

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 4235 OF 2014**

**In the Matter of:**

Board of Control for Cricket in India ... Petitioner

Versus

Cricket Association of Bihar & Ors. ... Respondents

**TENTH STATUS REPORT DATED**  
**OCTOBER 28, 2018 SUBMITTED BY THE**  
**SUPREME COURT APPOINTED**  
**COMMITTEE OF ADMINISTRATORS**

**[PAPER BOOK]**

FOR INDEX PLEASE SEE INSIDE

**M/S. CYRIL AMARCHAND MANGALDAS (AOR)**  
**ADVOCATES FOR THE PETITIONER**

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**INDEX**

<b>SR. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>
1.	Tenth Status Report dated October 28, 2018 submitted by the Supreme Court appointed Committee of Administrators (COA)	<b>1 – 32</b>
2.	<b><u>ANNEXURE A-1</u></b>  A copy of the judgment dated August 9, 2018 passed by this Hon'ble Court.	<b>33 – 67</b>
3.	<b><u>ANNEXURE A-2</u></b>  A copy of the order dated October 7, 2016 passed by this Hon'ble Court.	<b>68 – 79</b>

4.	<p style="text-align: center;"><b><u>ANNEXURE A-3</u></b></p> <p>A copy of the order dated October 21, 2016 passed by this Hon'ble Court.</p>	<b>80 – 104</b>
5.	<p style="text-align: center;"><b><u>ANNEXURE A-4</u></b></p> <p>A copy of the letter dated August 21, 2018 addressed by the CEO under cover of which the Constitution of BCCI was filed with the Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975.</p>	<b>105 – 106</b>
6.	<p style="text-align: center;"><b><u>ANNEXURE A-5</u></b></p> <p>A copy of the email dated August 21, 2018 from COA to all members of BCCI (along with the format of the compliance certificate that was enclosed therewith but without the other two enclosures thereto).</p>	<b>107 – 114</b>
7.	<p style="text-align: center;"><b><u>ANNEXURE A-6</u></b></p> <p>A copy of email dated August 23, 2018, to the Railways Sports Promotion Board.</p>	<b>115 – 116</b>

8.	<p style="text-align: center;"><b><u>ANNEXURE A-7</u></b></p> <p>A copy of email dated August 23, 2018 to the Services Sports Control Board.</p>	<b>117 – 118</b>
9.	<p style="text-align: center;"><b><u>ANNEXURE A-8</u></b></p> <p>A copy of email dated August 23, 2018, to the Association of Indian Universities.</p>	<b>119 – 120</b>
10.	<p style="text-align: center;"><b><u>ANNEXURE A-9</u></b></p> <p>A copy of the document containing the said timelines (titled ‘Points for Implementation by BCCI’)</p>	<b>121 – 124</b>
11.	Compilation of Documents in Volumes I to IX	—

**Filed by:**

**The Supreme Court Appointed Committee of Administrators**

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**In the Matter of:**

Board of Control for Cricket in India ... Petitioner

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**TENTH STATUS REPORT DATED OCTOBER 28, 2018**

**SUBMITTED BY THE SUPREME COURT APPOINTED**

**COMMITTEE OF ADMINISTRATORS**

1. Vide judgment dated August 9, 2018, this Hon'ble Court inter alia issued the following directions:

*“40 Having regard to the fact that the draft constitution submitted by the CoA on 27 October 2017 has now been approved by this Court subject to the aforesaid modifications, we issue the following directions:*

- 1 *The Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 shall upon presentation of the said Constitution by the CEO, register the documents forthwith*



*and report compliance by way of a report to the Secretary General of this Court within four weeks;*

2 *Upon the registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. A compliance certificate must be furnished to the CoA, which shall file a status report before this Court with reference to the compliance undertaken by the State Associations; and*

3 *In the event that any State Association does not undertake compliance with the abovesaid directions, the directions contained in the orders of this Court dated 7 October 2016 and 21 October 2016 shall revive.*

41 *The Committee of Administrators is at liberty to submit a further report for such future directions as may be warranted and to secure compliance.”*

A copy of the judgment dated August 9, 2018 passed by this Hon'ble Court is annexed hereto and marked as ANNEXURE A-1 (Pages 33 to 67).



Copies of the orders dated October 7, 2016 and October 21, 2016 (referred to above) are also annexed hereto and marked as ANNEXURE A-2 (Pages 68 to 79) and ANNEXURE A-3 (Pages 80 to 104) respectively.

2. In terms of the judgment dated August 9, 2018, the Committee of Administrators is filing this status report before this Hon'ble Court with reference to the compliance undertaken by the State Associations, for future directions and to secure compliance.

**A. STEPS TAKEN BY THE COMMITTEE OF ADMINISTRATORS PURSUANT TO THE JUDGMENT DATED AUGUST 9, 2018**

3. In compliance with the judgment dated August 9, 2018, the constitution of BCCI (as approved by this Hon'ble Court) was presented by the CEO to the Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 on August 21, 2018 and was registered the same day. A copy of the letter addressed by the CEO under cover of which the said constitution of BCCI was filed with the Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 is annexed hereto and marked as ANNEXURE A-4 (Pages 105 to 106).



4. A copy of registered constitution of BCCI is at **Volume 1** of the accompanying compilation of documents. *(Pages 1 to 100)*
5. Thereafter, the Committee of Administrators has addressed an email dated August 21, 2018 to all the members of BCCI enclosing a copy of the registered constitution of BCCI and providing the format of the compliance certificate that must be furnished to the Committee of Administrators within 30 days therefrom (i.e. on or before September 20, 2018) in terms of the judgment dated August 9, 2018. A copy of the said email dated August 21, 2018 (along with the format of the compliance certificate that was enclosed therewith but without the other two enclosures thereto) is annexed hereto and marked as **ANNEXURE A-5 (Pages 107 to 114)**.
6. The Committee of Administrators has also addressed three separate emails, all dated August 23, 2018, to the Railways Sports Promotion Board, the Services Sports Control Board and the Association of Indian Universities regarding compliance with the provision which requires their respective representatives to be a former First Class cricketer elected by former players. Copies of the said emails, all dated August 23, 2018, are annexed hereto and marked as **ANNEXURE A-6 (Pages 115 to 116)**, **ANNEXURE A-7 (Pages 117 to 118)** and **ANNEXURE A-8 (Pages 119 to 120)** respectively.





**B. APPROACH OF THE COMMITTEE OF ADMINISTRATORS IN ASSESSING COMPLIANCE BY STATE ASSOCIATIONS**

7. With a view to assisting State Associations in complying with the judgment dated August 9, 2018, the aforementioned email dated August 21, 2018 enclosed the format of the compliance certificate to be furnished by State Associations. The said format was prepared keeping in mind that owing to the difference in activities and functions of State Association and the BCCI, the respective constitutions of the State Associations cannot be identical to that of the BCCI. Indeed, the Judgment also did not require the State Association to draw their respective constitution on identical lines but required them to draw and register the same on similar lines. Thus, the State Associations were required to follow the same pattern as the BCCI constitution and make those modifications/ adaptations/ deviations which are necessary in order for the same to function at the level of State Associations. In order to ensure that State Associations are not given a *carte blanche* to make wholesale changes to the text of the BCCI constitution in the guise of suitably adapting the same, the format of the compliance certificate provided by the Committee of Administrators required the State Associations to specify every deviation from the text of the BCCI constitution in an annexure along with specific cogent reasons for each such deviation. A



copy of their amended constitution of the State Association was also required to be enclosed along with the compliance certificate in order to enable the Committee of Administrators to assess compliance.

8. Some State Associations have failed and neglected to furnish a compliance certificate. These State Associations are clearly in breach of the Judgment and have been classified as Non-Compliant State Associations (**Category A**).
9. Most State Associations have furnished a compliance certificate along with their amended constitution. However, on scrutinizing the amended constitutions of some of these State Associations, the Committee of Administrators has found that there are substantial material deviations from the BCCI Constitution. The Committee of Administrators is of the view that the nature of the said material deviations is such that these State Associations can, at the most, be termed as being partially compliant with the Judgment. Accordingly, these State Associations have been classified as Partially Compliant State Associations (**Category B**).
10. On scrutinizing the amended constitutions of the remaining State Associations, the Committee of Administrators has found that while there are some material deviations from the BCCI



Constitution, the same may be termed as substantially compliant with the Judgment, subject to rectification/ correction of the specific deviations which have been identified in each of them. Accordingly, these State Associations have been classified as Substantially Compliant State Associations (**Category C**).

11. In assessing compliance by State Associations, the Committee of Administrators has limited its scrutiny to the contents of the compliance certificate and amended constitution furnished by the State Association and has not insisted on any particular process (e.g. General Body meeting of the State Association) to be followed for amendment since the obligation to amend their respective constitutions emanates from the Judgment.

#### **C. STATUS OF COMPLIANCE BY STATE ASSOCIATIONS**

12. A summary of compliance by State Associations (classified into Category A, Category B and Category C as described above) is as follows:

<b>Non-Compliant (CATEGORY A)</b>	<b>Partially Compliant (CATEGORY B)</b>	<b>Substantially Compliant (CATEGORY C)</b>
1. Haryana	1. Tamil Nadu	1. Andhra
2. Himachal Pradesh	2. Madhya Pradesh	2. Assam
3. Karnataka	3. Jharkhand	3. Baroda

Non-Compliant (CATEGORY A)	Partially Compliant (CATEGORY B)	Substantially Compliant (CATEGORY C)
4. Gujarat	4. Goa	4. Mizoram
5. Meghalaya	5. Maharashtra	5. Puducherry
6. Nagaland	6. Bihar	6. Delhi
7. Arunachal	7. Bengal	7. Hyderabad
	8. Chhattisgarh	8. Jammu & Kashmir
	9. Manipur	9. Kerala
	10. Vidarbha	10. Mumbai
		11. Odisha
		12. Punjab
		13. Rajasthan
		14. Saurashtra
		15. Sikkim
		16. Tripura
		17. Uttar Pradesh
<b>TOTAL = 7</b>	<b>TOTAL = 10</b>	<b>TOTAL = 17</b>

### **Non-Compliant State Associations (Category A)**

13. Particulars of each of the Non-Compliant State Associations in Category A are as follows:

- (a) **Arunachal Cricket Association:** No communication has been received by the Committee of Administrators.



(b) **Gujarat Cricket Association:** The Committee of Administrators has received an email dated September 20, 2018 requesting 10 days' time for compliance. The Committee of Administrators addressed an email dated September 21, 2018 stating that since the timeline has been fixed by this Hon'ble Court, the Committee of Administrators is not in a position to consider its request. Copies of both the said emails are at Sr. No. 1 (Pages 1 to —) and Sr. No. 2 (Pages 2 to —) respectively of Volume II of the accompanying Compilation of Documents.

(c) **Haryana Cricket Association:** The Committee of Administrators has received an email dated September 24, 2018 *inter alia* stating that (i) it has already initiated the process of complying with the orders of this Hon'ble Court; (ii) its Board of Directors have resolved to accept certain alterations to its Articles of Association (listed in the email) and forward the same to the appropriate competent authority; (iii) due process of amendment of its constitution is being undertaken without prejudice to the its rights and those of the members constituting it; and (iv) in the meanwhile it has filed an application before this Hon'ble Court praying for time and for some



clarifications/ modifications/ directions. A copy of the said email is at Sr. No. 3 (Pages 3 to 10) of Volume 11 of the accompanying Compilation of Documents.

- (d) **Himachal Pradesh Cricket Association:** The Committee of Administrators has received a letter dated September 21, 2018 *inter alia* stating that it shall be holding a meeting on October 8, 2018 to deliberate and adopt the revised constitution without prejudice to the pending applications filed by it. The Committee of Administrators has subsequently received an email dated October 3, 2018 communicating that the aforementioned meeting has been postponed to October 14, 2018 on account of heavy rains. Copies of the said letter and email are at Sr. No. 4 (Pages 11 to 12) and Sr. No. 5 (Pages 13 to —) respectively of Volume 11 of the accompanying Compilation of Documents.

- (e) **Karnataka State Cricket Association:** The Committee of Administrators has received the amended constitution September 19, 2018 but has not received a compliance certificate despite having addressed an email asking for it. In any event, on scrutinizing the said amended constitution, several material deviations including in the provisions relating to cooling off period, composition of



Apex Council/ Managing Committee and appointment of Selectors have been found. Copy of the amended constitution is at Sr. No. 6 (Pages 14 to 71) of Volume II of the accompanying Compilation of Documents.

- (f) **Meghalaya Cricket Association:** The Committee of Administrators has received the amended constitution on September 19, 2018. However, no compliance certificate has been received despite the Committee of Administrators having addressed an email asking for it. In any event, on scrutinizing the said amended constitution, several material deviations including in the provisions relating to cooling off period, disqualifications, appointment of Selectors and transparency have been found. A copy of the amended constitution is at Sr. No. 7 (Pages 72 to 99) of Volume II of the accompanying Compilation of Documents.

- (g) **Nagaland Cricket Association:** The Committee of Administrators has only received an email dated September 20, 2018 *inter alia* stating that the Nagaland Cricket Association has resolved to adopt the new constitution for the states. A copy of the email is at Sr. No. 8 (Pages 100 to —) of Volume II of the accompanying Compilation of Documents.



**Partially Compliant State Associations (Category B)**

14. Particulars of each of the Partially Compliant State Associations in Category B are as follows:

(a) **Bihar Cricket Association:** Compliance certificate along with amended constitution was initially received on September 20, 2018. However, the compliance certificate was not as per the prescribed format. On being asked, a revised/ corrected compliance certificate was submitted on September 29, 2018. On scrutinizing the amended constitution, several material deviations including in the provisions relating to disqualifications and powers of electoral officer have been found. Copy of the revised/ corrected compliance certificate (along with enclosures thereto) is at Sr. No. 9 (Pages 101 to 146) of Volume III of the accompanying Compilation of Documents.

(b) **Cricket Association of Bengal:** Amended constitution was received on September 25, 2018 and compliance certificate was received on September 26, 2018. However, the compliance certificate is not as per the required format. Further, on scrutinizing the amended constitution, several material deviations including in the provisions relating to selection of teams being subject to final decision of





President, disqualifications not being applicable to its representative to BCCI and the creation of a trust to be administered by former office bearers as trustees have been observed. Copies of the compliance certificate (along with enclosures thereto) is at Sr. No. 10 (Pages 147 to 297) of Volume III of the accompanying Compilation of Documents.

- (c) **Chhattisgarh State Cricket Sangh:** Compliance certificate along with amended constitution was received on September 24, 2018. However, the compliance certificate was not as per the prescribed format. When the Committee of Administrators addressed an email to this effect, the Committee of Administrators received an email dated September 25, 2018. Further, on scrutinizing the amended constitution, several material deviations including in the provisions relating to reservation of posts of President, Secretary and Treasurer only for Life and Founder Members, appointment of Selectors, powers of electoral officer and composition of Apex Council have been observed. Copies of the compliance certificate (along with enclosures thereto) as well the email dated September 25, 2018 received by the Committee of Administrators are at Sr. No. 11 (Pages 298 to 348) and Sr. No.



12 (Pages 349 to 352) respectively of Volume III of the accompanying Compilation of Documents.

- (d) **Goa Cricket Association:** Compliance certificate along with amended constitution was received on September 18, 2018. On scrutinizing the amended constitution, several material deviations including in the provisions relating to cooling off period, disqualifications not being applicable to its representative to BCCI, powers of electoral officer, eligibility criteria for contesting elections and composition of Managing Committee have been observed. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 13 (Pages 353 to 382) of Volume III of the accompanying Compilation of Documents.
- (e) **Jharkhand State Cricket Association:** Compliance certificate along with amended constitution was received on September 26, 2018. On scrutinizing the amended constitution, several material deviations including in the provisions relating to cooling off period, disqualifications not being applicable to its representative to BCCI, composition of Committee of Management and the creation of a trust to be administered by trustees of which majority are not part of Committee of Management have been observed. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 14 (Pages 383



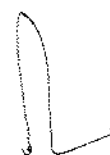
to 397) of Volume IV of the accompanying Compilation of Documents.

- (f) **Manipur Cricket Association:** Compliance certificate received on September 20, 2018 but without annexure and amended constitution was subsequently received on September 26, 2018. On scrutinizing the amended constitution, several material deviations including in the provisions relating to disqualifications, powers of electoral officer and transparency have been observed. A copy of the compliance certificate (along with enclosure thereto) is at Sr. No. 15 (Pages 398 to 463) of Volume IV of the accompanying Compilation of Documents.
- (g) **Madhya Pradesh Cricket Association:** Compliance certificate dated September 22, 2018 received on September 24, 2018 along with amended constitution. On scrutinizing the amended constitution, several material deviations including in the provisions relating to composition of Managing Committee, powers of electoral officer and the creation of a trust to be administered by trustees who need not be part of Managing Committee have been observed. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 16 (Pages 464 to 497) of Volume IV of the accompanying Compilation of Documents.



