



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.: 1041/1141/2014

Dated: 08.05.2017
Dispatch No.....

In the matter of :

Smt. Pramodini Yashwant Sidhaye,
402, Clover Village,
Cheltenham Court,
Chs., 4th Floor,
66-67, Wanowrie,
Pune, Maharashtra – 411 040
Email <pysidhaye@yahoo.co.in>

R915

..... Complainant

Versus

Ministry of Youth Affairs & Sports,
(Through Joint Secretary),
Department of Sports,
Shastri Bhawan, 'C' Wing,
Dr. Rajendra Prasad Road,
New Delhi – 110 001

R916

..... Respondent 1

Board of Control for Cricket in India,
(Through Chief Admn. Officer)
4th Floor, Cricket Centre,
Wankhede Stadium,
D. Road, Churchgate,
Mumbai – 400 020

R917

..... Respondent 2

Date of Hearing : 24.11.2016, 05.01.2017, 15.02.2017 & 17.03.2017

Present :

1. Complainant - Absent
2. Mohd. Naushad Alam, ASO & Shri Amogh Shukla – On behalf Respondent 1
3. Ms. Purnima Krishna, Advocate on behalf of Respondent 2

ORDER

The above named complainant, wife of Late Baba Sidhaye filed a complaint through Portal for Public Grievances under Regn. No. MOSJE/E/2010/00102 dated 27.07.2010 and representation dated 21.01.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act, regarding harassment by respondent no.2 by not honouring/felicitating her husband, a person with hearing impairment.

....2/-

2. The complainant submitted that her husband is first and only hearing impaired BCCI Cricket player who played for India and has shown path to overcome the disability. The record made by him was not broken by any player since 75 years. His story was used in a film named 'Iqbal' without his consent. The complainant has alleged that officials of BCCI have been harassing her husband for the last ten years. She requested action against BCCI.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letters dated 11.02.2015 and followed by reminders dated 08.05.2015, 19.06.2015 and 28.08.2015.

4. The Respondent No. 1 vide letter dated 15.06.2015 requested the Board of Control for Cricket in India to send the grievance of the Complainant to this Court. The Respondent No.1 vide letter dated 05.08.2015 stated that their Office does not handle any matter of BCCI and hence requested this Court to take up the matter with the BCCI directly.

5. As no reply either from the Respondent No. 1 or Respondent No. 2, a hearing was scheduled in the matter on 24.11.2016 at 11.00 Hrs.

6. During the hearing, Son of the complainant vide his written submission dated 23.11.2016 submitted that his father is the first and only born deaf mute 1st class Cricket Player in this world from India since 1931 till date. His three unique world records and two records in Mumbai Cricket has not been broken for the last 86 years. Google and Wikipedia both had confirmed this achievements on their platforms. The BCCI Ombudsman Hon'ble Retired Judge A.P. Shah has given his verdict in January 2016 but this was also dumped till date. His father played 52 first class Cricket matches since 1931 till date. Late Yashwant Prabhar alias Baba Sidhay's interview/two lined true story was published in Indian Express dated 09.02.2000. It was the real inspiration for various national/international awards winning Hindi Movie "Iqbal" of 2005. He stated that lifting of idea is a crime. He further submitted that BCCI conferred the Arjuna Award to some other player who played only 13 Ranji matches but his father was denied that award under handicapped category who has five international matches also to his credit.

7. Representatives of Respondent no. 1 vide written submissions dated 23.11.2016, submitted that BCCI has not been given recognition by their Ministry and therefore no record related to the matter is available nor their Ministry has any role in the subject. They submitted that their Ministry has no information on Late Baba Sidhaye, a person with hearing impairment being the first and only deaf and dump by birth Cricket player and they do not possess with

....3/-

them any records of Late Baba Sidhaye's achievements . Therefore the matter was transferred to the BCCI vide their Ministry's letters dated 27.02.2015 and 15.06.2015 for necessary action. Respondent no. 1 submitted that film making does not come under the purview of Deptt. of Sports as claimed by the Complainant. The Respondent 1 submitted that BCCI is a body registered under Societies Act. Since it is not recognised by their Ministry as National Sports Federation, their Ministry does not provide any financial assistance to BCCI and neither their Ministry has any role in the various welfare schemes devised by BCCI. The Respondent submitted that the averments made by the complainant vide email dated 22.07.2015 whereby it has been alleged that Nagesh Kukunoor, film maker has illegally adopted life of Late Baba Sidhaye in his movie Iqbal without giving recognition to life of Late Baba Sidhaye, does not come under the purview of their Ministry. Therefore, no action can be taken by their Ministry on this issue. The Respondent requested this Court that since their Ministry has no role in the matter, the name of their Ministry from the list of respondents may be deleted.

8. During the hearing the Counsel for BCCI denied receiving a copy of the complaint by Respondent no. 2. A copy of the complaint was provided to her by the Court.

