

INDIAN RUGBY FOOTBALL UNION

Ombudsman and Ethics Officer Rules

Date:

Introduction

The Indian Rugby Football Union (“**IRFU**”) is a non-profit company limited by guarantee which has been incorporated to establish, promote, arrange, regulate, organize, encourage, support, assist, aid and/or control the game of Rugby in India. IRFU is formally recognised by the Ministry of Youth Affairs and Sports, Government of India as the National Sports Federation for the sport of Rugby in India and by World Rugby as the sole national body with jurisdiction for Rugby in India.

Article 27 of the IRFU’s Articles of Association provides for the appointment of an Ombudsman and an Ethics Officer and further provides that one appointee can function as both the Ombudsman and Ethics Officer.

These Ombudsman and Ethics Officer Rules (“**Rules**”) set out the rules and regulations for the functioning of the IRFU’s Ombudsman and Ethics Officer as may be appointed from time to time.

1. Definitions

1.1. In these Rules, unless the context otherwise requires, the following terms shall have the meaning ascribed to them below:

- 1.1.1. “**Articles**” shall mean the Articles of Association of the IRFU, as adopted and amended by the IRFU from time to time;
- 1.1.2. “**Board**” or “**Board of Directors**” shall mean the collective body of the Directors of the IRFU;
- 1.1.3. “**Complainant**” shall mean any person desirous of registering a complaint with the Ombudsman and Ethics Officer in accordance with these Rules;
- 1.1.4. “**Director**” shall mean a Director appointed to the Board of Directors of the IRFU;
- 1.1.5. “**Code**” shall mean the IRFU Code of Ethics adopted by the Board and applicable to all Functionaries and Members;
- 1.1.6. “**Functionaries**” shall mean the functionaries of the IRFU, including without limitation, the Directors, the Representatives (in their capacity as

- appointees to the Board, as members of Sub-Committees, or otherwise as representatives of the IRFU), any other members of Sub-Committees, officers, employees and other personnel of the IRFU;
- 1.1.7. “**IRFU**” shall mean the Indian Rugby Football Union;
 - 1.1.8. “**IRFU Website**” shall mean the official website of the IRFU, located at <https://indiarugby.com/>;
 - 1.1.9. “**Member**” shall mean an individual, association, society, company, or any body of individuals duly admitted to the membership of IRFU in accordance with the Articles;
 - 1.1.10. “**Ombudsman and Ethics Officer**” shall mean the Ombudsman and Ethics Officer for the IRFU appointed by the Board from time to time in pursuance of Article 27 of the Articles;
 - 1.1.11. “**Representative**” shall mean an individual who is duly authorized to represent a Member as provided for under the Articles;
 - 1.1.12. “**Respondent**” shall mean any entity or person named in a complaint filed by a Complainant in accordance with these Rules;
 - 1.1.13. “**Representative**” means an individual who is duly authorized to represent a Member at/before the IRFU in accordance with the Articles;
 - 1.1.14. “**Sub-Committees**” shall mean the Sub-Committees constituted by the Board in accordance with the Articles; and
 - 1.1.15. “**Terms of Reference**” shall mean the matters which can be referred to be considered, inquired or adjudicated by the Ombudsman and Ethics Officer as prescribed in Clause 4.1 below.
- 1.2. Capitalised terms used in these Rules but not defined herein shall have the meaning ascribed to them in the Articles and/or the Code.
 - 1.3. For the purposes of these Rules, the singular shall include the plural and vice versa.
- ## 2. **Effect and Modifications**
- 2.1. These Rules shall come into force on the day the Board passes a resolution for adoption of these Rules and notifies the Rules to the Members.
 - 2.2. The Board reserves the right to review, change, update, or withdraw these Rules and any changes shall be effective upon the Board notifying the Members of the changes by posting the revised rules on the IRFU Website. Provided that prior to effecting any material changes to the Rules, the Board shall obtain the views of the person (if any) who at that point of time is occupying the office of the Ombudsman and Ethics Officer.
 - 2.3. These Rules apply to the IRFU, Members, and Functionaries.