(h) **Maharashtra Cricket Association:** Compliance certificate dated September 20, 2018 received on September 24, 2018 along with amended constitution. On scrutinizing the amended constitution, several material deviations including in the provisions relating to membership to former international cricketers, election of office bearers, cooling off period, disqualifications not being applicable to its representative to BCCI, composition of Apex Council, not having player representatives on Apex Council and appointment of Selectors have been observed. A copy of the compliance certificate (along with enclosures thereto) is at **Sr. No. 17 (Pages 498 to 573) of Volume IV** of the accompanying Compilation of Documents.

(i) **Tamil Nadu Cricket Association:** Amended constitution received on September 24, 2018 and compliance certificate received on September 25, 2018. On scrutinizing the amended constitution, several material deviations including in the provisions relating to disqualifications, composition of Apex Council and Governing Council, appointment of Selectors and transparency have been observed. A copy of the compliance certificate (along with enclosures thereto) is at



Sr. No. 18 (Pages 574 to 676) of Volume IV of the accompanying Compilation of Documents.

- (j) **Vidarbha Cricket Association:** Amended constitution received on September 20, 2018 and compliance certificate received on September 21, 2018. On scrutinizing the amended constitution, several material deviations including in the provisions relating to eligibility for contesting elections, disqualifications, composition of Executive Committee, nomination and role of player representatives and Accountant General's nominee on Executive Committee, transparency and the appointment of an Advisory Committee comprising of former office bearers to guide the Executive Committee have been found. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 19 (Pages 677 to 706) of Volume IV of the accompanying Compilation of Documents.

**Substantially Compliant State Associations**

**(Category C)**

15. Particulars of the Substantially Compliant State Associations in Category C are as follows:

2

- (a) **Andhra Cricket Association:** Compliance certificate along with amended constitution received on September 19, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 20 (Pages 707 to 757) of Volume V of the accompanying Compilation of Documents.
- (b) **Assam Cricket Association:** Amended constitution received on September 21, 2018 and compliance certificate received on October 8, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 21 (Pages 758 to 837) of Volume V of the accompanying Compilation of Documents.
- (c) **Baroda Cricket Association:** Compliance certificate along with amended constitution received on September 19, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 22 (Pages 838 to 920) of Volume V of the accompanying Compilation of Documents.
- (d) **Cricket Association of Mizoram:** Compliance certificate along with amended constitution received on September 18, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 23 (Pages 921 to



984) of Volume V of the accompanying  
Compilation of Documents.

- (e) **Cricket Association of Pondicherry:** Compliance certificate received on September 19, 2018 and amended constitution received on September 20, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 24 (Pages 985 to 1051) of Volume VI of the accompanying Compilation of Documents.
- (f) **Delhi & District Cricket Association:** Compliance certificate along with amended constitution received on September 20, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 25 (Pages 1052 to 1147) of Volume VI of the accompanying Compilation of Documents.
- (g) **Hyderabad Cricket Association:** Compliance certificate along with amended constitution received on September 26, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 26 (Pages 1148 to 1197) of Volume VI of the accompanying Compilation of Documents.
- (h) **Jammu & Kashmir Cricket Association:** Compliance certificate dated September 26, 2018 along with amended




constitution received on October 4, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 27 (Pages 1198 to 1233) of Volume VI of the accompanying Compilation of Documents.

- (i) **Kerala Cricket Association:** Compliance certificate along with amended constitution received on September 18, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 28 (Pages 1234 to 1290) of Volume VII of the accompanying Compilation of Documents.
- (j) **Mumbai Cricket Association:** Compliance certificate along with amended constitution received on September 14, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 29 (Pages 1291 to 1370) of Volume VII of the accompanying Compilation of Documents.
- (k) **Odisha Cricket Association:** Compliance certificate along with amended constitution received on September 18, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 30 (Pages 1371 to 1465) of Volume VII of the accompanying Compilation of Documents.





- (l) **Punjab Cricket Association:** Compliance certificate initially received on September 20, 2018. On being asked, corrected compliance certificate received on October 9, 2018. Amended constitution received on September 21, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 31 (Pages 1466 to 1561) of Volume VII of the accompanying Compilation of Documents.
- (m) **Rajasthan Cricket Association (through Adhoc Committee):** Amended constitution received on September 19, 2018 but compliance certificate received on September 20, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 32 (Pages 1562 to 1652) of Volume VIII of the accompanying Compilation of Documents.
- (n) **Saurashtra Cricket Association:** Compliance certificate along with amended constitution received on September 20, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 33 (Pages 1653 to 1743) of Volume VIII of the accompanying Compilation of Documents.
- (o) **Sikkim Cricket Association:** Compliance certificate along with amended constitution received on September



28, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 34 (Pages 1799 to 1807) of Volume VIII of the accompanying Compilation of Documents.

(p) **Tripura Cricket Association:** Compliance certificate dated September 20, 2018 along with amended constitution received on September 24, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 35 (Pages 1808 to 1879) of Volume IX of the accompanying Compilation of Documents.

(q) **Uttar Pradesh Cricket Association:** Compliance certificate dated September 20, 2018 along with amended constitution received on September 24, 2018. A copy of the compliance certificate (along with enclosures thereto) is at Sr. No. 36 (Pages 1880 to 1956) of Volume IX of the accompanying Compilation of Documents.

#### **D. OTHER MATTERS**

16. Since the new BCCI Constitution as approved by this Hon'ble Court vide judgment dated August 9, 2018 has been registered and has come into force, there are certain other matters that require attention in order to ensure smooth functioning of BCCI.



**Need for Appointment of an Ombudsman for BCCI**

17. The newly registered constitution of BCCI requires the appointment of an Ombudsman at the Annual General Meeting for the purpose of providing an independent dispute resolution mechanism and stipulates that the Ombudsman shall be a retired Judge of this Hon'ble Court or a retired Chief Justice of a High Court to be appointed after obtaining his/ her consent for a term of one year, subject to a maximum of three terms.
18. However, since the first Annual General Meeting of BCCI under the newly registered constitution of BCCI shall be held only after the State Associations have held their respective elections and a properly constituted General Body of BCCI has been formed, it is necessary that the first Ombudsman of BCCI be appointed at the earliest so that the provisions relating to independent dispute resolution mechanism under the newly registered constitution of BCCI can be implemented immediately and any grievances raised by members of BCCI, IPL franchisees, etc. as well as any acts of indiscipline, misconduct, breach, etc. can be considered and adjudicated upon by a duly qualified person.

**Need for Appointment of an Ethics Officer for BCCI**

19. The newly registered constitution of BCCI requires the appointment of an Ethics Officer at the Annual General Meeting



for the purpose of guidance and resolution in instances of conflict of interest and stipulates that the Ethics Officer shall be a retired Judge of a High Court to be appointed after obtaining his/ her consent for a term of one year, subject to a maximum of three terms.

20. However, since the first Annual General Meeting of BCCI under the newly registered constitution of BCCI shall be held only after the State Associations have held their respective elections and a properly constituted General Body of BCCI has been formed, it is necessary that the first Ethics Officer of BCCI be appointed at the earliest so that the provisions relating to conflict of interest under the newly registered constitution of BCCI be implemented immediately and complaints/ references relating to conflict of interest can be considered and addressed by a duly qualified person.

### **Need for Forensic Audit of State Associations**

21. The due diligence reports submitted by various audit firms engaged by BCCI, *prima facie*, show instances of malfeasance and misfeasance of funds in the certain State Associations, which require further investigation in order ascertain the specific individuals involved in the same. The Committee of Administrators believes that it is essential that such further



investigation be carried out in each of the relevant State/ Member Associations. In order to ensure the newly elected office bearers of the State Associations can start with a clean slate and put in place appropriate systems and controls regarding utilization of the funds disbursed to State Associations by the BCCI, the Committee of Administrators is of the considered opinion that a separate committee of three persons headed by a former Judge of this Hon'ble Court, a retired Deputy Comptroller and Auditor General and such other person with appropriate experience in investigating such matters be appointed to (i) examine the due diligence reports in detail with the assistance of the audit firms that have prepared the same; (ii) commission a forensic audit in respect of those State/ Member Associations where the due diligence reports indicate instances of misfeasance and/or malfeasance; and (iii) initiate appropriate action against the individuals identified as responsible for the same. The said committee may be assisted by a retired Accountant General from the relevant States identified by the committee.

**E. ROADMAP FOR WAY FORWARD**

22. In compliance with the earlier judgment dated July 18, 2016 passed by this Hon'ble Court, the Hon'ble Justice Lodha Committee had drawn timelines for conduct of elections once the respective constitutions of BCCI and the State Associations have



been duly and properly amended. A copy of the document containing the said timelines (titled 'Points for Implementation by BCCI') is annexed hereto and marked as ANNEXURE A-9 (Pages 121 to 124).

23. Drawing from the aforesaid timelines:

- (a) Electoral Officers for BCCI and the State Associations should be appointed within 15 days from the date on which the State Associations complete registration of their duly amended respective constitutions on similar lines as the newly registered constitution of BCCI in terms of the judgment dated August 9, 2018 passed by this Hon'ble Court.
- (b) Elections in State Associations should be conducted 30 days after the date on which Electoral Officers are appointed.
- (c) Elections in BCCI should be conducted 30 days after the elections in State Associations

24. One of the crucial aspects of the reforms mandated by this Hon'ble Court in terms of the recommendations of the Hon'ble Justice Lodha Committee is the requirement that State Associations grant automatic membership to former international cricketers hailing from the State. The Committee of



Administrators is of the view that in order to give proper effect to this provision, it is necessary for State Associations to induct former international cricketers hailing from the State prior to conducting elections so that the said cricketers are able to exercise their voting rights in the first elections to be conducted in terms of the newly amended constitutions of the State Associations.

25. Once elections in the State Associations are complete and their respective authorized representatives to the General Body of BCCI have been designated, elections in BCCI can be notified by the Electoral Officer of BCCI and can take place after 30 days.

**F. REQUEST FOR DIRECTIONS TO SECURE COMPLIANCE BY STATE ASSOCIATIONS**

26. While the BCCI constitution has already been registered, there is a need for securing compliance by State Associations in order to move forward with the process of handing over the management of BCCI and its members back to a duly elected body.
27. Whilst the Judgment provides for revival of the directions contained in the orders dated October 7, 2016 and October 21, 2018 in the event any State Association does not undertake compliance, the Committee of Administrators is of the view that



additional/ further directions are necessary in order to secure compliance by the errant State Associations, especially those in Category A above.

28. For the above reasons, the Committee of Administrators requests that this Hon'ble Court may be pleased to:

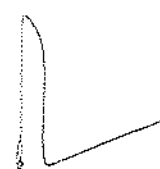
(a) issue appropriate directions in order to secure compliance by State Associations with the judgment dated August 9, 2018 passed by this Hon'ble Court including;

(i) directing each of the seven Non-Compliant State Association in Category A (namely, Haryana Cricket Association, Himachal Pradesh Cricket Association, Karnataka Cricket Association, Gujarat Cricket Association, Meghalaya Cricket Association, Nagaland Cricket Association and Arunachal Cricket Association) to furnish a compliance certificate in the format prescribed by the Committee of Administrators and file an Affidavit of Compliance before the Hon'ble Supreme Court within one week, failing which their right to vote at General Body meetings of BCCI shall stand automatically suspended and further appropriate action shall be initiated against them;





- (ii) directing each of the ten Partially Compliant State Association in Category B (namely, Tamil Nadu Cricket Association, Madhya Pradesh Cricket Association, Jharkhand State Cricket Association, Goa Cricket Association, Maharashtra Cricket Association, Bihar Cricket Association, Cricket Association of Bengal, Chhattisgarh State Cricket Sangh, Manipur Cricket Association and Vidarbha Cricket Association) to further amend their respective new constitutions to carry out such additional amendments as are communicated to them by the Committee of Administrators and file an Affidavit of Compliance before the Hon'ble Supreme Court within two weeks thereafter, failing which their right to vote at General Body meetings of BCCI shall stand automatically suspended and further appropriate action shall be initiated against them;
- (iii) directing each of the seventeen Substantially Compliant State Associations in Category C (namely, Andhra Cricket Association, Assam Cricket Association, Baroda Cricket Association, Cricket Association of Mizoram, Cricket Association of Pondicherry, Delhi & District



Cricket Association, Hyderabad Cricket Association, Jammu & Kashmir Cricket Association, Kerala Cricket Association, Mumbai Cricket Association, Odisha Cricket Association, Punjab Cricket Association, Rajasthan Cricket Association, Saurashtra Cricket Association, Sikkim Cricket Association, Tripura Cricket Association and Uttar Pradesh Cricket Association) to further amend their respective new constitutions to carry out such corrective amendments as are communicated to them by the Committee of Administrators and file an Affidavit of Compliance before the Hon'ble Supreme Court within 2 weeks thereafter, failing which their right to vote at General Body meetings of BCCI shall stand automatically suspended and further appropriate action shall be initiated against them;

- (iv) directing the respective Registrar of Societies/ Registrar of Companies/ Charity Commissioner to forthwith register the respective amended constitutions of each State Association in terms of the amendments as are communicated to each State Association by the Committee of Administrators;



- (v) directing that elections in State Associations may take place only after an Affidavit of Compliance is filed by the concerned State Association and found by the Committee of Administrators to be in order; and
  - (vi) such other directions/ measures to secure compliance as this Hon'ble Court deems appropriate in the facts and circumstances;
- (b) issue appropriate directions to the effect that in conducting the first elections in each State Association, the respective Electoral Officer of the relevant State Association needs to follow an election protocol to be devised by the Committee of Administrators in consultation with the Electoral Officer of BCCI (to be appointed by the Committee of Administrators in consultation with the Chief Election Commissioner);
- (c) issue appropriate directions to the effect that the elections of BCCI shall be held within 90 days with only the representatives of those State Associations who have filed Affidavit of Compliance before the Hon'ble Supreme Court as aforesaid and the same has been found by the Committee of Administrators to be in order being entitled to attend, vote and/or contest elections;



- (d) issue appropriate directions appointing and/or enabling the appointment of an Ombudsman for the Board of Control for Cricket in India for a period of at least one year;
- (e) issue appropriate directions appointing and/or enabling the appointment of an Ethics Officer for the Board of Control for Cricket in India for a period of at least one year;
- (f) issue appropriate directions constituting a separate committee to commission a forensic audit of each State Association so that appropriate systems and controls regarding utilization of the funds disbursed to the State Association by the BCCI can be put in place; and
- (g) pass such other or further orders as this Hon'ble Court deems appropriate in the facts and circumstances.

The Supreme Court Appointed Committee of Administrators

Mr. Vinod Rai, Chairman }

Ms. Diana Edulji }

x

For and on behalf of the  
Members of the Supreme  
Court appointed Committee  
of Administrators

ANNEXURE A-1REPORTABLEIN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL No. 4235 OF 2014Board of Control for Cricket  
in India and Ors.

.....APPELLANTS

Versus

Cricket Association of Bihar &amp; Ors.

.....RESPONDENTS

WithCIVIL APPEAL No. 4236 OF 2014WithCIVIL APPEAL No. 1155 OF 2015WithWRIT PETITION (CIVIL) No. 46 OF 2017With

Signature valid

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CHANDAN KUMAR  
Date: 2019.03.09  
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Reason:

CONTEMPT PETITION (CIVIL) No. 47 OF 2017

In

CIVIL APPEAL No. 4235 OF 2014

With

WRIT PETITION (CIVIL) No. 287 OF 2017

With

CONTEMPT PETITION (CIVIL) No. 959 OF 2017

In

CIVIL APPEAL No. 1155 OF 2015

With

CONTEMPT PETITION (CIVIL) No. 1835 OF 2017

In

CIVIL APPEAL No. 4235 OF 2014

## J U D G M E N T

Dr D Y CHANDRACHUD, J

1 While pronouncing its judgment on 18 July 2016 in **Board of Control for Cricket in India v Cricket Association of Bihar**<sup>1</sup>, this Court accepted the

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<sup>1</sup>(2015) 3 SCC 251

reforms in the administration of cricket proposed by a Committee chaired by Justice RM Lodha<sup>2</sup>. The review petition has been dismissed. On 2 January 2017, this Court directed that a Committee of Administrators<sup>3</sup> shall supervise the administration of BCCI through its Chief Executive Officer. The CoA was constituted on 17 January 2017. On 24 July 2017, this Court directed that except for certain outstanding issues which were identified, the recommendations of the Lodha Committee must be implemented:

“...(c) All concerned shall implement the recommendations of the Justice Lodha Committee Report as far as practicable, **barring the issues which have been raised pertaining to membership, number of members of the selection committee, concept of associate membership, etc. The purpose is to implement the report as far as practicable** and, thereafter, it shall be debated as to how the scheme of things can be considered so that the cricket, the ‘gentleman’s game’, remains nearly perfect. Be it noted, the issue with regard to disqualification or qualification of the representative is kept open.” (Emphasis supplied)

On 23 August 2017, the CoA was entrusted to prepare a draft constitution in accordance with the judgment rendered on 18 July 2016 and the order dated 24 July 2017. Modalities were evolved by this Court to consider the concerns of stakeholders by ensuring that the draft constitution is duly circulated between all the counsel so that their suggestions could be evaluated. This Court observed :

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<sup>2</sup>Abbreviated in this judgment as the Lodha Committee

<sup>3</sup>Abbreviated as CoA

**"we...direct the Committee of Administrators to prepare a draft Constitution in terms of the main judgment as well as the order dated 24<sup>th</sup> July, 2017. A copy of the draft Constitution shall be handed over to Advocate-on-Record assisting the learned counsel for the respondents. A copy of the draft Constitution be also handed over to Mr. B.K. Prasad, learned counsel assisting Mr. Ranjit Kumar, learned Solicitor General . Suggestions, if any, to the draft Constitution be handed over to the learned counsel assisting the learned Amicus Curiae and Mr. Parag P. Tripathi so that they can prepare a chart and will be in a position to give their comments.**

...

