

**BEFORE JUSTICE ARUN KUMAR MISHRA
FORMER JUDGE, SUPREME COURT OF INDIA**

**ETHICS OFFICER
THE BOARD OF CONTROL FOR CRICKET IN INDIA**

In Re: Complaint dated 18.09.2025 made by Mr. Reetam Singh against Shri Devajit Saikia, Secretary of the Board of Control for Cricket in India, sent to the Ethics Officer, Board of Control for Cricket in India

ORDER

1. The instant complaint has been filed by Shri Reetam Singh, Advocate, Gauhati High Court against the Secretary, the Board of Control for Cricket in India (BCCI) alleging violation under Article 4.5 and Rule 38 and other provisions of recommendations made by Justice R.M. Lodha Committee as upheld by the Hon'ble Supreme Court of India in the Board of Control for Cricket in India & Ors. Vs. Cricket Association of Bihar & Ors., (2015) 3 SCC 251. Complaint alleges conflict of interest, disqualification and breach of Ethical Standards.
2. It is alleged that there is an apparent illegality, impropriety and ethical breach in the delegation of functions of Secretary to Shri Devajit Saikia which prima facie contravenes the BCCI's Constitution, undermines the principle of transparency, accountability and conflict.
3. It is submitted by the complainant that the Conflict of Interest alleged arises from the fact that Shri Devajit Saikia is a



Constitutional office bearer, i.e. Advocate General (with Cabinet status), akin to Minister/Government servant and he is also Secretary (an executive office bearer) of the BCCI. He is disqualified under Article 4.5 (iv) (*sic* Article 6.5 (d)) with breach of Rule 38 relating to Conflict of Interest.

4. It is further submitted that Shri Devajit Saikia holds the post of Advocate General of Assam since May 2, 2021 under Article 165 of the Constitution of India. He serves as Principal Legal Advisor for the Government of Assam and can participate in Assam Legislative Assembly proceedings under Article 177 without voting rights. Further by Notification dated November 3, 2020, Advocate General enjoys status of Cabinet Minister rendering him a Minister or Government servant for disqualification purposes. On December 7, 2024, functions of Secretary, BCCI have been assigned to Shri Saikia have been assigned to Shri Devajit Saikia under Clause 7(1)(d) of the BCCI Constitution on an interim basis until September, 2025. This has led to his nomination as ICC Director and member of ICC Committee (Finance & Commercial Affairs; HR & Remuneration). In protest leader of opposition has written a letter to Chief Justice of India on December 19, 2024.
5. It is submitted that Article 6.5 of the Constitution of BCCI prohibits “Minister or Government servant” from holding office bearer posts including that of Secretary. There are precedents in the BCCI-Shri Ashish Shelar resigned as Treasurer upon taking ministerial oath in December 2024 triggering BCCI SGM on January 12, 2025; Shri Rajeev Shukla resigned as Vice-President upon election to Rajya



Sabha in 2022. Thus, by favouring Shri Devajit Saikia selective non enforcement of the provisions has been done.

6. Secondly, it is alleged that Rule 38 prohibits roles where personal/professional interests clash with the interests of BCCI itself. Shri Devajit Saikia's obligation under Assam Game and Betting Act 1970 (banning gambling), conflict with BCCI's sponsorship by Dream11 (now defunct since enactment of the Promotion and Regulation of Online Gaming Act 2025). His ICC financial roles involve international Betting entities, which are illegal in India/Assam, compromising state/national interests e.g., vis-à-vis ICC members like Pakistan and Bangladesh). This is against the recommendations of Justice Lodha's Committee. Thus, the appointment as Secretary is ultra vires and void.
7. Lastly, it is submitted that as a Senior Advocate, Shri Saikia breaches Rule 48 of the Bar Council of India Rules under Advocates Act, 1961, prohibiting advocates from executive roles like Secretary in a society/company. The BCCI is registered under Tamil Nadu Societies Registration Act, 1975.
8. Thus, the prayer has been made to make an immediate inquiry into the appointment as Secretary and relating nominations; declare the delegation under Clause 7(1)(d) to be illegal and void, in breach of Article 6.5 and Rule 38. A direction is also sought for Revocation of appointment of ICC roles; appropriate sanctions under the BCCI Constitution should be imposed. The complainant has claimed that he has filed the complaint in the public interest. He has



annexed all documents, he has filed his affidavit and Aadhar Card, Notification dated 3rd November, 2020 conferring Cabinet status to the Advocate General, Assam, the complaint filed by Shri Debabrata Saikia, Leader of Opposition, Assam Legislative Assembly, to the Hon'ble Chief Justice of India.

