

THE KARNATAKA STATE CRICKET ASSOCIATION®

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CHAPTER EIGHT: TRANSPARENCY & CONFLICT OF INTEREST

37. TRANSPARENCY:

- a. The Memorandum of Association, Rules and Regulations and all other resolutions, orders and Memorandum of the Association (including the Managing Committee and the General Body) shall be freely available to the general public at a reasonable price. The same shall also be available on the Website of the Association.
- b. The composition of the various Committees (including the Governing Council), their reports of work done, financial outlay and expenditure shall be uploaded on the Website of the Association on a quarterly basis at distinct links dedicated to each Committee. It shall be the responsibility of the CEO to ensure that this is done.
- c. All payments and expenditures made by the Association which is in excess of Rs.25lakh shall be enumerated and uploaded on the website.

All proceedings and conclusions of the Ombudsman and the Electoral Officer shall be uploaded on the Website of the Association annually.

The audited accounts, balance sheets, profit & loss accounts and annual reports shall be uploaded on the Website of the Association annually.

The Financial and Compliance Reports of the Auditor shall be placed on the uploaded on the Website of the Association annually.

All notices on or behalf of the Association including tenders for goods and services, for contractual arrangements and the like shall be promptly uploaded on the Website of the Association.

- h. The website of the Association shall have dedicated links to all the stadia in the State which host international matches, along with their complete seating capacity, pricing and transparent booking procedures for all tournaments whether international, domestic or KPL. All sponsor and other free allotments shall also be disclosed, in no event being more than 10% of the entire seating capacity in any particular category.

38. CONFLICT OF INTEREST:

- (a) A Conflict Of Interest may take any of the following forms as far as any individual associated with the Association is concerned:

- (i) Direct or Indirect Interest: When the Association, a Member, the KPL or a Franchisee enters into contractual arrangements with entities in which the individual concerned or his/her relative, partner or close associate has an interest. This is to include cases where family members, partners or close associates are in positions that may, or may be seen to compromise an individual's participation, performance and discharge of roles.

Illustration 1: A is an Office Bearer of the Association when it enters into a broadcast contract with a company where A's son B is employed. A is hit by Direct Conflict of Interest.

Illustration 2: C is a Member of the KPL Governing Council. The KPL enters into a contract with a new franchisee, the Managing Director of which is C's partner in an independent commercial venture. C is hit by Indirect Conflict of Interest.



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Illustration 3: D is the Office Bearer of a State Association. D's wife E has shares in an KPL Franchisee which enters into a stadium contract with the State Association. D is hit by Indirect Conflict of Interest.

Illustration 4: F is President of the ASSOCIATION. His son-in-law is a Team Official of a Franchisee. F is hit by Conflict of Interest.

Illustration 5: G is an employee of the Association. His wife runs a catering agency that is engaged by the Association. G is hit by Conflict of Interest.



(ii) **Roles compromised:** When the individual holds two separate or distinct posts or positions under the Association, a Member, the KPL or the Franchisee, the functions of which would require the one to be beholden to the other, or in opposition thereof.

Illustration 1: A is the Coach of a team. He is also Coach of an KPL Franchisee. A is hit by Conflict of Interest.

Illustration 2: B is Secretary of the Association. He is also President of ASSOCIATION. B is hit by Conflict of Interest

Illustration 3: C is the Vice President of the Association. He is also President of ASSOCIATION and member of a Standing Committee. C is hit by Conflict of Interest

Illustration 4: D is a Selector. He is also coach of an KPL franchisee. D is hit by Conflict of Interest.

(iii) **Commercial conflicts:** When the individual enters into endorsement contracts or other professional engagements with third parties, the discharge of which would compromise the individual's primary obligation to the game or allow for a perception that the purity of the game stands compromised.

Illustration 1: A runs a cricket academy. He is appointed as a selector. A is hit by Conflict of Interest.

Illustration 2: B is a Association commentator. He also runs a sports management company which contracts members of the team. B is hit by Conflict of Interest.

Illustration 3: C is a selector. He is contracted to write a column on a tour that the national team is on. C is hit by Conflict of Interest.

Illustration 4: D is a team captain. He is also co-owner of a sports management agency which is contracted to manage other team members. D is hit by Conflict of Interest.

Illustration 5: E is a member of the KPL Governing Council; He is engaged by a cricket broadcaster to act as an KPL commentator. E is hit by Conflict of Interest.

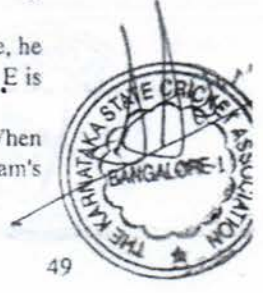
(iv) **Prior relationship:** When the individual has a direct or indirect independent commercial engagement with a vendor or service provider in the past, which is now to be engaged by or on behalf of the Association, its Member, the KPL or the Franchisee.