On the next date of hearing, **besides the three aspects that have been mentioned in the order dated 24<sup>th</sup> July, 2017, any aspect which is sought to be raised by the Association can be raised. But, it is to be impressed that the suggestion must have acceptable sanctity. It should not be raised for the sake of raising an objection."** (Emphasis supplied)

2 On 21 September 2017, the CoA made a grievance that quite apart from the fact that no suggestions were received, a concerted effort was made by the office bearers of BCCI not to abide by the judgment of the Court. Hence, on 21 September 2017, the Court while recording the above submission extended another opportunity to receive suggestions to the draft constitution :

**"In the course of hearing, it is submitted by Mr. Parag P. Tripathi, learned senior counsel appearing for the Committee of Administrators that though a draft constitution was handed over to the office bearers of B.C.C.I. and also to all concerned, no suggestion has been received and a concerted attempt has been adopted by the office bearers of B.C.C.I. not to follow the judgment of this Court.**

We may hasten to add that in our previous order dated 24<sup>th</sup> July, 2017, **we have clearly indicated that three to four aspects shall be debated.** The suggestions in that regard can be given to Mr. Parag P. Tripathi, learned senior counsel appearing for the Committee of Administrators, Needless to emphasize, Mr. C.K. Khanna, Mr. Anirudh Chaudhry and Mr. Amitabh Choudhary, Office Bearers of B.C.C.I. shall fully



cooperate while giving the suggestions. If the aforesaid three Office Bearers do not give suggestions in accordance with the judgment of this Court which has accepted the Justice Lodha Committee report, they shall face serious consequences. **The draft constitution shall include the suggestions given by Justice Lodha Committee in its entirety so that a holistic document comes before this Court.** After the document is placed before the Court, the claims of Railways, Universities and Services and the other cricket Associations, who are of the view that concept of 'one State one vote' should not be applicable keeping in view their contribution to the game of cricket, shall be considered. The suggestions, shall be given within three weeks hence. For the purpose of drafting out the constitution after taking note of the suggestions, to make it final for the purpose of approval by this Court, the Office Bearers of B.C.C.I shall not hold a General Body Meeting.” (Emphasis supplied)

3 On 27 October 2017, the CoA filed a draft constitution for BCCI and its office bearers. Suggestions to the draft received from state cricket associations and other parties were filed by the CoA together with comments on the proposed suggestions, in a status report dated 12 January 2018. On 1 May 2018, this Court noted that suggestions to the draft constitution have been filed and would be finalized by the Court. In the interest of fairness, it was however observed that any further suggestions that a state cricket association may have, could still be forwarded to the *amicus*. Accordingly, the following directions were issued :

“A draft Constitution meant for the B.C.C.I. and its Office Bearers has been filed on 27.10.2017. Suggestions to the same by various State Cricket Associations have also been filed and the same have been attached to the draft Constitution. **The draft Constitution shall be finalized by this Court.**

In the meantime, if any State Cricket Association intends to file any further suggestion, they may submit the same in bullet points to Mr. Gopal Subramaniam, learned Amicus Curiae, who shall compile the suggestions and file it before this Court within three days.

It is hereby made clear that the draft Constitution approved by this Court shall not be debated upon and shall stand finalized, only subject to the determination made in the application(s) for recall of the primary judgment, pending adjudication before this Court.

Let the matter be listed on 11.5.2018." (Emphasis supplied)

4 Following this comprehensive exercise which has been taken by the CoA, the *amicus* and by all the learned Counsel appearing on behalf of diverse parties, including state cricket associations and those who have served as office bearers of BCCI, the suggestions made by all stakeholders have been compiled and presented to the Court. The *amicus* has, in the course of compiling the suggestions, informed the Court that as many as nineteen state cricket associations, the Association of Indian Universities, the Cricket Club of India and National Cricket Club, the Administrator appointed by the Delhi High Court for DDCA and two officer bearers of BCCI (Mr Amitabh Choudhary, Secretary and Mr Anirudh Chaudhary, Treasurer) have submitted suggestions. We have heard all the stakeholders who wished to be heard at length so as to enable the Court to form a holistic perspective. The purpose of this exercise is to finalise the text of BCCI's Constitution which incorporates the principles which find acceptance by the Lodha Committee (and affirmed by this Court), while at the same time ensuring a measure of practicality in implementation. The acrimony which witnessed the proceedings earlier has given way to a robust cooperation by the counsel appearing for all the stakeholders. Before we deal with the suggestions, we must commend the approach adopted by all the stakeholders before this Court. All the learned Counsel who advanced submissions made a fair attempt

to resolve the outstanding issue of finalizing the draft constitution, with a sense of objectivity. It was after hearing extensive arguments of all the learned Counsel that on 5 July 2018, this Court reserved orders on the question of finalizing the draft constitution having due regard to the contents of the draft placed on the record and the suggestions of the learned *amicus Curiae* and counsel.

5 Broadly speaking, the suggestions which have been received to the draft constitution have been divided by Mr Gopal Subramaniam, learned *amicus Curiae* under the following heads :

- a) Issues relating to membership and Associate Membership;
- a) Number of members in Selection Committee and related matters;
- b) Cooling off period;
- c) Disqualifications;
- d) Constitution of the Apex council;
- e) Conditions imposed on State Associations;
- f) Power/Duties of Office Bearers and Professional Management (CEO);
- g) No interference at all in the functioning of BCCI; and
- h) Binding value of Frequently Asked Questions issued by the Hon'ble Justice Lodha committee.

We propose to examine the issues which have been raised during the course of hearing.

**A. Issues relating to membership and Associate Membership: One State – One Vote**

6 Rule (3)(a)(i) of the draft constitution contemplates that membership of BCCI shall consist of (i) Full members and; (ii) Associate members. The text of the draft constitution provides thus :

“(ii) Full Members

A. Each State shall be represented by a state cricket association duly recognized by the BCCI and such associations shall be Full Members. No State shall have more than one Full Member at any given point of time.

B. The associations who are the controlling bodies for cricket in the following States shall be the Full Members of the BCCI:

1. Andhra Pradesh
2. Arunachal Pradesh
3. Assam
4. Bihar
5. Chhattisgarh
6. Delhi
7. Goa
8. Gujarat
9. Haryana
10. Himachal Pradesh
11. Jammu and Kashmir
12. Jharkhand
13. Karnataka
14. Kerala
15. Madhya Pradesh
16. Maharashtra
17. Manipur
18. Meghalaya
19. Mizoram
20. Nagaland
21. Orissa
22. Punjab
23. Rajasthan
24. Sikkim
25. Tamil Nadu
26. Telangana
27. Tripura
28. Uttar Pradesh

- 29. Uttarakhand
- 30. West Bengal

C. In States with multiple Existing Members, the full membership shall rotate annually among such Existing Members such that only one of them will exercise the rights and privileges of a Full Member at any given point of time. The rotation shall be as per the policy framed by the BCCI.

D. Where disputes are pending regarding the duly recognized association to represent a particular State, the State shall be represented by the recognized association, subject to any order of the Court or resolution of the BCCI as the case may be.

(iii) Associate Members

A. Any Existing Member (including an Existing Member who is not exercising the rights and privileges of a Full Member in terms of Rule 3(1)(ii)C above) shall be an Associate Member of the BCCI.

B. The BCCI may induct any other entity as an Associate Member, subject to all the conditions and disqualifications laid down in Rule 33(b)(b) below."

7 In Chapter 1 of its report titled "**The Structure and Constitution**", the Lodha Committee dealt with membership of BCCI and anomalies perceived in its composition. The Committee took note of the fact that several states such as Bihar, Chhattisgarh, Uttarakhand, the six north-eastern states (except Tripura) and Union Territories (except Delhi) lack representation on the Board. On the other hand, the Committee perceived an anomaly in that states like Maharashtra and Gujarat hold three full memberships each. The Committee noted that the Services Sports Control Board ("**Services**"), Railway Sports Promotion Board ("**Railways**") and Association of Indian Universities ("**Universities**") do not as such represent any specified territory but are actively involved in the game of

cricket whereas some members like the National Cricket Club at Kolkata and the Cricket Club of India at Mumbai do not represent any territory. The Lodha Committee relied upon territoriality as a determining factor for the grant of full membership. Railways, Services and Universities not being tied to the territory of one state were denied full membership. Though Gujarat fielded three cricket teams (Gujarat, Saurashtra and Baroda) and so did Maharashtra (Mumbai, Maharashtra and Vidarbha) both states would each have one Full membership. The Lodha Committee recommended that the status of associate member should be granted to those members who do not represent any territory.

8 In the principal judgment of this Court dated 18 July 2016, the one state - one vote norm was accepted. While doing so this Court observed thus :

**“62. That brings us to the question whether “One State One vote” recommended by the Committee suffers from any legal or other infirmity sufficient for this Court to reject the same.** The recommendation made by the Committee has a two-fold impact on the current state of affairs in BCCI. The first is the reduction of some of the Associations and Clubs from the full membership of BCCI to the status of Associate Members. The other aspect of the recommendation is the reduction of the full membership of at least four existing full members to the status of associate members from the states of Maharashtra and Gujarat.

63...We see no merit in that contention nor do we see any reason to disagree with the recommendation made by the committee, who has upon a thorough consideration of all facts and circumstances relevant to the working of the BCCI, recommended the conversion of the clubs and associations without a territory from full members to associate members. **This is a measure which has been recommended with a view to structurally streamlining the BCCI to make it more responsive and accountable having regard to the aspiration of different regions for an equal opportunity to participate in the growth and promotion of the game in the country.**

65...a balance has to be struck with historical reality and the need for adopting a pragmatic, uniform and principled approach aimed at reforming and rationalizing BCCI's structural edifice. The recommendation made by the Committee to the extent it provides for one vote for each state is unexceptionable nor should there be any compromise with what is proposed as a reformative measure. Even so the question is whether BCCI, in the peculiar situation prevalent in these two states, is in a position to recognize one of the three Associations representing different territories in those two States as the one that would represent the entire State.....That being so, **the only reasonable and rational answer to the problem within the broad principle of One State One Vote would be to allow the full membership of BCCI to rotate among the three clubs on an annual basis.**"  
(Emphasis supplied)

9 The one state – one vote norm and the principle of territoriality have given rise to specific objections. Historically in the State of Maharashtra, there have been three associations, each of which fields its own cricket team in the Ranji Trophy : (i) Maharashtra; (ii) Mumbai and; (iii) Vidarbha. Similarly, in the State of Gujarat, there have been three associations representing: (i) Gujarat; (ii) Baroda; and (iii) Saurashtra. In both the states, these associations have made a signal contribution to the cricketing history of the nation. Besides, fielding teams for the Ranji Trophy, these associations have produced players of national and international repute. The *amicus* has responded to the plea before this Court for allowing full membership to the three associations each in the States of Maharashtra and Gujarat. The *amicus* submits that the order of this Court mandates that there should be an annual rotation of the constituent members of Maharashtra and Gujarat so that every year, one of the three constituent members would be capable of voting and participating in the general body. Moreover, it has been submitted that for the elections to the Apex Council

which take place once every three years, the first member association which has already cast a vote should not be able to cast a vote at the end of three years but must pass it on to the next association in turn. In this manner, it has been suggested that all the three constituent associates of the two states will have due opportunity to not only participate in the affairs of the general body but would have an opportunity to vote at the end of three years. In the view of the *amicus*, a rotational policy is eminently practicable for Maharashtra and Gujarat and the mandate of the principal judgment brings about parity and fairness so that no constituent member is excluded from the general body for a period exceeding one year. However, it has not been explained how, once full membership has been granted, what legal principle can be applied for adopting a rotational policy. The *amicus* while recognising the circumstances of history pertaining to Maharashtra and Gujarat submits that the recommendations of the Lodha Committee which have been accepted in the principal judgment seek to bring about uniformity in the structure of management and a certain amount of domestic equality. However, he suggests that the releasing of grants and such other requirements as may be necessary for constituents must be suitably addressed by the CoA and by the regularly elected Apex Council.

10 We are of the view that it is necessary to restore full membership in the constitution of the BCCI to the three associations each in the State of Maharashtra (Maharashtra, Mumbai and Vidarbha) and in Gujarat (Gujarat, Baroda and Saurashtra). During the course of the hearing, written submissions



have been placed on the record in which the contributions of Baroda, Saurashtra, Mumbai and Vidarbha have been set out. We need to extract them here:

#### **"BARODA CRICKET ASSOCIATION"**

Cricket was introduced to Vadodara city by the Maharaja of Baroda, Sayajirao Gaekwad in 1934 and Moti Bagh Stadium was the home of Baroda cricket. Since then Baroda has emerged 5 times as Ranji Trophy Champions in the year 1942-43, 1946-47, 1949-50, 1957-58 & 2000-01.

Baroda had produced many famous cricketers of international level in the past such as Vijay Hazare, Gogumal Kishenchand, Jayasinghrao Ghorpade, Deepak Shodhan and in the present generation Datta Gaekwad, Chandu Borde, Kiran More, Anshuman Gaekwad ... Jitendra Patel. Amongst the later crop, Irfan Pathan, Yusuf Pathan, Zaheer Khan and Munaf Patel have played for this association."

#### **"MUMBAI CRICKET ASSOCIATION"**

In the year 1928, 'the Bombay Presidency (Proper) Cricket Association' was formed having geographical limits extending from Sind in the north to Karnataka (excluding Mysore State) in the South. In the year 1935 it was re-christened as 'Bombay Cricket Association' as the newly formed Gujarat and Maharashtra Cricket Association receded from the territorial limits of the Bombay Presidency (Proper) Cricket Association. The present day Mumbai Cricket Association or MCA is the governing body for cricket in Mumbai and its surrounding regions like Thane and Navi Mumbai. The Mumbai cricket team is the team for The Mumbai Cricket Association in the Ranji Trophy. The team has won over 41 titles, the most recent being in 2015-16. It has also come runner-up in the final of the Ranji Trophy a total of 4 times. The association owns the Wankhede Stadium.

Famous cricketers produced by MCA, amongst others, include Abey Kuruvilla, Ajinkya Rahane, Ajit Wadekar, Ashok Mankad, Chandu Borde, Dilip Sardesai, Dilip Vengsarkar, Eknath Solkar, Farokh Engineer, Jatin Paranjpe, Polly Umrigar, Ravi Shastri, Rohit Sharma, Rustomji Jamshedji, Rusi Modi, Sachin Tendulkar, Sandeep Patil, Sanjay Manjrekar, Sunil Gavaskar, Vijay Manjrekar, Vijay Merchant, Vinod Kambli, Wasim Jaffer etc."

### **"SUARASHTRA CRICKET ASSOCIATION**

Saurashtra is one of three cricket teams based in Gujarat which competes in the Ranji Trophy (the others being Baroda and Gujarat). Formerly it was known as Nawanagar Cricket Team. Nawanagar was an Indian princely state in the historical Halar region, located on the southern shores of the Gulf of Kutch. Ranjitsinhji often known as 'Ranji', was the ruler of the Indian princely state of Nawanagar from 1907 to 1933, as Maharaja Jam Saheb, and a noted Test cricketer who played for the English cricket team. He also played first-class cricket for Cambridge University, and county cricket for Sussex.

Ranji has widely been regarded as one of the greatest batsmen of all time. In 1934 the BCCI launched a national competition between "the princes and the princely states" and it was named after the greatest Indian player of that time, KS Ranjitsinhji.