9. The case was rescheduled for hearing on 05.01.2017 at 11.00 Hrs.

10. During the hearing, Son of the complainant vide his written submission dated 29.12.2016 submitted that he had submitted the Order dated 23.01.2016 of Justice (Retd.), A.P. Shah, BCCI Ombudsman along with 5 page detailed open letter to the President of BCCI consisting of pending demands of Baba Sidhaye, first and only born Divyaang (deaf & mute) first class cricket player in the world from India. Respondent No. 1's submission that they have no role in this matter is not true. The then Government of India, Sports Ministry had given Arjuna Award to Anjan Bhattacharjee of India during 1970-1973 under handicapped category who played only 13 Ranji matches for Bihar and denied that award to Baba Sidhaye of India who played 51 International, Duleep Trophy, Ranji Trophy matches against all touring test teams of the world except Pakistan, for West Zone and North Zone and for Maharashtra, Bombay and Indian Railways from 1950-1966 respectively. They gave this award to the second born deaf-mute cricket player but denied the same to Baba Sidhaye. He further insisted that Baba Sidhaye must be honoured with the highest award of Govt. of India, Sports Ministry and of Home Ministry at the earliest to rectify the error made by the then Central Government. Due to the unique unbroken World Record No. 3, the complainant is also eligible for the highest award of Bharat Ratna under handicapped category as he is the only Divyaang Yugpurush in this world and as no other born deaf mute cricket player is available throughout the world who is near to the achievements of Baba Sidhaye and has shown the path to all Divvyang to adopt sports as a career option and excel.

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11. Representatives of Respondent no. 2 submitted that they will be submitting a written submission to the Court within four weeks of time.

12. The case was rescheduled for hearing on 15.02.2017 at 11.00 Hrs.

The Complainant over the phone and vide email dated 15.02.2017 submitted that as the flight to Delhi is fully occupied, he was unable to get a boarding pass on Spicejet staff ticket. Hence, he was not in a position to attend the hearing. The Complainant requested to grant him permission and to give him next date so as to enable him to attend the hearing.

13. The Counsel for the Respondent No. 2 (Board of Control for Cricket in India) submitted that under the Arjuna Award Scheme as under Clause 4.1, a sportsperson should have had not only good performance over the previous four years at the International level but also should have shown qualities of leadership, sportsmanship and a sense of discipline. which the Complainant's husband does not have. The nomination for the Award is not by BCCI. Under Clause 9, the ultimate decision is of the Selection Committee constituted by the Government of India. Under the Medical Benevolent Scheme, the same is with effect from 01.10.2004 but the Complainant is claiming benefits from 1984 till 2002. For the period from 2000 to 2002, the supporting bills provided for the payment were not duly certified by the treating Physician as the bills were not in the name of the Complainant. Further, the claim for Monthly Gratis to Widow is not maintainable as only widows of Test Cricketers and Test empires are eligible under the Scheme whereas Baba Sidhaye is only a first class Cricketer. The complainant has no locus to file the complaint under Section 59 of the PwD Act.

14. The representative of the Ministry of Youth Affairs & Sports submitted that Ministry has never received recommendations for the Award for the Complainant from BCCI or any other Sport Body or individually in the prescribed format. If at all his application is received in the prescribed format, it will be examined and final decision will be of the Selection Committee.

HC

15. As the Complainant was not present in the hearing, in the interest of justice, the case is adjourned to 17.03.2017 at 1500 Hrs. In the event of non-appearance, this Court may be constrained to either decide the complaint on the basis of available records or take action under Section 63(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 for enforcing the attendance.

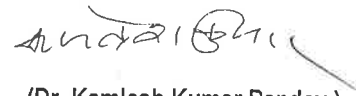
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16. During the hearing The representatives Respondent 1 reiterated that their Ministry has never received recommendations for the Award for the Complainant from BCCI or any other Sport Body or individually in the prescribed format. If at all his application is received in the prescribed format, it will be examined and final decision will be of the Selection Committee.

17. During the hearing the Legal counsel for BCCI submitted that under Section 59 of Clause (a) no right of the complainant has been violated, Therefore, the complainant has no locus standi to approach this forum under Section 59 of the Persons with Disabilities, Act 1995. The husband of the complainant does not fulfill the eligibility criteria laid down under Clause 4.1 of the scheme for Arjuna Awards. Without prejudice of the above submissions in any event the ultimate decision lies with the Selection Committee and not BCCI. As regards, the medical benevolent scheme (Annexure B), the scheme is only applicable to retired Cricketers and Empires alive at that time. Further, this scheme is w.e.f. 01.10.2000. As late Baba Sidhaye has claimed under the scheme from the year 1984 to 2002, he is not entitled to any facilities till the year 2000. As far as the period from 2000 to 2002 is concerned, the bills submitted are in the name of complainant and not late Baba Sidhaye. She further submitted that the monthly gratias as claimed by the complainant is only payable to widows of Test Cricketers as mentioned in Annexure 'C'. The Counsel further submitted that as far as conferment of Bharat Ratna and Padma Awards or any Civilian Award is concerned, the complainant has annexed letter dated 20.04.2009 of the Government of India, Ministry of Home Affairs stating that recommendations of the said awards are given by Prime Minister himself to the President. No formal recommendation is necessary. Therefore, the complaint should be dismissed.

18. After hearing the parties and perusal of the available records and paper clippings, Court has observed that there is no violation of persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. However, the complainant may submit the application for nomination of Award before the Committee constituted by BCCI for their consideration and if, found suitable as per the guidelines of BCCI, may forward to the appropriate forum. Though there is no relaxation in the scheme for Arjuna Award for persons with disabilities, but keeping in view the achievement in first class Cricket, BCCI may recognize late Baba Sidhaye's contribution so that other persons with disabilities may also get inspired for making their career in sports.

19. The case is disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities