of any statute governing its working. Also it cannot be said to be performing or not performing a statutory function so as to invoke the writ jurisdiction. Alternatively it contended without admitting that the appropriate authority to take action is the Registrar of Societies and hence a writ petition in form of a public interest litigation is not maintainable.
8. After considering the rival contentions, the Hon'ble High Court passed orders constituting a Commission headed by Former Judge of the High Court, Mr, Yodha to look into the affairs of the SCCI, corruption charges, match fixing issues and also to study the bye-laws of SCCI and suggest reforms to bring out proper functioning of SCCI. Yodha committee was given six months time to submit its report but Committee took 10 months time and submitted its report with number of suggestions which if given effect is tantamount to total revamping of management of SCCI and its affairs. The copy of the report was furnished to SCCI to make its say. After appreciating the report, SCCI agreed to accept some of the suggestions which did not make any major changes in its management. However, it vehemently objected to major portion of the report and contended that it is not possible to accept all suggestions as it affects its autonomy and fundamental right guaranteed under Constitution of Indigo.
9. However, the Hon'ble High Court did not accept the contentions of SCCI. It issued interim directions to SCCI to conduct elections to its BOD as per the recommendations of Yodha Commission, within two months. SCCI did not comply with the interim direction citing impossibility of performance. The High court was pleased to freeze the accounts of the society and also order for appointment of an administrator.

10. Aggrieved by the orders of the High Court, the SCCI filed a special leave petition in Supreme Court of Indigo contending that the orders of the High Court amounts to judicial legislation and it runs contrary to the basic tenets of Constitution of Indigo. Further it has been contended that it is not a “state” under Article 12 of the Constitution of Indigo and as such, is not amenable to the jurisdiction of the High Court. The competent authority being the registrar of societies has not even raised a little finger over the affairs of the society and as such, a petition by a disgruntled former cricketer in the garb of public interest litigation is not maintainable and sought for allowing the petition and setting aside of the orders of the High court.

11. Mr. Dev, the 1st respondent has appeared before Supreme Court, contending that SCCI performs public functions of regulating the game of Cricket in Indigo. It represents Indigo in foreign countries and is tacitly acknowledged by the Indigo Government. Further, SCCI has availed various benefits from GOI in the form of customs duty and tax exemptions, all civic and security during its cricket matches is provided by the State. Visa clearance and other hidden charges are borne by GOI and for majority of its stadiums in Indigo, GOI and State Governments have given huge piece of agricultural land at very meagre price. As such, the society being a State under Article 12 of Constitution of Indigo has been rightly deprecated by the High court. Justifying the orders of the High court, he sought for dismissal of the petition.

12. The Hon’ble Supreme court has granted leave and the civil appeal filed by the society is ordered to be placed before a constitutional bench of five judges. The matters stand posted for final hearing. As such, appropriate issues be framed and the submissions on both sides be advanced.

Note: The Constitution and laws of Indigo are similar to India. Courts in Indigo accept the decisions of Supreme Court of India as binding precedent. The Trumbay Public Trust Act, 1952 is similar to Bombay Public Trust Act 1950.