Saurashtra won the Ranji Trophy in 1936-37 and were also runners up in the very next season of 1937-38. They have been runners up in Ranji Trophy (plate) in 1937-38, 2012-13 and 2015-16.

Famous International players are Cheteshwar Pujara, Ravindra Jadeja & Jaydev Unadkat."

### **"VIDARBHA CRICKET ASSOCIATION**

Vidarbha Cricket Association is the governing body of cricket activities in the Vidarbha region in Maharashtra state and Vidarbha cricket team. Vidarbha first played first-class cricket in the 1957-58 season, competing against the other Central Zone teams until 2001-2002, after which the Ranji Trophy was no longer contested on a zonal basis. Vidarbha's best seasons were 1970-71 and 1995-96, when it reached the quarter-finals of the Ranji Trophy and 2002-03 and 2011-12, when it reached the semi-finals of the Plate Group, Vidarbha has played more than 250 first-class matches.

Umesh Yadav is a member of the Vidarbha Cricket Team. Vidarbha won the Ranji Trophy and Irani Trophy in the 2017-2018 season."

These associations have a long and abiding history of nurturing talent for the game of cricket in India. The history of cricket in India is replete with their

contribution to the cause of cricket. These associations have produced players who have brought laurels to their states and to the nation. The principle of territoriality requires that each of the States and Union Territories should have full membership of BCCI in terms as suggested in clause 3(a)(ii-B). This becomes a principle of inclusion. To utilise territoriality as a basis of exclusion is problematic because it ignores history and the contributions made by the above associations to the development of cricket and its popularity. Having due regard to the contributions made by Mumbai and Vidarbha in the State of Maharashtra and by Baroda and Saurashtra in the State of Gujarat to the game of cricket, it would be appropriate to also grant them full membership of the BCCI. We however, maintain the decision not to grant the status of full members to the National Cricket Club and the Cricket Club of India. Neither of the two Clubs fields teams in the Ranji Trophy. They cannot be placed at par with the other state associations.

## **Railways**

11 The contribution of Railways to the cause of Indian Cricket is noteworthy.

It has been pointed out before the Court that :

### **“RAILWAYS SPORTS PROMOTION BOARD**

Railways Sports Promotion Board (RSPB) is a sports board run by the Indian Railways. It promotes 29 sporting disciplines and owns the Karnail Singh Stadium in New Delhi.

RSPB is a member of the Board of Control for Cricket in India and RSPB fields the Railways' cricket team in domestic cricket competitions in India such as the Ranji Trophy. In recent years since 2000, Railways have won the trophy twice and become runners-up as well. As Champions of the Ranji Trophy, they

have played the Irani Trophy twice, emerging victorious on both occasions.

Famous International Cricketers include Mahendra Singh Dhoni (played for South Eastern Railways & was employed as a Train Ticket Examiner), Murli Kartik, Sanjay Bangar, Karn Sharma. In the recently concluded ICC Women's World Cup 2017, the Indian Women's Team reached the finals of the tournament where 10 out of the 15 women cricketers playing for India are employees of the Indian Railways. In fact Diana Fram Edulji (one of the members of the COA) has also represented the Railways."

12 In suggesting the grant of full membership to the Railways, the *amicus* has made certain pertinent comments which are reproduced below :

"Railways fields at least 90% of the members of the Women's Cricket Team, i.e. who play for India in the national team. A question therefore arises whether Railways must be given a full membership. In view of the security of employment of the players from Railways as well as the ability to demonstrate playing skills and having regard to women's cricket as an integral part of Indian Cricket, it appears necessary to consider this as an exception. It is only on these considerations that it is possible to recommend Railways to a full membership. The Amicus is of the opinion that this qualifies to be considered as an exception."

13 The amendment proposed to the draft constitution is in the following terms :

"E. Notwithstanding anything contained hereinabove in this Rule 3(a)(ii), a representative from the Indian Railways shall be entitled to vote at meetings of the General Body of the BCCI. However, such representative shall be a former cricketer from the Indian Railways who is elected by an association of former players from the Indian Railways and not a person nominated by the Government/Railway Sports Promotion Board."

14 We accept the amendment proposed by the *amicus*. We clarify specifically that the representative from Railways who would exercise voting

power must be a former cricketer who has represented Indian Railways and who is elected by an association of former players from the Indian Railways and not a person nominated by the government or the Railway Sports Promotion Board.

### **Services and Association of Indian Universities**

15 The *amicus* has not suggested the grant of full membership to Services and the Association of Indian Universities. For Services, he submits that sufficient material is not available and that having regard to the need for insulation from government control, 'as at present advised', it is not possible to recommend the grant of a full membership status. As regards the Association of Indian Universities, it has been submitted that since they do not field a team for the Ranji Trophy, full membership status should not be granted.

On the contribution by the Services team to the cause of Indian cricket, we take note of the following :

#### **"SERVICE SPORTS CONTROL BOARD**

The aim of the Service Sports Control (SSCB) is to conduct inter-services sports championships to select and to train services sports persons. The board initially was known as the Army Sports Control Board and was established in 1919. Post-independence, it was rechristened as Service Sports Control Board and all the three services are running the organization on a rotational basis. The Services cricket team plays in the Ranji Trophy, the premier domestic first-class cricket competition in India. Under the auspices of the SSCB, the players represent the Indian armed services.

They first played in the Ranji Trophy in 1949-50. They have played about 320 matches in the Ranji Trophy."

Similarly as regards the Association of Indian Universities, we may note that :

#### **"ALL INDIA UNIVERSITIES**

Many Indian Universities players went on to play Test cricket. From the first side in 1949-50, for example, Nana Joshi, Pankaj Roy, Polly Umrigar, Gulabrai Ramchand, Deepak Shodhan and Subhash Gupte played Tests for India. Three of the 1970-71 side Ashok Gandotra, Mohinder Amarnath and Budhi Kunderan played Test cricket. Thereafter Sunil Gavaskar, Kenia Jayantilal, Surinder Amarnath and Dilip Doshi also played Test cricket."

16 The Services team represents the Armed Forces of the nation. The Services have a long history of association with Indian sports in general and with cricket as well. Having regard to the pre-eminent position occupied by the Services including the Army, Navy and Air Force in propagating the cause of sports and cricket, we are of the view that the same principle which we have followed in the case of Railways should be followed in their case. Similarly, the Universities are a nucleus for encouraging the game of cricket among players of the college going generation in the country. We would therefore also grant full membership to the Association of Indian Universities. The amendment which has been proposed to the draft constitution by the *amicus* in the case of the Railways shall be suitably modified to also cover the Services and the Association of Indian Universities. The representative respectively for Services and the Association of Indian Universities shall be a former cricketer who has played for them respectively and is elected by an association of former players and not a person nominated by the government/ sports control board.

## B. Number of Selectors

17 The Lodha Committee restricted the number of selectors to three. While doing so, it opined that with the constitution of a Cricket Talent Committee, a three-member selection committee will be more compact, increase the authority of the Selection Committee and make it accountable for team performance.

18 The Selection Committee is entrusted with the responsibility of selecting cricket teams for participation at various levels. For the men's teams, there are two committees which look after the selection of teams for tournaments in various formats of the game. These are:

" I All India Senior Selection Committee:

International matches – Test Matches, ODI Matches and T20 matches

India 'A' teams – both for home and away series

President's XI / BCCI XI to play visiting international teams

II All India Junior Selection Committee:

Under-23 cricket

Under-19 cricket

Under-16 cricket"

19 With twenty-eight teams, India is reported to have the highest number of first class teams in the world. Senior selectors watch over several tournaments

during the course of the domestic cricketing season, from August to April every year. These are :

- “1. Ranji Trophy league matches
2. Ranji Trophy knock out matches
3. Vijay Hazare League matches
4. Vijay Hazare knock out matches
5. Mustaq Ali league matches
6. Mustaq Ali Knock out matches
7. Irani Trophy
8. Duleep Trophy
9. Deodhar Trophy.”

20 Apart from domestic cricket, senior selectors also witness India-A team matches and matches across different formats at home and overseas. National teams are required to be selected across different formats in accordance with the ICC schedule. Senior selectors are also part of the team management that selects the ‘playing eleven’ of the Indian team on the day prior to a match. On an average, it has been stated, a senior selector travels for nearly 280 days in a year, with a break during the IPL. Having regard to the vastness of the country and the need to effectively select from a wide pool of talent, it has been submitted that restricting the Selection Committee to three persons is not in the interest of the game and that a five-member selection team would be necessary. Another aspect which has been highlighted is that generally, a fifteen-member squad is chosen to represent India at the international level in Test matches,



ODIs and T20 matches. About 40 per cent of the players participate in all the formats. Many cricketers who have had the best of records in domestic cricket are unable to represent the country in international matches. It has been submitted before the Court that it is necessary to motivate cricketers at the domestic level. Hence, cricketers who have not represented India in international matches should not be excluded altogether from being part of the Selection Committee.

21 We have been persuaded with the reasons which have been adduced before the Court for enhancing the number of selectors on the Selection Committee from three to five. Restricting the number of selectors to three was recommended by the Lodha Committee with the specific purpose of ensuring compactness of size, authority of decision making and monitoring performance. While bearing these factors in consideration, it is necessary to ensure that the purpose of a broad-based Selection Committee which facilitates a careful evaluation of the talent pool across the country is achieved. The vast territory of the nation, the extent of cricket being played both at the national and international level, the need for selectors to travel extensively to spot talent from the pool of cricketers and the need to encourage both domestic and international cricket, are consideration which persuade us to accept the plea for modification in regard to the number of selectors to five.

22 We may note that the *amicus* has also supported the suggestion that the number of selectors be increased to five. He however also indicated that this should be subject to the criteria of a selector having played a minimum of (a) seven test matches; or (b) thirty first class matches; or (c) ten One Day Internationals in the fifty over format and a minimum of twenty first class matches. We accordingly accept the proposed amendment as suggested by the *amicus* in the following terms :

"Clause 26(2)A(i)

"The Men's Selection Committee shall select the Senior National Team for representation in Tests, One Day Internationals, T20 and any other format. This Committee shall also be responsible for providing evaluation reports of the respective team performances to the Apex Council on a quarterly basis."

"Clause 26(2)A(ii)

The Men's Selection Committee shall consist of five persons to be appointed by a Cricket Advisory Committee comprising of reputed former international cricketers identified by the BCCI at the annual General Meeting, subject to the following criteria:

(a) Every member of the Men's Selection Committee should have played a minimum of

- (i) Seven Test Matches; or
- (ii) Thirty First class Matches; or
- (iii) Ten One Day International Matches and twenty First Class Matches.

(b) Every member of the Men's Selection Committee should have retired from the game at least five years previously.

The senior most among the members of the Men's Selection Committee shall be appointed as the Chairperson."

"Clause 26 (2) B (i)

The Junior Cricket Committee shall consist of five persons to be appointed by the BCCI at the Annual General Meeting, on such terms and conditions as may be decided by the Apex Council from time to time. Only former players who have played a minimum of 25 First Class games shall be eligible to be appointed to this Committee, provided that they have retired from the game at least five years previously. The senior most amongst the members of the Committee shall be appointed as the Chairperson."

"Clause 26 (2) C (ii)

The Women's Selection Committee shall consist of five persons to be appointed by the BCCI at the Annual General Meeting, on such terms and conditions as may be decided by the Apex council from time to time. Only former players who have represented the Women's National Team shall be eligible to be appointed to this Committee, provided that they have retired from the game at least five years previously. The senior most international amongst the members of the Committee shall be appointed as the Chairperson."

23 Until the elections to the BCCI take place, the CoA is empowered to consult with the Cricket Advisory Committee, comprising of reputed former international cricketers and to constitute a Committee of Selectors consistent with the above criteria. In regard to the appointment of coaches, managers, physiotherapists and other staff, we accept the modification suggested in clause 24(5) in the following terms :

"Clause 24 (5)

To appoint Team Officials for the Indian teams which shall compulsorily include qualified coaches, managers, physiotherapists, nutritionists, trainers, analysts, counsellors and medics. However, the Head Coach of each of the National Teams shall be appointed by the Cricket Advisory Committee referred to in Rule 26(2)A(ii) below."

### **C. Cooling Off Period**

24 The Lodha Committee recommended that

- (i) the tenure of each term for office bearers of the BCCI and state associations should be three years;
- (ii) a maximum of three terms should be allowed regardless of the post held; and
- (iii) there should be a mandatory 'cooling off period' after each term.

In making these recommendations, the Committee has been guided by the need to ensure that vested interests do not emerge out of the indefinite continuation in office of one or more individuals. These recommendations seek to enforce a rule against self-perpetuation by stipulating the period of each term of office, the number of terms which a single individual may hold and the requirement of a break between successive terms. The recommendations can be construed as an effort to ensure a dispersal of authority so that control over BCCI and the state associations is not concentrated in the hands of one or a limited group of persons. The proposals for setting limits on tenures and terms were incorporated in a section which the Committee describes as the "end of the innings".

25 In the principal judgment of this Court, the recommendations of the Lodha Committee have been accepted for the following reasons:

"20...These recommendations come in the wake of a finding by the Committee that under the present dispensation office bearers could continue for any number of terms. The Committee found both of these to be unacceptable and in our opinion rightly so.... Given the problems that often arise on account of the individuals holding the office for any number of consecutive terms, the Committee was, in our opinion, justified in recommending the length of a term in office ... The three years recommended by the Committee is, in our opinion, reasonable. Similarly, the prescription of cooling off period between two terms cannot be faulted .... Similarly, an optimum period of 9 years as a member of the Apex Council cannot be termed as unreasonable....." (Emphasis supplied).

26 The recommendations of the Lodha Committee, as adopted by this Court, have been clarified in two orders dated 20 January 2017 and 24 March 2017. The clarification by this Court is that when an office bearer who completes nine years in any post in the BCCI is disqualified to become an office bearer of the BCCI again. A similar disqualification attaches to a person who has held any post of an office bearer, in a state association for nine years. For the sake of clarity, what is indicated in the order dated 24 March 2017 reads thus :

"21...What has been meant by the clarificatory order is that, if an office bearer has completed nine years in any post in the B.C.C.I., he shall stand disqualified to become an office bearer of the B.C.C.I. Similarly, if a person holds the post of office bearer in any capacity for any State Association for nine years, he shall stand disqualified for contesting or holding any post or office of the State Association. To avoid any kind of maze, we proceed to state by giving an example. If a person has held the post of office bearer in respect of a State Association for a period of nine years, he will not be disqualified to contest for the post of office bearer of the B.C.C.I."

(Emphasis supplied)

27 A considerable amount of fire has been directed against the provision for a cooling off period. Essentially, the cooling off period stipulates that an office bearer is not eligible to contest a succeeding election. The recommendation has been criticised on the ground that an individual who has acquired experience in working in a particular post for three years is unable to utilise the experience gained (as a result of a cooling off period of three years) which would be a loss to the game of cricket. "Continuity of service", it has been submitted, subserves the interest of the game and a person who has "enriched himself" over a period of three years should be allowed to contribute even thereafter without a break. This, it has been submitted, would enable office bearers to develop their networks with other cricketing nations and the ICC. Moreover, since an upper age limit of seventy years is in place, it has been submitted that the requirement of a cooling off period may be dispensed with. The nature of cricket, it has been urged, is rapidly evolving and an endeavour must be made to ensure that individuals with requisite experience are able to contribute to the game.

28 While dealing with the objections to a cooling off period, it is necessary at the outset to emphasise that the term of an office bearer cannot be regarded either as an opportunity "to enrich himself" or as a matter involving "continuity of service". The expression "enriched himself" may have a legitimate connotation if it adverts only to experience gained. Otherwise, enrichment in the form of personal aggrandisement is precisely what was frowned upon by the Lodha Committee, and for justifiable reasons. The position of an office bearer in the

state associations and in the BCCI is not a matter of 'service' in the conventional sense. Office bearers should not construe their position as employees with a vested right to a particular tenure of service. Undoubtedly, the submission that individuals must continue for a period which enables them to develop experience in the administration of the game cannot be discounted. Equally, it is a matter of concern that vested interests and conflicts of interest develop around power centres which have unbridled authority. Dispersal of authority is a necessary safeguard to ensure against the perpetuation of power centres. Individuals who administer the game of cricket must realise that the game is perched far above their personal interests. Important as experience in administration is, it is far-fetched to assume – and far more difficult for the court to accept – that experience rests on the shoulders of a closed group of a few individuals. In fact, opportunities to a wide body of talent encourage a dispersal of experience and democratisation of authority.

29 Understood from the above perspective, the requirements that the term of office of an office bearer should be three years; and that an individual should not hold office in the BCCI for a period excess of nine years (regardless of the post held) with a similar stipulation of nine years for the state associations is manifestly in public interest. Both the stipulations are valuable safeguards to ensure against the concentration of power.