3. **Scope**

- 3.1. The Ombudsman and Ethics Officer shall receive, consider, inquire and adjudicate any complaints, disputes or issues that are related to the matters covered under the Terms of Reference.
- 3.2. The Ombudsman and Ethics Officer has the power to exercise all powers and discretions conferred on him/her by these Rules and to carry out all responsibilities attributed to him/her under these Rules.
- 3.3. The Ombudsman and Ethics Officer shall be a retired judge of the Supreme Court of India or of a High Court with knowledge about sports law or arbitration with general knowledge of sports, and shall be appointed by the Board after obtaining his/her consent and on terms as determined by the Board in keeping with the dignity and stature of the office.
- 3.4. The Board shall provide from time to time at the request of the Ombudsman and Ethics Officer such premises, staff and equipment as he/she may reasonably require to carry out his/her duties and functions.
- 3.5. The Ombudsman and Ethics Officer shall be precluded from handling any matter if he/she is an interested party or has a Conflict of Interest in such matter.
- 3.6. If the Ombudsman and Ethics Officer recuses himself/herself or is indisposed or otherwise prevented from carrying out his/her duties at any time, the Board may by resolution appoint an individual eligible for appointment as Ombudsman and Ethics Officer to act as temporary replacement for the Ombudsman and Ethics Officer for such period of time and on such terms and conditions as the Board shall determine.
- 3.7. While such temporary replacement holds office, these Rules shall apply to him/her as if he/she were the Ombudsman and Ethics Officer.

4. **Terms of Reference**

- 4.1. The Ombudsman and Ethics Officer shall adjudicate disputes which may arise between or among Members, the IRFU and/ or the Functionaries and shall also deal with matters relating to Conflict of Interest and other ethical issues, including issues provided for in the Code ("**Terms of Reference**"). The matters which may come under the Terms of Reference, include but are not limited to:

- 4.1.1. Non-adherence by any Functionary or any Member with the Articles or any rules or regulations of the IRFU, including without limitation, the Code;
 - 4.1.2. Actions and omissions of any Functionary or any Member which are detrimental to the interests of the IRFU or the objects of the IRFU or affect the reputation of the IRFU; and
 - 4.1.3. Any disputes between/among two or more Members, between/among two or more Functionaries, between/among Functionary(ies) and the IRFU, between/among Functionary(ies) and Member(s), and/or between/among Member(s) and the IRFU.
- 4.2. It is clarified that the Ombudsman and Ethics Officer may in the Ombudsman and Ethics Officer's discretion, inquire *suo moto* into any matters that the Ombudsman and Ethics Officer reasonably determines are under the purview of the Terms of Reference, without the receipt of a formal referral or complaint from any person/entity as specified below.

5. **Conditions for Complaints**

- 5.1. A Complainant can register a complaint before the Ombudsman and Ethics Officer if the Complainant believes that the Complainant's issue is covered under the Terms of Reference.
- 5.2. In instances where the Respondent specified in a complaint is the IRFU, or a Functionary, a written complaint regarding such Complainant's issue, must first be made to the Respondent, except in cases where doing so would unreasonably compromise the Complainant's interests or position.
- 5.3. In the event that no reply is received from the Respondent within a period of fourteen (14) business days from the date on which such complaint was raised with the Respondent or the Respondent rejects the complaint without providing valid reasons and the complainant is aggrieved by such rejection or is not satisfied with the reply given by the Respondent, the Complainant can file a complaint in accordance with the procedure specified in Clause 6 below.
- 5.4. A complaint may not be considered or may be rejected by the Ombudsman and Ethics Officer for any of the following reasons:
 - 5.4.1. The subject matter of the complaint is not covered under the Terms of Reference;

