

APPENDIX 'C'

**CONFLICT OF INTEREST
OF
TRIPURA CRICKET ASSOCIATION**

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PRELUDE

The doctrine of 'Conflict of Interest' is complex and primarily based on the principle of fusion of two conflicting interests which cannot be held by one person at the same time". A person should appear to be absolutely free of bias when he takes part in any deliberation over a body judicial or quasi-judicial or even administrative when it is necessary to observe the principles of natural justice. It may be direct or indirect in any matter or in a decision making process. The test is not whether bias was actually did take place when the decision was taken. It is the reasonable "likelihood of bias" that determines whether the action can be faulted. Every individuals in positions of trust, adjudication and governance of Association must conduct themselves in a manner not remotely suggestive of any mode of compromise, directly or indirectly in any decision making process and should be above any likelihood of bias based on commercial or any other interest, which could be faulted on the ground of being non-transparent and/or abused to undermine the integrity of the association, its management or the game. Thus, the occupation of a particular Office or any decision making process should not be allowed to bear any reasonable presumptions or inferences about any mode of compromise, benefit or favour which could ensue, that would in turn lower the dignity of the game. While the BCCI has already provided the examples of "Conflict of Interest", the Hon'ble Lodha Committee in its titled Report has elaborately dealt with and provided the issues of "Conflict of Interest". Accordingly, while treating those as part of this appendix, a few instances are provided, which must be avoided.

A Conflict of Interest may take any of the following forms as far as any individual associated with the Tripura Cricket Association (TCA) is concerned:

(i) Direct or Indirect Interest: When TCA enters into contractual arrangements with entities in which any of the individual associated with Association 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 or Member of the Executive Committee or of any other Committee of the TCA when it enters into a Con-

tract 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 TCA. The TCA enters into a Contract with a Body, of which the Managing Director is either C's partner or family or direct associate is interested directly or indirectly in an independent commercial venture. C is hit by Indirect Conflict of Interest.

Illustration 3: D is the Office Bearer or Member of the Executive Committee of of any other Committee of the TCA. D's wife or relative E has shares in any other Entity, which enters into any Contract with TCA. D is hit by Indirect Conflict of Interest.

Illustration 4: F is an employee of TCA. His wife/partner or relative G runs a Catering/Service Agency that is engaged by TCA. F is hit by Conflict of Interest.

(ii) Roles compromised: When the individual holds two separate or distinct posts or positions under TCA, its Member, 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 Tripura Team. He is also Coach of a Coaching Centre. A is hit by Conflict of Interest.

Illustration 2: B is a Selector. He is also having a Coaching Centre or coaches a Team. B 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 owns or runs or manages a Cricket Academy/Coaching Centre. He is appointed as a Selector. A is hit by Conflict of Interest.

Illustration 2: B is a Member of any Committee of the TCA also runs a Sports/Event Management Company which contracts any Player of Tripura. B is hit by Conflict of Interest.

Illustration 3: C is a Team Captain. He or his wife or relative is also co-owner of a Sports/Event Management Agency which is contracted to manage other Team members. C is hit by Conflict of Interest.

Illustration 4: D is a member of any Committee or Office Bearer of TCA. He or his wife or relative is having any other Organization in which E provides services, directly or indirectly. E is also appointed by the TCA to render services for the TCA. D is hit by Conflict of Interest.

(iv) Prior relationship: When the individual has had 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 TCA. It would be against the principles of Conflict of Interest.

(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 making process would be hit by the Conflict of Interest.

(2) A Conflict of Interest may be either Tractable or Intractable.

a. 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;

b. 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;

(3) 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:

- a. Player (Current)
- b. Selector / Member of Cricket Committee
- c. Team Official
- d. Commentator
- e. Match Official
- f. Administrator / Office-Bearer/Member of the Committee
- g. Electoral Officer
- h. Ombudsman & Ethics Officer
- i. Auditor
- j. Member of a Standing Committee
- k. CEO & Managers
- l. Service Provider (Legal, Financial, etc.)
- m. Contractual entity
- n. Owner of a Cricket Academy