30 The requirement of a cooling off period of three years at the end of every term in office, however, requires careful consideration. The argument against the imposition of such a requirement is that by requiring an office bearer who has held a post for three years to undergo a break of three years prevents office bearers from applying their knowledge and experience in regard to the administration of the game of cricket. The submission which has urged before the Court is that once there is a cap of a nine year tenure for BCCI, with a similar tenure of nine years for the state associations, an additional cooling off period of three years at the end of every term of office may not be necessary.

31 The *amicus* has earnestly supported the cooling off requirement as being necessary, having regard to the spirit of the Lodha Committee recommendations. A cooling off period, it has been urged is necessary to ensure that after a period of three years, a person is not able to migrate to another association and occupy the position of an office bearer or to occupy any other position in the same association. The *amicus* also submits that the expression 'office bearer' should not be allowed to be circumvented by being a member of any other committee. Subject to these safeguards, the *amicus* agrees that a person may be able to serve for a period of nine years in the BCCI and nine years in a state association.



32 Having carefully evaluated the submissions which have been urged before us, we are of the view that a cooling off period should be observed. A cooling off period has several features which are of utmost importance : (i) it is a safeguard against the development of vested personal interests; (ii) it ensures against the concentration of power in a few hands; (iii) it facilitates a dispersal of authority; and (iv) it encourages the generation of a wider body of experienced administrators. Cooling off must be accepted as a means to prevent a few individuals from regarding the administration of cricket as a personal turf. The game will be better off without cricketing oligopolies.

33 However, in our view, it would be appropriate to direct that a cooling off period of three years would apply after an individual holds two successive terms in office either in the BCCI, or in any state association or a combination of the two. For instance, if an office bearer has held office for two consecutive terms in any post in a state association, such an individual must face a cooling off period of three years. Likewise, if an individual has held **any** post as an office bearer of the BCCI for a total period of six years in succession, the individual must have a cooling off period of three years before seeking election again either to the BCCI or to a state association. The cooling off period would apply also in a situation where an individual holds a post for one term in a state association followed by a post in the BCCI successively or *vice versa*. This would ensure that after a period of six years involving two consecutive terms, a cooling off period would be attracted. Allowing an individual to act as an office

bearer for six years in continuation, is a sufficiently long period for experience and knowledge gained to be deployed in the interest of the game without at the same time resulting in a monopoly of power.

The cooling off period shall read as follows :

"An office bearer who has held any post for two consecutive terms either in a state association or in the BCCI (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of three years. During the cooling off period, such an office bearer shall not be a member of the governing council or of any committee whatsoever of the BCCI or of a state association."

The above principle shall govern Clause 6(4) as well as Clause 14(4) of the draft constitution. The above principle will ensure that the cooling off period will come into operation upon a person holding any post for two consecutive terms not exceeding six years.

34 We accordingly clarify that the position as approved by the Court in the present order shall be to the following effect:

- (i) The term for all posts of office bearers in BCCI and in state associations shall be three years;
- (ii) No person shall hold the position of an office bearer in any state association, regardless of post, for a period in excess of nine years in the aggregate;

- (iii) No person shall hold the post of office bearer in BCCI, regardless of post, for a period in excess of nine years in the aggregate;
- (iv) There shall be a cooling off period of three years after an individual has held the post of an office bearer for two consecutive terms either in a state association or in the BCCI or a combination of both; and
- (v) The expression 'office bearer' should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI or any state association, as the case may be.

#### **D. Division of Functions, Professional Management and Disqualifications**

35 The report of the Lodha Committee postulates that the General body of the BCCI would consist of full members and associate members. The report provides for an Apex Council which is responsible for the administration of the Board.

36 This functional distinction between the General body and the Apex Council is an institutional safeguard to ensure professional management of BCCI. The Apex Council is entrusted with the function of professional management through the Chief Executive Officer, the Chief Financial Officer and other officers who must be recruited on a transparent and professional basis. Of the nine members of the Apex Council, five (the President, Vice

President, Secretary, Joint Secretary, Treasurer and a member) are to be elected by the General body.

We approve clause 15 (1) in regard to the Apex Council which reads thus:

"The affairs of BCCI shall be governed by the Apex Council and its framework of governance shall:

- (i) Enable strategic guidance of the entity;
- (ii) Ensure efficient monitoring of management;
- (iii) Ensure the performance of the respective roles, responsibilities and powers of the CEO, Managers, Cricket Committees and Standing Committees except the Governing Council; and
- (iv) Ensure a distribution and balance of authority so that no single individual has unfettered powers."

## **E. Disqualifications**

37 In regard to disqualifications, we accept the clause in the draft constitution as proposed with the incidental modifications as suggested by the *amicus*. The disqualifications read as follows:

### " Clause 6 (5)

A person shall be disqualified from being an Office Bearer, a member of the Governing Council or any Committee or a representative to the International Cricket Council or any similar organization if he or she:

- (a) is not a citizen of India;
- (b) has attained the age of 70 years;
- (c) is declared to be insolvent, or of unsound mind;
- (d) is a Minister or Government Servant or holds a public office;

- (e) holds any office or post in a sports or athletic association or federation apart from cricket;
- (f) has been an Office Bearer of the BCCI for a cumulative period of 9 years or of a State association for a cumulative period of 9 years;
- (g) has been charged by a Court of Law for having committed any criminal offence. i.e. an order framing charges has been passed by a court of law having competent jurisdiction."

38     Clauses 29, 33(1), 33(2) and 45 of the draft constitution with the modifications suggested by the *amicus* read as follows :

"Clause 29

INADVERTENT OMISSION TO GIVE NOTICE OF MEETING

Inadvertent omission to give notice of an Annual General or Special General Meeting or Meetings of the Apex Council or of any of the Committees to any member entitled thereto or the non-receipt thereof by such individual shall not invalidate the proceedings of such meetings.

Clause 33(1)

At least four weeks prior to the Annual General Meeting at which an election is to be held, the Apex Council shall appoint an Electoral Officer, who shall be a former member of the Election Commission of India.

Clause 33 (2)

The Electoral Officer shall oversee and supervise the entire election process including scrutiny of the electoral rolls for Councillors and the Players' Cricket Association, which shall include all nominations and candidatures being subject to his scrutiny in accordance with the Rules.

Clause 45

These Rules and Regulations of the BCCI shall not be repealed, added to, amended or altered except when passed and adopted by a 3/4th majority of the members present and entitled to vote at a Special General Meeting of the General Body convened for the purpose or at the Annual General Meeting. Any such amendment will not be given effect to without the leave of the Hon'ble Supreme Court."

39 We approve the above clauses. We are emphatically of the view that once the draft constitution has been approved by this Court, any amendment should not be given effect to without the leave of this Court.

40 Having regard to the fact that the draft constitution submitted by the CoA on 27 October 2017 has now been approved by this Court subject to the aforesaid modifications, we issue the following directions:

- 1 The Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 shall upon the presentation of the said Constitution by the CEO, register the documents forthwith and report compliance by way of a report to the Secretary General of this Court within four weeks;
- 2 Upon the registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. A compliance certificate must be furnished to the CoA, which shall file a status report before this Court with reference to the compliance undertaken by the State Associations; and
- 3 In the event that any State Association does not undertake compliance with the abovesaid directions, the directions contained in the orders of this Court dated 7 October 2016 and 21 October 2016 shall revive.

41 The Committee of Administrators is at liberty to submit a further report for such future directions as may be warranted and to secure compliance.

.....CJI  
[DIPAK MISRA]

.....J  
[A.M. KHANWILKAR]

.....J  
[Dr D Y CHANDRACHUD]

New Delhi;  
August 09, 2018.

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO . 4235 OF 2014**

**BOARD OF CONTROL FOR CRICKET**

**APPELLANT(S)**

**VERSUS**

**CRICKET ASSOCIATION OF BIHAR & ORS. RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. 4236 OF 2014**

**AND**

**CIVIL APPEAL NO. 1155 OF 2015**

**ORDER**

1. Heard in part.
2. Post on 17.10.2016 at 2.00 p.m. for continuation.
3. By our Order dated 18.07.2016, we had while accepting the report submitted by Justice Lodha Committee and the recommendations made therein requested the Committee to supervise the transition from the old to the new system in the wake of the reforms proposed by the Committee. We had hoped that this transition will be completed within a period of four months or at best six months from the date of the order and requested the Committee headed by Justice Lodha to draw appropriate timelines for the implementation of the recommendations and supervise the process. We

Signature is invalid

Digitally signed by  
SHASHI K. SEN  
Date: 11.10.2016  
Reason: I am the author



had, at the same time, directed the BCCI and all concerned to co-operate with the Committee and to act in aid of its directives. Anticipating possible impediments in the process of implementation we had reserved liberty to the Committee to seek appropriate directions from this Court by filing a status report in that regard. Justice Lodha Committee has now submitted a status report in which it has set out the developments that have taken place after 18<sup>th</sup> July, 2016 till the date of the submission of the report. The BCCI has responded to the status report and filed a reply.

4. We have today heard Mr. Gopal Subramaniam, learned Amicus, Mr. Vikas Mehta and M/s. Kapil Sibal and Arvind Datar at considerable length. The sequence of events that have taken place since 18<sup>th</sup> July, 2016 and referred to in the status report prima facie give an impression that BCCI has far from lending its fullest cooperation to the Committee adopted an obstructionist and at times a defiant attitude which the Committee has taken note of and described as an impediment undermining not only the Committee but even the dignity of this Court with several statements and actions which according to the Committee are grossly out of order and may even constitute contempt. The Committee, it appears, had by an e-mail dated 21.08.2016 directed that the AGM of the BCCI proposed to be held on

21.09.2016 may transact routine business concerning the year 2015-2016 but any business or matter relating to the next year namely 2016-2017 may be dealt with only after the adoption of MOA and the Rules as per the recommendations of the Committee. This direction according to the Committee was issued to ensure that the recommendations are implemented in letter and spirit and that the Committee is not presented with a fait accompli. An AGM was, accordingly, held on 21.09.2016, but decisions at serial No. 2, 3, 5, 6, 8 and 9 set out in the Status report were taken in violation of the directives issued by the Committee acting as impediment in the implementation of the judgment of this Court. In addition, the Committee has in para 5 enumerated the following impediments in the implementation of the judgment of this Court:

*"5. Apart from the above, the events narrated would reveal the following impediments:*

*a). It was stated in the BCCI report dated 25.8.2016 that an EGM would be called "not later than 28<sup>th</sup> September" for the "formal adoption" of the new memorandum. The BCCI did not honour this assurance, and on the other hand, at the AGM of 21.9.2016 took decisions contrary to the said assurance by deciding that the EGM would be on 30<sup>th</sup> September "to consider" the amendments to the Rules and Regulations.*

*b). The BCCI has not issue directives to the member associations despite the express directions from the SC Committee on at least 4 separate occasions.*

c). *The Selectors of Men, Women and Junior cricket are announced contrary to the norms approved by this Hon'ble Court.*

d). *The BCCI has prescribed an undertaking for nomination to the post of BCCI Secretary which is not in accordance with the norms approved by this Hon'ble Court.*

e). *No second status report has been furnished although it was undertaken to do so within a fortnight after 25.8.2016.*

f). *Despite continually claiming that all steps taken would be subject to the Review Petition filed, it transpires that the same is in defects with Diary NO.27369/2016 even as of date, and there has been no effort to rectify the same and have it numbered and listed."*

5. The Committee has also noted that several e-mails sent to the President of the BCCI as well as a direction issued to him to appear on 09.08.2016 has not evoked even a single response from him. The Committee has, in the above backdrop, recommended following action against the BCCI:

*"(a) Supersede the present Office Bearers of the BCCI with immediate effect; and appoint in their place a Panel of Administrators of the BCCI to ensure the smooth transition from the old to the new system recommended by the Committee; and*

*(b) Direct that all decisions of the BCCI taken after 18.7.2016 which are contrary to the judgment dated 18.7.2016 of this Hon'ble Court and/or the directives of the SC Committee for implementing the same are non est and ineffective; and*

*(c) Any other direction as may be deemed fit for the implementation*

*of the judgement dated 18.7.2016.”*

6. Mr. Subramaniam has raised several issues for our consideration but we do not, for the present, propose to deal with the same. All that we need mention is that in the implementation of the recommendations of the Committee, the BCCI appears to be non-cooperative in its attitude. It has, despite directions issued by the Committee, released in favour of the State Cricket Associations substantial amounts running into crores of rupees without the permission of Justice Lodha Committee and in defiance of the direction issued by it. Mr. Kapil Sibal was at pains to argue that release of the amount in favour of State Associations was a routine matter which was not forbidden by the orders of the Committee. He submitted that BCCI had received nearly Rs.2500 crores towards compensation on account of termination of Champion League T 20 out of which BCCI had disbursed an amount of Rs.1500 crores towards taxes and other liability leaving a net amount of Rs.1036.78 crores with it. He submitted that in terms of a decision taken in the AGM held on 09.11.2015, 70% of balance amount of Rs.718.24 crores was to be disbursed to 25 Associations in the country @ Rs.28.73 crores per Association. A sum of Rs.12 crores out of the said amount was released to each one of the Associations pursuant to the said resolution leaving the balance amount of Rs.16.73 crores unpaid. It was

urged that the release of the balance amount was an ordinary and routine matter and that Justice Lodha Committee was not justified in finding fault with the same.

7. Mr. Subramaniam, however, contended that the disbursement of such large amount was not a routine matter and that the said disbursement was, it appears, intended to present the Committee with a fait accompli. It was also argued that the disbursement was made without formulating any Disbursement Policy whatsoever and on ad-hoc basis only with a view to appease the State Associations and possibly induce them to oppose the reforms suggested by Justice Lodha Committee.

8. We do not at this stage propose to express any final view on the true intention behind the disbursement of the amount in favour of the State Associations and whether, and if so what, action is called for against BCCI and its office holders. All that we wish to say is that the BCCI could and indeed ought to have avoided the disbursement of such a huge amount while Justice Lodha Committee was still examining the need for formulating a Disbursement Policy. What is more important is that one of the reasons given by Mr. Sibal for the non-adoption of the Memorandum of Association (MOA) proposed by Justice Lodha Committee is the reluctance of the State

Associations in subscribing to the same. If that be the position, there is no reason why the State Associations that are opposed to the reforms suggested by Justice Lodha Committee and accepted by this Court should either expect or draw any benefit from the release of grants by the BCCI.

9. Mr. Arvind Datar argued that as against 25 Associations only 13 Associations have so far received the balance amount of Rs.16.73 crores each. The remaining 12 Associations have not so far received the said amount, argued Mr. Datar. In that view, we issue the following interim directions:

i) No further amount in terms of the Resolution passed in AGM on 09.11.2015 or any subsequent resolution by the BCCI or its Working Committee shall be disbursed to any State Association except where the State Association concerned passes a proper resolution to the effect that it is agreeable to undertake and to support the reforms as proposed and accepted by this Court in letter and spirit. Upon such a Resolution being passed, a copy of the same shall be filed before Justice Lodha Committee with an affidavit of the President of the State Association concerned unequivocally undertaking to abide by the reforms as proposed by the Committee and accepted and modified by this Court. A similar affidavit with

a copy of the Resolution shall be filed before this Court also. It is only after such affidavits are filed, that BCCI may transfer the balance amount of Rs.16.73 crores each payable to the State Associations.

As regards the 13 State Associations to whom the payment has already been disbursed, we direct that the State Associations concerned shall not appropriate the said amount except after they have passed a resolution and filed an affidavit as mentioned above before Justice Lodha Committee and before this Court. In case the affidavits are not filed, the amount disbursed to the State Associations shall be invested by the Associations in a term deposit subject to further directions of this Court.

ii) Mr. Ratnakar Shivaram Shetty, General Manager, Admin and Game development shall, in the meantime, place on record a copy of the authorisation/resolution passed by the BCCI on the basis of which he has filed the affidavit supporting the response of the BCCI to the status report.

iii) Mr. Anurag Thakur, President of the BCCI shall file a personal affidavit whether he had asked the CEO of the ICC to state that the appointment of Justice Lodha Committee was tantamount to Government interference in the working of the BCCI.

iv) Mr. Arvind Datar, learned Senior Counsel to produce the original record

on the basis of which the affidavit by Mr. Ratnakar Shivaram Shetty on behalf of BCCI has been filed.

Needful shall be done within 10 days.

.....CJI.  
[T.S. THAKUR]

.....J.  
[A.M. KHANWILKAR]

.....J.  
[D.Y. CHANDRACHUD]

**NEW DELHI;  
OCTOBER 07, 2016**



ITEM NO.1 COURT NO.1 SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s).4235 of 2014

BOARD OF CONTROL FOR CRICKET Appellant(s)

VERSUS

CRICKET AASOCIATION OF BIHAR & ORS. Respondent(s)

WITH

C.A. No. 4236 of 2014

C.A. No. 1155 of 2015

Date : 07/10/2016 These appeals were called on for pronouncement  
of orders today.