- 5.4.2. With respect to complaints against the IRFU, or a Functionary, the Complainant has not approached the Respondent for redressal of his/her grievance in the first instance, as provided herein these Rules;
- 5.4.3. The Complainant has not made the complaint within three (3) months from the date of receipt of the response of the Respondent or if no reply is received, the complaint to the Ombudsman and Ethics Officer is made after more than three (3) months from the date on which the complaint was first made to the Respondent;
- 5.4.4. The complaint is without any sufficient cause or is frivolous, vexatious or malicious in the opinion of the Ombudsman and Ethics Officer;
- 5.4.5. The complaint relates to a matter that was already inquired or adjudicated by the Ombudsman and Ethics Officer previously;
- 5.4.6. The complaint requires consideration of elaborate documentary and oral evidence and the proceedings before the Ombudsman and Ethics Officer are not appropriate for adjudication of such complaint;
- 5.4.7. If the Ombudsman and Ethics Officer considers that by reason of the subject matter of the complaint it is more appropriate that such complaint should be determined by a court of competent jurisdiction or by arbitration; and
- 5.4.8. The subject matter of the complaint is pending for disposal / has already been dealt with at any other formal dispute resolution or redressal forum such as a court of law, arbitration, consumer commission, etc.

6. Complaint Requirements and Procedure

- 6.1. Every complaint before the Ombudsman and Ethics Officer shall be filed in physical form, comprising of two (2) hard copies (first being the original and the second being the photocopy thereof).
- 6.2. Complaints must be sent, by post or by hand, to the Ombudsman and Ethics Officer to the address specified for the same on the IRFU Website. A scanned copy of the complaint and the Affidavit shall be sent to the office of the Ombudsman and Ethics Officer via email to the address specified for the same on the IRFU Website. In the event a complaint and/or Affidavit is sent to any other address than that specified on the IRFU Website, the Ombudsman and Ethics Officer shall be at liberty to not entertain such a complaint and treat the same as never having been received.
- 6.3. The complaint must contain the following details:
 - 6.3.1. Full name, contact number, email address and complete postal address along with pin code of the Complainant;

- 6.3.2. Where the Complainant is a Member, membership number in the IRFU of such Member;
 - 6.3.3. The name and address of the Respondent (if available) against which the complaint is made;
 - 6.3.4. Facts giving rise to the complaint supported by documents and evidence, if any;
 - 6.3.5. Copies of communications exchanged between/among the Complainant and the Respondent(s), if any;
 - 6.3.6. The nature, and extent of the loss/injury caused to the Complainant;
 - 6.3.7. The relief sought from the Ombudsman and Ethics Officer; and
 - 6.3.8. A declaration by the Complainant stating that the Complainant is in compliance with these Rules.
- 6.4. Such complaint filed with the Ombudsman and Ethics Officer must be supported by an Affidavit, duly attested/notarized by Oath Commissioner/ Notary Public.
 - 6.5. Upon the receipt of a complaint, the Ombudsman and Ethics Officer may direct the Complainant to serve a copy of the complaint on the Respondent(s) named in the Complaint. Upon the receipt of such a direction, the Complainant shall forthwith serve the complaint on the Respondents by post or by hand and e-mail as directed and instructed by the Ombudsman.
 - 6.6. In the event complaints are filed only by way of e-mail without filing the hard copies thereof in terms of Clause 6.1, the Ombudsman and Ethics Officer shall be at liberty to not entertain such a complaint and to treat the same as having never been received.
 - 6.7. Complaints filed by way of electronics modes of communication other than e-mail such as WhatsApp/SMS, and complaints not addressed to the Ombudsman and Ethics Officer, shall not be entertained.
 - 6.8. The proceedings before the Ombudsman and Ethics Officer shall be confidential and hence the Complainant and the Respondents shall maintain confidentiality in relation to the same. The complaint as well as any communication pursuant thereto shall be sent only to the Ombudsman and Ethics Officer and the concerned counter party and shall not be published, disseminated or disclosed to any other party.
 - 6.9. Notwithstanding anything contained in the foregoing, the Ombudsman and Ethics Officer may in the interests of justice, waive compliance with/entertain complaints not in compliance with, one or more of the requirements specified herein in this Clause 6.