Illustration 1: A is President of the Association. Prior to his taking office, he has been engaged professionally for his services by a firm B. After A becomes President, B is appointed as the official consultants of the Association. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. Prior to his election, he ran a firm C, specializing in electronic boundary hoardings. Upon becoming Secretary, the contract for the Association's stadium hoardings is granted to C. B is hit by Conflict of Interest.

Illustration 3: D is the Commissioner of the KPL. Before he came into this office, he used to engage E as his auditor for his business. After becoming Commissioner, E is appointed as auditor to the KPL. D is hit by Conflict of Interest.

Illustration 4: F is the Captain of an KPL team, and G is the team's manager. When F is made Captain of the national team, G is appointed as the national team's manager. F is hit by Conflict of Interest.



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(v) Position of influence: When the individual occupies a post that calls for decisions of governance, management or selection to be made, and where a friend, relative or close affiliate is in the zone of consideration or subject to such decision-making, control or management. Also, when the individual holds any stake, voting rights or power to influence the decisions of a franchisee/club/team that participates in the commercial league(s) under Association;

Illustration 1: A is a selector. His son is in the zone of consideration for selection. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. He also runs a cricket academy in the State. B is hit by Conflict of Interest.

Illustration 3: C is an umpire. His daughter D is a member of a team which is playing a match in which C officiates. C is hit by Conflict of Interest.

Illustration 4: E is the President of a State Association and his company F owns 12 cricket clubs in the State from which probable's are selected for the State team. E is hit by Conflict of Interest.



EXPLANATION: The Illustrations which refer to a President / Secretary / Vice-President may be read as illustrations referring to any other Office Bearer, and also to the members of the Apex Council, the Governing Council and the Committees.

Within a period of 15 days of taking any office under the Association, every individual shall disclose in writing to the Managing Committee any existing or potential event that may be deemed to cause a Conflict of Interest, and the same shall be uploaded on the website of the Association. The failure to issue a complete disclosure, or any partial or total suppression thereof would render the individual open to disciplinary action which may include termination and removal without benefits. It is clarified that a declaration does not lead to a presumption that in fact a questionable situation exists, but is merely for information and transparency.

(c) A Conflict of Interest may be either Tractable or Intractable:

- I. Tractable conflicts are those that are resolvable or permissible or excusable through recusal of the individual concerned and/or with full disclosure of the interest involved.
- II. Intractable conflicts are those that cannot be resolved through disclosure and recusal, and would necessitate the removal of the individual from a post or position occupied so that the conflict can cease to exist.

Explanation: In Illustration 3 to Rule 38(1)(i), if the wife held 51% shares, the conflict will be treated as intractable. If the wife holds 3% shares, whether the conflict is tractable or intractable will have to be decided by the Ethics Officer on the facts of the case. If the wife holds only 100 shares out of 1 crore shares, a disclosure of the same may be sufficient.

(d) It is clarified that no individual may occupy more than one of the following posts at a single point of time except where prescribed under these Rules:

- i. Player(Current)
- ii. Selector/Member of Cricket Committee
- iii. Team Official
- iv. Commentator
- v. Match Official
- vi. Administrator /Office-Bearer
- vii. Electoral Officer



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- viii. Ombudsman & Ethics Officer
- ix. Auditor
- x. Any person who is in governance, management or employment of a Franchisee
- xi. Member of a Standing Committee
- xii. CEO & Managers
- xiii. Service Provider (Legal, Financial, etc.)
- xiv. Contractual entity (Broadcast, Security, Contractor, etc.)
- xv. Owner of a Cricket Academy



- (e) As far as incumbents are concerned, every disclosure mandated under Sub-Rule (c) may be made within 90 days of the Effective Date.
- (f) The provisions of Rules 38(1) to 38(5) of the BCCI Constitution shall apply *mutatis mutandis* to the Association.

39. THE ETHICS OFFICER:

- i. The Association shall appoint an Ethics Officer at the Annual General Meeting for the purpose of guidance and resolution in instances of conflict of interest. The Ethics Officer so appointed shall be a retired Judge of a High Court after obtaining his/her consent and on terms as determined by the Association in keeping with the dignity and stature of the office. The term of an Ethics Officer shall be one year, subject to a maximum of 3 terms in office.
- ii. Any instance of Conflict of Interest may be taken cognizance of by the Ethics Officer:
 - a. Suo Motu;
 - b. By way of a complaint in writing to the official postal or email address; or
 - c. On a reference by the Managing Committee;
- iii. After considering the relevant factors and following the principles of natural justice, the Ethics Officer may do any of the following:
 - a. Declare the conflict as Tractable and direct that:
 - i. The person declares the Conflict of Interest as per Rule 38; or
 - ii. The interest that causes the conflict be relinquished; or
 - iii. The person recuses from discharging the obligation or duty so vested in him or her.
 - b. Declare the conflict as Intractable and direct that:
 - i. The person be suspended or removed from his or her post; and
 - ii. Any suitable monetary or other penalty be imposed; and
 - iii. The person be barred for a specified period or for life from involvement with the game of cricket.

The Ethics Officer is wholly empowered to also direct any additional measures or restitution as is deemed fit in the circumstances.