	Mr. Gopal Subramaniam, Sr. Adv. (A.C.) C.A. No.10425 of 2014 Ms. Radha Rangaswamy, Adv. Ms. Ranjeeta Rohatgi, Adv. Mr. Abhinav Mukerji, Adv.
(CA No.4236/2014)	Mr. Gagan Gupta, Adv.
(CA No.1155/2015)	Mr. Vikas Mehta, Adv.
For Respondent(s)	Mr. Vikas Mehta, Adv.
	Ms. Radha Rangaswamy, Adv. Ms. Ranjeeta Rohatgi, Adv. Mr. Abhinav Mukerji, Adv.
	Ms. Neela Gokhale, Adv. Ms. Kamakshi S. Mehlwal, Adv.
	Mr. Mukesh Kumar Maroria, Adv. Mr. Shreekant N. Terdal, Adv.
(I.A. NO.10/2016)	Mr. Anshuman Ashok, Adv. Mr. Amit A. Pai, Adv.
	Mr. Venkita Subramoniam T. R., Adv.

Mr. V. K. Biju, Adv.

Ms. Liz Mathew, Adv.

Mr. Amol Chitale, Adv.

Mr. Nirnimesh Dube, Adv.

Mr. M. Yogesh Kanna, Adv.

Mr. S. Nithya Srinivasan, Adv.

Ms. Manju Sharma, Adv.

Mr. Vikas Singh Jangra, Adv.

Ms. Pooja Dhar, Adv.

Mr. Praveen Swarup, Adv.

Mr. Anish R. Shah, Adv.

Mr. Shree Pal Singh, Adv.

Mrs Lalita Kaushik, Adv.

Mr. Raghavendra S. Srivatsa, Adv.

Mr. E. C. Agrawala, Adv.

Mr. A. S. Bhasme, Adv.

Ms. Sonia Mathur, Adv.

Mr. Gaurav Sharma, Adv.

Mr. Gagan Gupta, Adv.

Ms. Rashmi Singh, Adv.

Mr. Chirag M. Shroff, Adv.

Mr. Hari Shankar, Adv.

Mr. Vipin Nair, Adv.

Mr. Rahul Pratap, Adv.

Mr. Mishra Saurab, Adv.

Mr. Deeptakirti Verma, Adv.

Ms. Pragya Baghel, Adv.

Ms. Tamali Wad, Adv.

Mr. Gaurav Sharma, Adv.

Hon'ble the Chief Justice pronouncement the order of the Bench comprising Hon'ble the Chief Justice, Hon'ble Mr. Justice A.M.Khanwilkar and Hon'ble Dr. Justice D.Y.Chandrachud.

After issuing certain directions in terms of the signed order, the Court directed to list these appeals on 17.10.2016 at 2 P.M.

(SHASHI SAREEN)  
AR-cum-PS

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)

REPORTABLE

80

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4235 OF 2014

BOARD OF CONTROL FOR CRICKET IN INDIA ....APPELLANT

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS. ....RESPONDENTS

WITH

CIVIL APPEAL No. 4236 OF 2014

WITH

CIVIL APPEAL No. 1155 OF 2015

ORDER

Dr D Y CHANDRACHUD,J

1 On 7 October 2016, directions were issued by this Court pursuant

Validly unknown

Digitaly signed by  
ASHOK BHAN  
Date: 26/09/2016  
18:04:08  
Reason:

a status report dated 26 September 2016, submitted by the Committee  
consisting of Justice R M Lodha, Justice Ashok Bhan and Justice RV

Raveendran. The status report filed by the Committee set out the sequence of events that had taken place after the final judgment and order of this Court dated 18 July 2016, which accepted the report submitted by the Committee on 18 December 2015 with certain modifications. A gist of the status report has been set out in the earlier order dated 7 October 2016. After advertng to the sequence of events, the Committee has concluded that BCCI has violated its directions:

“...Directions of this Hon’ble Court have been ignored, actions have been taken to present a *fait accompli* to the Committee, the directives of the Committee have been breached, and member associations have not been duly intimated about the directions of the Committee and the timelines fixed by it.”

The Committee has observed that “**BCCI has repeatedly taken steps to undermine the Committee and this Court**”, with several statements and actions which “are grossly out of order and would even constitute contempt”. The Committee noted that despite several e-mails, as well as a direction to appear before it on 9 August 2016, the President of BCCI did not furnish even a single response to the Committee. The Committee also observed that the President of BCCI had even gone to the extent of requesting ICC to issue a letter that “**this Committee amounts to governmental interference**” besides making several objectionable statements in the press which undermined both the Court and the Committee.

2 The Committee submitted the above status report in pursuance of the directions contained in the judgment of this Court dated 18 July 2016. This Court had by its judgment, while accepting the recommendations made in the earlier report of the Committee, assigned to the Committee a supervisory role for ensuring the transition from the old to the new system recommended by the Committee. While this Court in its judgment expressed a hope that the process of implementing the directions contained in the judgment would be completed within a period of four months or at best six months, the Committee was requested to draw appropriate timelines for the implementation of the recommendations and to supervise the implementation process. The Committee, while moving the status report observed that though the office bearers of BCCI had furnished assurances to it on 9 August 2016, 25 August 2016 and 20 September 2016, that they would cooperate with the Committee in fulfilling the directions of this Court (subject to any modification or review) these assurances had not been fulfilled.

3 In the previous Order of this Court dated 7 October 2016, the following *prima facie*, findings were recorded:-

“... The sequence of events that have been taken place since 18<sup>th</sup> July, 2016 and referred to in the status report *prima facie* give an impression that BCCI has far from lending its fullest cooperation to the Committee adopted an obstructionist and at times a defiant attitude

which the Committee has taken note of and described as an impediment undermining not only the Committee but even the dignity of this Court with several statements and actions which according to the Committee are grossly out of order and may even constitute contempt”.

This Court has noted that in spite of a direction issued by the Committee on 21 August 2016 that the AGM of BCCI which was to be held on 21 September 2016, may transact only routine business for 2015-16 and that any business or matter relating to 2016-17 may be dealt with only after the adoption of the Memorandum of Association and rules in pursuance of the recommendations of the Committee, substantial amounts running into crores of rupees have been disbursed in favour of state associations. This Court expressed the view that BCCI could and indeed ought to have avoided the disbursement of such a huge amount while the Committee was still examining the need for formulating a disbursement policy.

4 During the course of the hearing which resulted in the earlier order dated 7 October 2016, BCCI stated that one of the reasons for its failure to adopt the proposed MOA was the reluctance of the state associations to subscribe to it. In this background, this Court observed that if that be the position, there is no reason why the state associations that are opposed to the reforms suggested by the Committee and

accepted by this Court should either expect or draw any benefit from the release of grants by BCCI. The following directions have been issued by this Court on 7 October 2016:-

“i) No further amount in terms of the Resolution passed in AGM on 09.11.2015 or any subsequent resolution by the BCCI or its Working Committee shall be disbursed to any State Association except where the State Association concerned passes a proper resolution to the effect that it is agreeable to undertake and to support the reforms as proposed and accepted by this Court in letter and spirit. Upon such a Resolution being passed, a copy of the same shall be filed before Justice Lodha Committee with an affidavit of the President of the State Association concerned unequivocally undertaking to abide by the reforms as proposed by the Committee and accepted and modified by this Court. A similar affidavit with a copy of the Resolution shall be filed before this Court also. It is only after such affidavits are filed, that BCCI may transfer the balance amount of Rs.16.73 crores each payable to the State Association.

As regards the 13 State Associations to whom the payment has already been disbursed, we direct that the State Association concerned shall not appropriate the said amount except after they have passed a resolution and filed an affidavit as mentioned above before Justice Lodha Committee and before this Court. In case the affidavits are not filed, the amount disbursed to the State Associations shall be invested by the Associations in a term deposit subject to further directions of this Court.

ii) Mr. Ratnakar Shivaram Shetty, General Manager, Admin and Game development shall, in the meantime, place on record a copy of the authorization/resolution passed by the BCCI on



the basis of which he has filed the affidavit supporting the response of the BCCI to the status report.

iii) Mr. Anurag Thakur, President of the BCCI shall file a personal affidavit whether he had asked the CEO of the ICC to state that the appointment of Justice Lodha Committee was tantamount to Government interference in the working of the BCCI.

iv) Mr. Arvind Datar, learned Senior Counsel to produce the original record on the basis of which the affidavit by Mr. Ratnakar Shivaram Shetty on behalf of BCCI has been filed”.

5 In pursuance of these directions, Mr Anurag Thakur, President of BCCI has filed an affidavit specifically with reference to direction (iii) above. Before we consider the affidavit that has been filed by the President of BCCI, it is necessary to advert to the response to the status report of the Committee filed by Mr Ratnakar Shivaram Shetty, General Manager, Admn. & Game Development, BCCI. In the sequence of events set out in his response to the status report, Mr Shetty has dealt with the statement made in an interview given to the electronic media by Mr David Richardson, CEO of ICC. Mr Richardson stated that the President of BCCI sought a letter from ICC that the appointment of a nominee of CAG (which has been directed by this Court on 18 July 2016 in terms of the Committee’s recommendations) would amount to

‘governmental interference’ thereby inviting the suspension of BCCI from the membership of ICC. Mr Shetty’s response was as follows:

“It appears that an interview was given by Mr David Richardson the ICC CEO falsely stating that the BCCI President had requested the ICC to issue a letter stating that the intervention by this Hon’ble Court amounted to Governmental interference. It is submitted that no such letter or oral request was ever made to the said gentleman either by the BCCI President or any office bearer of the BCCI. It is apparent that Mr. Richardson has confused himself in relation to the issue. This issue is required to be considered in the light of the fact that Mr. Shashank Manohar Senior Advocate had clearly opined as the BCCI President that appointment of the CAG in the BCCI shall result in suspension of the BCCI as it would constitute governmental interference. In fact the same had been submitted on affidavit before this Hon’ble Court. However, as Chairman of the ICC, Mr. Manohar had taken a contrary stand and stated that it would not amount to governmental interference. It was in this context that a discussion took place between Mr. Shashank Manohar and Mr. Anurag Thakur during a meeting in Dubai wherein a clarification as sought by Mr. Anurag Thakur during an informal discussion on what the exact status would be if the CAG was inducted by the BCCI as part of its management and whether it would amount to governmental interference as had been advised and affirmed by Mr. Manohar during his stint as BCCI President.”

Paragraph 7(d) of the response contains a statement that:

“It is being incorrectly alleged that the President BCCI made a request to the ICC to issue a letter stating that this Committee amounts to Governmental interference. This suggestion is denied”.

6 In the affidavit which has been filed by the President of BCCI on 15 October 2016, there is a denial that any such request was made by

him to the CEO of ICC. Paragraph 3 of the affidavit contains the version of the President of what transpired at Dubai on 6/7 August 2016 during the course of a meeting convened by ICC:

“In this context it is respectfully submitted that there was an ICC governance review committee meeting scheduled to be held in Dubai on 6<sup>th</sup> & 7<sup>th</sup> August 2016. There were certain issues relating to financial model for which my inputs were required and as such I was invited by ICC for the said meeting. During the meeting with regard to the review of the constitutional provisions of ICC, I pointed out to the Chairman of the ICC, Mr. Shashank Manohar that when he was the President of BCCI he had taken a view that the recommendations of the Justice Lodha committee appointing the nominee of the CAG on the Apex Council would amount to governmental interference and might invoke an action of suspension from ICC. I therefore requested him that he being the ICC Chairman can a letter be issued clarifying the position which he had taken as BCCI President. Mr. Manohar explained to me at the meeting that when the stand was taken by him, the matter was pending before this Hon’ble Court and had not been decided. However, on 18.07.2016 this Hon’ble Court delivered its judgment in the matter. In the said judgment, this Hon’ble Court has rejected the submission that the appointment of the nominee of CAG on Apex council would amount to Governmental interference and had also held that the ICC would appreciate the appointment as it would bring transparency in the finances of the Board.”

7 Mr Kapil Sibal, learned senior counsel appearing on behalf of the BCCI has tendered during the course of hearing draft minutes of a Working Committee meeting of BCCI held on 22 August 2016. The draft minutes purportedly contain a record of what is stated to have

transpired between Mr Shashank Manohar, the Chairperson of ICC and the President of BCCI at the meeting on 6 and 7 August 2016. The relevant part is extracted below:-

“Mr. Anurag Thakur was in the Chair and called the meeting to order and welcomed the members. He briefed the members about his meeting with the ICC Chairman at Dubai during the ICC governance review committee meeting on 6<sup>th</sup> & 7<sup>th</sup> August 2016. Certain financial mode inputs were required during the said meeting which he gave. During the meeting with regard to the review of the constitutional provisions of ICC it was informed by Mr. Thakur that he asked Chairman ICC Mr. Shashank Manohar that when he was the President of BCCI he had taken a view that the recommendations of Justice Lodha committee appointing the nominee of the CAG on the Apex Council would amount to governmental interference and might invoke an action of suspension from ICC. It was therefore requested from him that he being the ICC Chairman could a letter be issued clarifying the position which he had taken as BCCI President. Mr. Manohar thereafter explained that when the stand was taken by him the matter was pending before the Supreme Court and was not decided. However on 18<sup>th</sup> of July 2016 the Hon. Supreme Court of India delivered its judgment and the Court has rejected the submission that the appointment of the nominee of CAG on Apex council will amount to Governmental interference and had also held that the ICC would appreciate the appointment as it would bring transparency in the finances of the Board. The discussion stopped in view of his explanation on this issue”.

8      *Prima facie*, it appears from the response that was filed by BCCI to the status report, that a clarification was sought by Mr Anurag Thakur from Mr Shashank Manohar on what the exact status would be if a nominee of CAG was inducted by BCCI as part of its management and

whether it would amount to governmental interference. The statement made by BCCI in its response to the status report contains a denial that its President made a request to ICC to issue a letter stating that the Committee amounted to governmental interference. However, in the affidavit which has since been filed by the President of BCCI in pursuance of the Court's directions of 7 October 2016, it has been accepted that he had made a request to the Chairman of ICC for issuing a letter "clarifying the position which he had taken as BCCI President" (to the effect that the recommendations of the Committee for appointing a nominee of CAG would amount to governmental interference and might invoke an action for suspension from ICC). Significantly, Mr Shetty did not in the response filed earlier by BCCI to the status report disclose that there was a request for a letter by its President to the Chairman, ICC.

9 The draft minutes of the Working Committee purportedly dated 22 August 2016, a copy of which has been placed on the record, are in tandem with the statement made by Mr Thakur on affidavit. *Prima facie*, it appears that the draft minutes were not before Mr Shetty when he made a statement on behalf of BCCI in his response to the status report. If the draft minutes were before him, it would be natural to assume that the disclosure which has now emerged in pursuance of the

order of this Court dated 7 October 2016 would have been contained in the response submitted by Mr Shetty to the status report. Mr Shetty has stated that the response filed by BCCI to the status report was based on information derived from the records. If that be so, the purported draft minutes of the Working Committee could not have missed his attention or knowledge.

10 Be that as it may, it is a matter of serious concern that the President of BCCI, even after the declaration of the final judgment and order of this Court dated 18 July 2016, requested the Chairperson of ICC for a letter “clarifying” (as he states) the position which he had taken as BCCI President to the effect that the induction of a CAG nominee would amount to governmental interference and may result in BCCI being suspended from ICC. There was no occasion for the President of BCCI to do so once the recommendation of the Committee for the induction of a CAG nominee was accepted in the final judgment of this Court. In the judgment of this Court dated 18 May 2016, this Court observed as follows:-

“77. There is, in our view, no basis for the argument that any measure taken by the BCCI on its own or under the direction of a competent court specially when aimed at streamlining its working and ensuring financial discipline, transparency and accountability expected of an organization discharging public functions such as BCCI may be seen as governmental interference calling for suspension/derecognition of the BCCI. Far from

finding fault with presence of a nominee of the Accountant General of the State and C&AG, the ICC would in our opinion appreciate any such step for the same would prevent misgivings about the working of the BCCI especially in relation to management of its funds and bring transparency and objectivity necessary to inspire public confidence in the fairness and the effective management of the affairs of the BCCI and the State Associations. The nominees recommended by the Committee would act as conscience keepers of the State Association and BCCI in financial matters and matters related or incidental thereto which will in no way adversely impact the performance or working of the BCCI for the promotion and development of the game of cricket. The criticism levelled against the recommendations of the Committee is, therefore, unfounded and accordingly rejected”.