7. **Complaint/Dispute Inquiry and Resolution**

- 7.1. Subject to the other provisions of these Rules, the Ombudsman and Ethics Officer shall in his/her discretion decide the procedure to be adopted in considering complaints and disputes, in conducting inquiries, and in making orders, recommendations or directions.
- 7.2. In dealing with or inquiring into any disputes or complaints, the Ombudsman and Ethics Officer shall:
 - 7.2.1. Do what in his/her opinion is appropriate with a view to resolving disputes in a cooperative, efficient, timely and fair manner;
 - 7.2.2. Proceed with minimum formality and technicality to the extent possible; and
 - 7.2.3. Be as transparent as possible, whilst also acting in accordance with his/her confidentiality and privacy obligations.
- 7.3. The Ombudsman and Ethics Officer shall not be bound by any legal rule of evidence in considering complaints or conducting inquiries and he/she shall not be bound by any previous decision made by him/her or any predecessor in office.
- 7.4. Upon receipt of a complaint or upon taking cognizance of a matter *suo moto*, the Ombudsman and Ethics Officer shall give notice of the complaint and/or his/her inquiry to the Board and to any person/entity to whom the complaint/dispute relates and shall afford to such person/entity an opportunity to comment on the complaint.
- 7.5. The Ombudsman and Ethics Officer may request any affected party to submit their arguments and the Ombudsman and Ethics Officer shall exercise all powers of inquiry and hearing as the Ombudsman and Ethics Officer deems fit before appropriate orders are passed or recommendations made.
- 7.6. The Ombudsman and Ethics Officer shall have the power to call for relevant documents, information and/or data upon such terms as to confidentiality as he/she shall think fit in order to undertake independent enquiries with respect to resolving any disputes or enquiring into any complaints as permitted under these Rules.
- 7.7. Hearings, if any, will be conducted at the discretion of the Ombudsman and Ethics Officer and will follow the principles of natural justice. Such hearings may be conducted in person or through electronic means such as video-conferencing and tele-conferencing.

8. Orders

- 8.1. The order of the Ombudsman and Ethics Officer shall be final and binding with respect to a particular complaint or a dispute.
- 8.2. The Ombudsman and Ethics Officer shall aim to pass an order within a period of three (3) months from the date on which a complaint was taken cognizance of by the Ombudsman and Ethics Officer, subject to satisfaction of all requirements of a valid complaint from the Complainant.
- 8.3. Any order shall be based on the pleadings and evidence brought on record. The order shall be in writing and shall state the reasons upon which the order is based.
- 8.4. The Ombudsman and Ethics Officer may impose costs on the Complainant for filing a complaint which is frivolous.
- 8.5. Subject to any restrictions specified under applicable law, the Ombudsman and Ethics Officer may, at his/her sole discretion, cause the publication of the orders or such part of the orders as he/she deems fit, on the IRFU Website. The Complainant, Respondent and other interested parties shall be at liberty to seek from the Ombudsman and Ethics Officer, confidential treatment for any order, in whole or in part provided that the Ombudsman and Ethics Officer shall not be under any obligation to entertain or treat favourably, any request for confidential treatment.

9. Reports and Expenditure

- 9.1. The Ombudsman and Ethics Officer shall send to the Board, a written annual report on the 1st of May every year, containing a general review of the activities during the preceding financial year and describing the principal findings of his/her enquiries or any conclusions which he/she may have drawn.
- 9.2. The Ombudsman and Ethics Officer shall be entitled to expend any reasonable amounts necessary to ensure the effective discharge of his/her duties. He/she shall keep a record of all costs and expenses incurred and state the total thereof in his/her annual report.