11 This finding which is contained in the final judgment and order of this Court binds BCCI. *Prima facie*, an effort has been made by the President of BCCI to create a record in order to question the legitimacy of the recommendation of the Committee for the appointment of a CAG nominee after the recommendation was accepted by this Court on 18 July 2016. We presently defer further consideration of the action to be taken with reference to his conduct. Mr Shetty in his response to the status report claims that the CEO of ICC had “falsely” stated in his interview that the President of BCCI had requested ICC to issue a letter stating that the intervention of this Court amounted to governmental interference. The version of Mr Shetty is at variance to what is alleged to have been stated by the CEO of ICC. It may also become necessary

for this Court to assess the veracity of the version of Mr Shetty and that of Mr Richardson. Mr Shashank Manohar, the then President of BCCI is presently the Chairman of ICC. A copy of this order shall be forwarded to him by the Secretary to the Committee in order to enable him to consider filing a response setting out his version, to set the record straight and assist this Court. Mr Manohar is at liberty to obtain a report from Mr Richardson before filing his response.

12 During the course of hearing, a grievance has been made on behalf of BCCI that though in the judgment of this Court dated 18 July 2016, it had been hoped that the process of implementing the reforms suggested by the Committee “should be completed within a period of four months or at best six months from today”, the Committee has hastened the process by indicating timelines for completion even within the said period. We find that the criticism of the Committee is not justified for more than one reason. Though this Court expressed the hope that the process of transition and implementation be completed within four months or at best within six months, this Court left it open to the Committee to draw “appropriate timelines for implementation of the recommendations” and to supervise the implementation thereof. The Committee which was entrusted with the task of supervising the implementation process was permitted to lay down suitable timelines.



The process of implementation requires a continuous process of monitoring and supervision and it would be only reasonable to assume, as did the Committee, that the process could not be completed in one instalment. Hence, the Committee laid down timelines for implementation.

13 Hence, the broad framework of time prescribed by this Court does not preclude the Committee from specifying timelines. On the contrary, the Committee was specifically allowed to do so to implement the judgment. The status report contains a record of proceedings before the Committee dated 9 August 2016 which indicates that when the first set of timelines was handed over to BCCI's Secretary on 9 August 2016, he stated before the Committee that a report of compliance would be furnished by 25 August 2016. Despite this, in the report dated 25 August 2016, submitted by the Secretary, BCCI to the Committee there appears the following statement furnished by BCCI by way of a clarification at the Working Committee meeting held on 22 August 2016:

"2 The Members queried as regards to the status of the review petition filed by the BCCI. It was clarified to the members that if the review petition as well as curative petition was dismissed, the recommendations of the Lodha Committee, save those as amended by the court would become binding".

14 The statement made on behalf of BCCI to the Working Committee that it was only if the Review Petition, as well as Curative Petition were to be dismissed that the recommendations of the Committee would be binding is patently misconceived. The recommendations of the Committee were endorsed in a final judgment and order of this Court dated 18 July 2016, subject to certain modifications. The judgment of this Court has to be implemented as it stands. A party to a litigation cannot be heard to say that it would treat a judgment of this Court as not having binding effect unless the Review or Curative Petitions that it has filed are dismissed.

15 For the reasons which have weighed with us in the earlier order of this Court dated 7 October 2016 and for those which we have adduced above, we are inclined to take a serious view of the conduct of BCCI in the present case. Despite the *prima facie* findings which were arrived at in the previous order, the further hearing was deferred. There has been no change in the position of BCCI. The intransigence continues. If BCCI had any difficulties about adhering to the timelines laid down by the Committee, the appropriate course would have been to move the Committee. Even the grievance which was urged during this proceeding by BCCI, that some of the directions of the Committee have travelled

beyond the parameters set by this Court can and ought to be urged before the Committee in the first instance.

16 During the course of the hearing, Shri Kapil Sibal, learned senior counsel appearing on behalf of BCCI has agreed to a course of action whereby in the first instance, BCCI would establish its *bona fides* before the Committee by demonstrating the compliance made by it of those recommendations which are stated to have been fulfilled. The Committee as the body appointed by this Court to monitor and supervise implementation of the judgment will verify whether there has been full compliance with the directions which are stated by BCCI to have been fulfilled.

17 The President and Secretary of BCCI shall (within two weeks) file before the Committee on affidavit their statements of the compliance effected by BCCI thus far of those recommendations which have been fulfilled. The statement shall contain an elaboration of the manner in which compliance has been made and the steps proposed to be taken to fulfil the remaining directions of this Court. The Committee is at liberty to verify the compliance statements filed on behalf of BCCI by its President and Secretary. Both the President and the Secretary shall appear before the Committee in person, and explain the steps taken for compliance and the course of action to be adopted hereafter.

18 Learned senior counsel appearing on behalf of BCCI has stated that in respect of some of the recommendations, where state associations have not agreed to implement the recommendations of the Committee, as accepted by this Court, BCCI will make a genuine endeavour to persuade the state associations to effectuate compliance. Though BCCI is in default and breach of the directions of this Court, in order to enable it to have an additional opportunity to establish its *bona fides* and to secure compliance with the judgment of this Court dated 18 July 2016, we grant time until 3 December 2016 for the purpose. Besides complying with the direction set out above of filing statements and appearing before the Committee, BCCI shall report compliance before this Court on 5 December 2016.

19 For the reasons which have been contained in the present order of the Court, we are of the view that the issuance of certain additional directions has become inevitable, over and above those that are contained in the previous order dated 7 October 2016. We have presently come to the conclusion that, *prima facie*, there is substance in the status report submitted by the Committee. Implementation of the final judgment of this Court dated 18 July 2016 has *prima facie* been impeded by the intransigence of BCCI and its office bearers. However, having due regard to the submission made on behalf of BCCI that it would

make every genuine effort to persuade the state associations to secure compliance with the judgment of this Court, and having regard to the larger interests of the game of cricket, we are desisting from issuing a direction at this stage in terms of the request made by the Committee for appointment of administrators so as to enable BCCI to demonstrate its good faith and the steps taken for compliance both before the Committee in the first instance and before this Court by the next date of hearing. However, certain additional directions are warranted in the interest of maintaining transparency in the functioning of BCCI, having regard to the sequence of events after 18 July 2016.

20 We accordingly issue the following additional directions:-

- (i) BCCI shall forthwith cease and desist from making any disbursement of funds for any purpose whatsoever to any state association until and unless the state association concerned adopts a resolution undertaking to implement the recommendations of the Committee as accepted by this Court in its judgment dated 18 July 2016. After such a resolution is passed and before any disbursement of funds takes place to the state association concerned, a copy of the resolution shall be filed before the Committee and before this Court, together with an affidavit of the President of the state association undertaking to abide by the

reforms contained in the report of the Committee, as modified by this Court. Any transfer of funds shall take place to the state associations which have accepted these terms only after compliance as above is effected. This direction is in addition to the previous direction of 7 October 2016 in regard to the disbursement to and appropriation by the state associations;

**(ii) (a)** The Committee appointed by this Court is requested to appoint an independent auditor to scrutinise and audit the income received and expenditure incurred by BCCI; **(b)** The auditor shall also oversee the tendering process that will hereinafter be undertaken by BCCI, as well as the award of contracts above a threshold value to be fixed by the Committee; **(c)** The award of contracts by BCCI above the threshold fixed by the Committee shall be subject to the prior approval of the Committee; **(d)** The Committee shall be at liberty to obtain the advice of the auditors on the fairness of the tendering process which has been adopted by BCCI and in regard to all relevant facts and circumstances; **(e)** The Committee will determine whether a proposed contract above the threshold value should or should not be approved; and **(f)** The Committee will be at liberty to formulate the terms of engagement and reference to the auditors having regard to the above

directions. BCCI shall defray the costs, charges and expenses of the auditors.

(iii) The President and Secretary of BCCI shall within two weeks from today file a statement on affidavit indicating compliance made by BCCI of those of the recommendations of the Committee which have been complied with, the manner of compliance and the steps adopted for securing compliance with the remaining recommendations. They shall appear before the Committee to explain the manner of compliance. The President and Secretary, BCCI shall also keep the Committee apprised about the steps taken pursuant to the statement recorded in paragraph 18 above.

(iv) An affidavit of compliance shall be filed before this Court on or before 3 December 2016 by the President and Secretary to BCCI in terms of paragraphs 17 and 18 above; and

(v) The Secretary to the Committee appointed by this Court shall forward a copy of this order to Mr Shashank Manohar, Chairman ICC to facilitate the observations contained in paragraph 11 of this order.

BCCI shall cooperate with the Committee and with the auditors by granting, in particular, full access to records, accounts and other information as required to facilitate implementation of these directions.

21 The hearing of the proceedings shall stand over to 5 December 2016.

.....CJI  
[T.S. THAKUR]

.....J  
[A.M. KHANWILKAR]

.....J  
[Dr D Y CHANDRACHUD]

New Delhi  
October 21, 2016



101

ITEM NO.1D  
(For Order)

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
Civil Appeal No(s). 4235/2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

WITH

C.A. No.4236 of 2014

C.A. No.1155 of 2015

Date : 21/10/2016 These appeals were called on for  
pronouncement of Order today.

For Appellant(s)

Mr. Nirnimesh Dube, Adv.

Ms. Radha Rangaswamy, Adv.

Mr. Senthil Jagadeesan, Adv.

Mr. Gagan Gupta, Adv.

Mr. Vikas Mehta, Adv.

For Respondent(s)

Mr. Mukesh Kumar Maroria, Adv.

Mr. V. K. Biju, Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Mr. Anshuman Ashok, Adv.

Ms. Liz Mathew, Adv.

Mr. Praveen Swarup, Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Anish R. Shah, Adv.

Mr. Shree Pal Singh, Adv.

Mrs Lalita Kaushik, Adv.

Mr. Raghavendra S. Srivatsa, Adv.

Mr. E. C. Agrawala, Adv.

Mr. A. S. Bhasme, Adv.

Ms. Sonia Mathur, Adv.

Mr. Gaurav Sharma, Adv.

Ms. Manju Sharma, Adv.

Mr. Venkita Subramoniam T. R., Adv.

Mr. Gagan Gupta, Adv.

Ms. Rashmi Singh, Adv.

Mr. Chirag M. Shroff, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Hon'ble Dr. Justice D.Y. Chandrachud pronounced the Order of the Bench comprising Hon'ble the Chief Justice of India, Hon'ble Mr. Justice A.M. Khanwilkar and His Lordship.

The hearing of the proceedings stand over to 5<sup>th</sup> December, 2016 with following additional directions in terms of the signed reportable judgment.

(i) BCCI shall forthwith cease and desist from making any disbursement of funds for any purpose whatsoever to any state association until and unless the state association concerned adopts a resolution undertaking to implement the recommendations of the Committee as accepted by this Court in its judgment dated 18 July 2016. After such a resolution is passed and before any disbursement of funds takes place to the state association concerned, a copy of the resolution shall be filed before the Committee and before this Court, together with an affidavit of the President of the state association undertaking to abide by the reforms contained in the report of the

Committee, as modified by this Court. Any transfer of funds shall take place to the state associations which have accepted these terms only after compliance as above is effected. This direction is in addition to the previous direction of 7 October 2016 in regard to the disbursement to and appropriation by the state associations;

(ii) (a) The Committee appointed by this Court is requested to appoint an independent auditor to scrutinise and audit the income received and expenditure incurred by BCCI; (b) The auditor shall also oversee the tendering process that will hereinafter be undertaken by BCCI, as well as the award of contracts above a threshold value to be fixed by the Committee; (c) The award of contracts by BCCI above the threshold fixed by the Committee shall be subject to the prior approval of the Committee; (d) The Committee shall be at liberty to obtain the advice of the auditors on the fairness of the tendering process which has been adopted by BCCI and in regard to all relevant facts and circumstances; (e) The Committee will determine whether a proposed contract above the threshold value should or should not be approved; and (f) The Committee will be at liberty to formulate the terms of engagement and reference to the auditors having regard to the above directions. BCCI shall defray the costs, charges and expenses of the auditors.

(iii) The President and Secretary of BCCI shall within two weeks from today file a statement on affidavit indicating compliance made by BCCI of those of the recommendations of the Committee which have been complied with, the manner of compliance and the steps adopted for securing compliance with the remaining recommendations. They shall appear before the Committee to explain the manner of compliance. The President and Secretary, BCCI shall also keep the Committee apprised about the steps taken pursuant to the statement recorded in paragraph 18 above.

(iv) An affidavit of compliance shall be filed before this Court on or before 3 December 2016 by the President and Secretary to BCCI in terms of paragraphs 17 and 18 above; and

(v) The Secretary to the Committee appointed by this Court shall forward a copy of this order to Mr Shashank Manohar, Chairman ICC to facilitate the

observations contained in paragraph 11 of this order.

BCCI shall cooperate with the Committee and with the auditors by granting, in particular, full access to records, accounts and other information as required to facilitate implementation of these directions.

(Ashok Raj Singh)

Court Master

(Veena Khera)

Court Master

(Signed reportable order is placed in the file)

105

## ANNEXURE A- 4

**Ref No. BCCI HQ/02S5/2764/2018**

21<sup>st</sup> August 2018

To,

The Registrar of Societies,  
Chennai Central,  
Chennai

Dear Sir,

**Ref: 18/1940-41/221-2006**

**Sub: The Board of control for Cricket in India – Filling of the new constitution as approved by the Hon’ble Supreme Court – Compliance with judgment dated 09.08.2018 passed by the Hon’ble Supreme Court in Civil Appeal No. 4235 of 2014 and connected matters.**

Enclosed is a certified copy of the judgment dated 09.08.2018 passed by the Hon’ble Supreme Court in Civil Appeal No. 4235 of 2014 and connected matters (“**Judgment**”).

Also enclosed are two copies of the new constitution (i.e. Memorandum of Association and Rules and Regulations) of the society as approved by the Hon’ble Supreme Court (“**Constitution**”) vide the judgment. In view thereof, there is no special resolution by which the constitution is approved.

106

The enclosed Constitution is being presented to your office by the undersigned vide this letter in compliance with the judgment.

The enclosed Constitution may kindly be registered forthwith in terms of paragraph 40 of the Judgment and a certified copy may be issued to our legal counsels, who are presenting this letter.

We undertake to pay the applicable fees for registering the Constitution.

Kindly acknowledge receipt of the enclosed Constitution and confirm compliance with the Judgment in terms thereof.

Thanking you,

Yours faithfully,

**For the Board of Control for Cricket in India**

**Rahul Johri**  
**CEO**

**Encl: As above**

## ANNEXURE A- 5

From: **Committee of Administrators** <[coa@bccci.tv](mailto:coa@bccci.tv)>

Date: Tue, Aug 21, 2018 at 5:06 PM

Subject: New BCCI Constitution as per Judgment dated 9<sup>th</sup> August 2018

To: Andhra Cricket <[andhracricicket@gmail.com](mailto:andhracricicket@gmail.com)>, Andhracricicket <[andhracricicket@yahoo.com](mailto:andhracricicket@yahoo.com)>, "Arunachal CA - Jt. Secretary Joram Anand" <[24joramanand@gmail.com](mailto:24joramanand@gmail.com)>, Arunachal CA - Secretary <[tkholi2017@gmail.com](mailto:tkholi2017@gmail.com)>, Assam CA <[assamca@rediffmail.com](mailto:assamca@rediffmail.com)>, Assam CA - secretary <[bgpradip@yahoo.co.in](mailto:bgpradip@yahoo.co.in)>, Baroda CA <[brdca1@cricketbaroda.com](mailto:brdca1@cricketbaroda.com)>, Bengal CA <[cab@bengalcricket.com](mailto:cab@bengalcricket.com)>, Bengal CA-Sourav Ganguly <[cabpresidentscg@gmail.com](mailto:cabpresidentscg@gmail.com)>, BIHAR CA <[bihcricketassociation.patna@gmail.com](mailto:bihcricketassociation.patna@gmail.com)>, Bihar Cricket Association <[biharcricicketassociation@gmail.com](mailto:biharcricicketassociation@gmail.com)>, Chhattisgarh State CA <[sec.cscs@yahoo.com](mailto:sec.cscs@yahoo.com)>, DDCA CA <[president@ddca.co](mailto:president@ddca.co)>, Goa CA <[goacricicketassociation@rediffmail.com](mailto:goacricicketassociation@rediffmail.com)>, Gujarat Cricket Association <[gcaahd@yahoo.co.in](mailto:gcaahd@yahoo.co.in)>, Haryana CA <[hca@haryanacricicket.com](mailto:hca@haryanacricicket.com)>, HPCA Dharamsala <[hpcadharamsala@yahoo.com](mailto:hpcadharamsala@yahoo.com)>, HPCA Secretary <[secyhpc@gmail.com](mailto:secyhpc@gmail.com)>, Hyderabad CA <[hycricicket@rediffmail.com](mailto:hycricicket@rediffmail.com)>, Hyderabad COA <[hcacoa@gmail.com](mailto:hcacoa@gmail.com)>, Indian universities Association <[sgoffice@aiu.ac.in](mailto:sgoffice@aiu.ac.in)>, Jammu & Kashmir CA <[jkcags\\_srinagar@yahoo.com](mailto:jkcags_srinagar@yahoo.com)>, Jharkhand State Cricket Association <[jscack@gmail.com](mailto:jscack@gmail.com)>, Karnataka State CA <[office@ksca.co.in](mailto:office@ksca.co.in)>, Kerala CA <[office@keralacricicket.in](mailto:office@keralacricicket.in)>, Maharashtra Cricket Association <[cricketmaharashtra@yahoo.com](mailto:cricketmaharashtra@yahoo.com)>, Manipur CA <[mca\\_khuman@yahoo.com](mailto:mca_khuman@yahoo.com)>, Meghalaya CA <[meghalayacricicket11@gmail.com](mailto:meghalayacricicket11@gmail.com)>, Meghalaya CA <[naavstar@yahoo.co.in](mailto:naavstar@yahoo.co.in)>, Mizoram CA <[mamon.etc@gmail.com](mailto:mamon.etc@gmail.com)>, MPCA <[secretary@mpcaonline.com](mailto:secretary@mpcaonline.com)>, MPCA Cricket Operations <[cricket.operations@mpcaonline.com](mailto:cricket.operations@mpcaonline.com)>, Mumbai Cricket Association <[mcacrik@mumbaicricicket.com](mailto:mcacrik@mumbaicricicket.com)>, "Nagaland CA- Abu Mehta,Secretary" <[abumetha@gmail.com](mailto:abumetha@gmail.com)>, Odisha CA

<orissacricket@yahoo.co.in>, Pondicherry CA  
 <pd@siechem.com>, Punjab CA <pcastadium@yahoo.com>,  
 Punjab CA - Deepak Sharma <gmpca92@gmail.com>, Railway  
 Sports PB-Secretary <rekha71yadav@gmail.com>, Saurashtra  
 CA Rajkot <saucriccket@gmail.com>, Saurashtra CA Rajkot -  
 Madhukar Worah <mkworah@gmail.com>, Services Sports  
 Control Board <sscbindia@navy.gov.in>, Services Sports  
 Control Board <sscbindia@nic.in>, Sikkim CA  
 <sikkimcricketassociation2016@gmail.com>, Tamil Nadu CA  
 <office@tnca.in>, The Cricket Club of India  
 <secretary.cciclub@gmail.com>, The Cricket club of India -  
 Kapil M-VP <kapillm@gmail.com>, "The National Cricket  
 Club (Bengal) -MickeyDalmiya"  
 <mickey\_dalmiya@yahoo.com>, TNCA secretary  
 <secretary@tnca.in>, Tripura CA <tcaagt@yahoo.com>, UPCA  
 <upcaknp@gmail.com>, Vidarbha CA <admin@vca.co.in>, PS  
 to Justice Dave <pstojusticedave@gmail.com>, Justice Gurram  
 Venkata Seethapathy <jgvs@yahoo.com>,  
 gokhalehemantlaxman@gmail.com,  
 vidyasagar\_kanade@yahoo.com, justiceckprasad@gmail.com,  
 justicesralam@gmail.com  
 Cc: Rahul Johri <rahul.johri@bcci.tv>

Dear all,

1. Paragraph 40 of the judgment dated 9<sup>th</sup> August 2018  
 ("Judgment") states as follows:

"40. Having regard to the fact that the draft constitution submitted by the CoA on 27 October 2017 has now been approved by this Court subject to the aforesaid modifications, we issue the following directions:

1. The Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 shall upon the presentation of the said Constitution by the CEO,



*register the documents forthwith and report compliance by way of a report to the Secretary General of this Court within four weeks;*

2. *Upon the registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. A compliance certificate must be furnished to the CoA, which shall file a status report before this Court with reference to the compliance undertaken by the State Associations;*
3. *In the event that any State Association does not undertake compliance with the abovesaid directions, the directions contained in the orders of this Court dated 7 October 2016 and 21 October 2016 shall revive."*

(emphasis supplied)

A copy of the Judgment is enclosed herewith.

2. In compliance with the Judgment, the Constitution of BCCI (as approved by the Hon'ble Supreme Court vide the Judgment) was presented to the Registrar of Societies under the Tamil Nadu Societies Registration Act, 1975 by the CEO earlier today (i.e. 21<sup>st</sup> August 2018) and has been

registered. A copy of the said registered Constitution is enclosed herewith.

3. As per the Judgment, all members of BCCI are required to undertake registration of their respective Constitutions on similar lines as the Constitution of BCCI (as approved by the Hon'ble Supreme Court vide the Judgment) on or before 20<sup>th</sup> September 2018 and furnish a compliance report to the Committee of Administrators.
4. Kindly comply with the aforementioned directions contained in the Judgment and furnish a compliance certificate to the Committee of Administrators on or before 20<sup>th</sup> September 2018. The format of the compliance certificate that is required to be furnished is enclosed herewith.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators

Encl.:

*(1) Judgment dated 9<sup>th</sup> August 2018 passed by the Hon'ble Supreme Court in Civil Appeal No. 4235 of 2014 and connected matters*

*(2) Copy of Registered Constitution of BCCI*

(3) *Format of Compliance Certificate to be furnished to the  
Committee of Administrators*

[ON THE LETTERHEAD OF THE STATE ASSOCIATION]

To,

The Committee of Administrators,

Board of Control for Cricket in India

**COMPLIANCE CERTIFICATE IN TERMS OF JUDGMENT**

**DATED AUGUST 9, 2018 PASSED BY THE HON'BLE**

**SUPREME COURT IN CIVIL APPEAL NO. 4235 OF 2014 AND**

**CONNECTED MATTERS**

1. I am the [President or Secretary (if President not available)] of the [*Name of Association*] ("**Association**"), which is a [*society/ company*] registered under the [*Name of Statute under which Association is registered*], and am duly authorised to issue this compliance certificate on behalf of the Association.
2. I have read a copy of the judgment dated 9<sup>th</sup> August 2018 ("**Judgment**") passed by the Hon'ble Supreme Court and I have gone through the Constitution of the Board of Control for Cricket in India ("**BCCI**") circulated by the Committee of Administrators vide email dated 21<sup>st</sup> August 2018 ("**BCCI Constitution**").
3. Since the Association is a member of BCCI, the Judgment requires the Association to undertake registration of its constitution on similar lines as the BCCI Constitution within a period of 30 days from the registration of the BCCI Constitution.

4. I have been personally involved in and have supervised the aforesaid exercise of drawing the constitution of the Association on similar lines as the BCCI Constitution. A certified copy of the newly registered constitution of the Association is enclosed.
5. I hereby confirm and certify that the enclosed newly registered constitution of the Association is similar to the BCCI Constitution, as approved by the Hon'ble Supreme Court, in letter and spirit. Except where the expression 'BCCI' has been replaced with the expression 'Association', every deviation from the BCCI Constitution is specified separately in an annexure enclosed hereto alongwith specific cogent reasons for each such deviation. Apart from the aforesaid deviations (if any), which are set out in the said annexure and hereinabove, I confirm that there are no other deviations in the newly registered constitution of the Association from the BCCI Constitution.
6. In case any changes are required to be made to the newly registered constitution of the Association to ensure compliance with the Judgment, I personally and on behalf of the Association, undertake to do all such acts and deeds that are necessary to amend the newly registered constitution of the Association (as aforesaid) and register the amended document within the timeline as may be stipulated for this purpose.

7. Needless to add that the undertaking and confirmation given above are also being issued on behalf of the Association and are binding on the Association.

Thanking you.

Yours faithfully,

FOR [*Name of Association*]

[*Name of Signatory*]

President or Secretary (if President not available)

Encl.:        *As above*

**ANNEXURE A – 6**

From: **Committee of Administrators** <coa@bcci.tv>

Date: Thu, Aug 23, 2018 at 8:24 PM

Subject: Formation of Association of former players from the Indian Railways

To: [ms@rb.railnet.gov.in](mailto:ms@rb.railnet.gov.in), Railway Sports PB-Secretary  
<rekha71yadav@gmail.com>

Cc: Rahul Johri <rahul.johri@bcci.tv>, Saba Karim  
<saba.karim@bcci.tv>

Dear Madam/ Sirs,

In compliance with the judgment dated 9<sup>th</sup> August 2018 (“**Judgment**”), the Constitution of BCCI (as approved by the Hon’ble Supreme Court vide the Judgment) was registered on 21<sup>st</sup> August 2018. A copy of the said registered Constitution is enclosed herewith.

Your attention is drawn to Rule 3(a)(ii)[E] of the Constitution, which states as follows:

*“Notwithstanding anything contained hereinabove in this Rule 3(a)(ii), a representative from the Indian Railways shall be entitled to vote at meetings of the General Body of the BCCI. However, such representative shall be a former cricketer from the Indian Railways who is elected by an association of former players from the Indian*

*Railways and not a person nominated by the Government/ Railway Sports Promotion Board.”*

The BCCI and its members are bound by the aforesaid stipulation and voting at the General Body Meetings of BCCI henceforth will take place strictly in accordance with the said provision. Therefore, you are requested to ensure compliance with the above requirement so that the representative from the Indian Railways can cast a vote at meetings of the General Body of the BCCI.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators

Encl.: *Copy of Registered Constitution of BCCI*



**ANNEXURE A – 7**

From: **Committee of Administrators** <[coa@bccci.tv](mailto:coa@bccci.tv)>

Date: Thu, Aug 23, 2018 at 8:21 PM

Subject: Formation of Association of former players from the Armed Forces/ Services

To: SSCB <[sscbindia@navy.gov.in](mailto:sscbindia@navy.gov.in)>, [svsheoran@rediffmail.com](mailto:svsheoran@rediffmail.com),  
Services Sports Control Board <[sscbindia@nic.in](mailto:sscbindia@nic.in)>

Cc: Rahul Johri <[rahul.johri@bccci.tv](mailto:rahul.johri@bccci.tv)>, Saba Karim  
<[saba.karim@bccci.tv](mailto:saba.karim@bccci.tv)>

Dear Sirs,

In compliance with the judgment dated 9<sup>th</sup> August 2018 (“**Judgment**”), the Constitution of BCCI (as approved by the Hon’ble Supreme Court vide the Judgment) was registered on 21<sup>st</sup> August 2018. A copy of the said registered Constitution is enclosed herewith.

Your attention is drawn to Rule 3(a)(ii)[F] of the Constitution, which states as follows:

*“Notwithstanding anything contained hereinabove in this Rule 3(a)(ii), a representative from the Armed Forces/ Services shall be entitled to vote at meetings of the General Body of the BCCI. However, such representative shall be a former cricketer from the Armed Forces/*

*Services who is elected by an association of former players from the Armed Forces/ Services and not a person nominated by the Government/ Services Sports Control Board.”*

The BCCI and its members are bound by the aforesaid stipulation and voting at the General Body Meetings of BCCI henceforth will take place strictly in accordance with the said provision. Therefore, you are requested to ensure compliance with the above requirement so that the representative from the Armed Forces/ Services can cast a vote at meetings of the General Body of the BCCI.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators

Encl.: *Copy of Registered Constitution of BCCI*

**ANNEXURE A – 8**

From: **Committee of Administrators** <[coa@bccci.tv](mailto:coa@bccci.tv)>

Date: Thu, Aug 23, 2018 at 8:17 PM

Subject: Formation of Association of former players from the Association of Indian Universities

To: Indian universities Association <[sgoffice@aiu.ac.in](mailto:sgoffice@aiu.ac.in)>

Cc: Rahul Johri <[rahul.johri@bccci.tv](mailto:rahul.johri@bccci.tv)>, Saba Karim <[saba.karim@bccci.tv](mailto:saba.karim@bccci.tv)>

Dear Sirs,

In compliance with the judgment dated 9<sup>th</sup> August 2018 (“**Judgment**”), the Constitution of BCCI (as approved by the Hon’ble Supreme Court vide the Judgment) was registered on 21<sup>st</sup> August 2018. A copy of the said registered Constitution is enclosed herewith.

Your attention is drawn to Rule 3(a)(ii)[G] of the Constitution, which states as follows:

*“Notwithstanding anything contained hereinabove in this Rule 3(a)(ii), a representative from the Association of Indian Universities shall be entitled to vote at meetings of the General Body of the BCCI. However, such representative shall be a former First Class cricketer who has also represented a University in the All India Inter University Tournament*

*and is elected by an association of former players from the Association of Indian Universities and not a person nominated by the Government/ Association of Indian Universities.”*

The BCCI and its members are bound by the aforesaid stipulation and voting at the General Body Meetings of BCCI henceforth will take place strictly in accordance with the said provision. Therefore, you are requested to ensure compliance with the above requirement so that the representative from the Association of Indian Universities can cast a vote at meetings of the General Body of the BCCI.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators

## ANNEXURE A- 9

## POINTS FOR IMPLEMENTATION BY BCCI

SL. NO.	STEP TO BE TAKEN	REFERENCE	ORIGINAL DEADLINES
1.	MoA and Rules and Regulations of BCCI to be formally adopted	Annexure-A to the Lodha Committee's Report dated 18.12.2015	30 <sup>th</sup> September 2016
2.	State and Member Associations to amend Constitutions / MoA / Rules & Regulations / Bye-Laws to bring them in terms with the Report and the Judgment	Pages 73-75 of the Report & Pages 138-139 of the Judgement dated 18.07.2016	30 <sup>th</sup> September 2016
3.	Amendments to be made to the following IPL Rules: <ul style="list-style-type: none"> <li>• <u>Code of Conduct for players &amp; Team Officials</u></li> <li>• <u>Anti-Corruption Code for Participants</u></li> <li>• <u>Anti-Racism Code for Players &amp; Team officials</u></li> <li>• <u>Operational Rules</u></li> </ul>	Pages 41 & 61 of the Report	30 <sup>th</sup> September 2016

4.	<p>Policies to be framed:</p> <ul style="list-style-type: none"> <li>• To decide order of rotation among Members of Gujarat and Maharashtra</li> <li>• Fund disbursements among Members</li> <li>• 15 day gap between National Calendar and IPL</li> <li>• Engagement of services and contractors and Transparency of tenders with clear eligibility and qualification criteria</li> </ul>	<p>Pages 106 &amp; 107 of the Judgement</p> <p>Page 20 of the Report</p> <p>Page 42 of the Report</p> <p>Page 57 of the Report</p>	30 <sup>th</sup> September 2016
5.	Agent Registration norms to be amended	Annexure-C to the Report dated 18.12.2015	30 <sup>th</sup> September 2016
6.	Steering Committee to be notified by BCCI and to commence creation of the Cricket Players' Association with financial support of the BCCI	Page 44 of the Report and Pages 126-127 of the Judgement	30 <sup>th</sup> September 2016
7.	Puducherry to be added as an Associate Member	Page 22 of the Report	30 <sup>th</sup> September 2016
8.	Handbooks for Disabled Cricket and Young Cricketers to be made	Pages 37 & 63 of the Report	15 <sup>th</sup> October 2016

9.	Websites to be created / updated: <ul style="list-style-type: none"> <li>• Link for disabled cricket</li> <li>• Translation of all Rules, Norms, Reports, Minutes and Circulars to Hindi and uploading both versions</li> <li>• Links to stadia, facilities, ticketing and seat details</li> <li>• Transparency of BCCI and Member Associations</li> </ul>	Page 37 of the Report Pages 55 & 57 of the Report  Page 57 of the Report Pages 76 & 77 of the Report	15 <sup>th</sup> October 2016
10.	Reorganizing of the Zones	Pages 22 & 23 of the Report and Rule 1A(hh) at Page 96	15 <sup>th</sup> October 2016
11.	Appointment of Electoral Officers for the BCCI and the States	Pages 53-54 & 74-75 of the Report and Rule 33 at Page 136	15 <sup>th</sup> October 2016
12.	Elections for State Associations	Page 74 of the Report	15 <sup>th</sup> November 2016
13.	Elections to the Executive Committee of the Players' Cricket Association	Annexure-B to the Report dated 18.12.2015	15 <sup>th</sup> November 2016
14.	Elections to the Apex Council of BCCI, BCCI AGM and	Pages 50-53 and Rules 39 & 40 and	15 <sup>th</sup> December 2016

	Appointment of Ethics Officer and Ombudsman	Pages 144 and 146 of the Report	
15.	Creation of BCCI Committees, IPL Governing Council and Appointment of the Management under the new Rules	Pages 35-39 & 119 of the Report	30 <sup>th</sup> December 2016
16.	Intimation of names of new Office Bearers of the State Associations	Email to BCCI dated 9.1.2017	15 <sup>th</sup> January 2017