9. When the complaint is examined, it is apparent that complaint is wholly misconceived and is untenable. Advocate General is appointed under Article 165 of the Constitution of India. He is not the member of Legislative Assembly by virtue of the right given to participate under Article 177 of the Constitution of India. The Constitution of the Legislative Assembly for the State is provided under Article 168. Article 170 of the Constitution of India deals with the composition of the Legislative Assembly. Article 170(1) provides that members are to be chosen by direct elections from the Territory constituencies in the State. Advocate General is not a member as contemplated under Article 165. The provisions of Articles 165, 168, 170 and 177 are extracted hereunder:

“165. Advocate-General for the State.—(1) The Governor of each State shall appoint a person who is qualified to be appointed a Judge of a High Court to be Advocate-General for the State.

(2) It shall be the duty of the Advocate-General to give advice to the Government of the State upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.



168. Constitution of Legislatures in States.—(1) For every State there shall be a Legislature which shall consist of the Governor, and—

(a) in the States of Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Karnataka, Tamil Nadu, Telangana, Uttar Pradesh, two Houses;

(b) in other States, one House.

(2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly.

170. Composition of the Legislative Assemblies.—(1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

[Explanation.—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year [2026] have been published, be construed as a reference to the [2001] census.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly:

Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year [2026] have been published, it shall not be necessary to readjust

(i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and



(ii) the division of such State into territorial constituencies as may be readjusted on the basis of the [2001] census, under this clause.

177. Rights of Ministers and Advocate-General as respects the Houses.—Every Minister and the Advocate-General for a State shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State or, in the case of a State having a Legislative Council, both Houses, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this article, be entitled to vote.”

10. It is apparent that the office of the Advocate General is an independent office under Article 165 of the Constitution of India. His main duty is to give advice to the Government of the State upon such legal matters and such other duties of legal character as may from time to time be referred and assigned to him by the Governor. His essential function is with respect to legal matters. He is not a member of the Legislative Assembly as contemplated under Article 170 of the Constitution of India. Merely, by virtue of his right to speak and otherwise take part in the proceedings of the Legislative Assembly as per provisions contained under Article 177 of the Constitution of India, he does not become a member of the Legislative Assembly. He remains Advocate General independently. He is also not having voting right, is also made clear by the provisions of Article 177 itself. Thus, the submission raised that he is a member of Legislative Assembly is wholly misconceived.

11. He cannot be said to be a Minister or a “Government servant”. Advocate General is not a government servant. By virtue of Notification dated 3rd November, 2020, status of Cabinet Minister



has been conferred upon Advocate General, i.e. with respect to the status for the purpose of the protocol to be conferred upon him. He does not become, *ipso facto* a Minister by virtue of the notification but is only entitled to the status of a Minister. He remains Advocate General even after conferral of the status of Minister. Advocate General enjoys the equal status of the Cabinet Minister does not mean that he becomes a Cabinet Minister. He remains Advocate General appointed for the purposes specified under Article 165 of the Constitution of India. Thus, the first submission raised is entirely misconceived. The complainant has wrongly alleged that it is violation of the provisions contained in Article 6.5(d). Wherein a Minister or Government servant is disqualified from being office bearer, member of Governing council or any Committee of BCCI but Shri Saikia cannot be said to be a Minister or Government servant. He is holding the Constitutional post under Article 165 of the Constitution of India. He remains basically an advocate by virtue of being an Advocate on fulfilling qualifications he has been appointed Advocate General.

12. The submission raised by the complainant that Shri Rajeev Shukla has resigned as Vice President upon his election to the Rajya Sabha and Shri Ashish Shelar resigned as Treasurer on assuming ministerial post in December 2024. The post of member Rajya Sabha and Minister are totally different than that of the Advocate General. Thus, it cannot be said that there is selective enforcement of the provisions of Article 6.5(d) of Constitution of BCCI. No bar is created by Article 6(5)(d) to an Advocate General.



- 13.** Secondly, it is alleged that there is conflict of interest as contemplated under Rule 38 of the BCCI Rules. By virtue of being the Advocate General of Assam, he is bound by the provisions of The Assam Game and Betting Act, 1970, which bans gambling. There is conflict with the BCCI sponsorship by Dream11 now defunct due to enforcement of the Online Gaming Act 2025.
- 14.** It cannot be said that sponsorship by Dream11 to the team makes the BCCI liable or create conflict of interest, apart from that contract is no more due to enforcement of online gaming Act. It cannot be said that when Dream11 sponsored the team when the online gaming was valid BCCI committed breach of law or conflict with the same. In fact the BCCI has a rigorous Anti-Corruption Code for Participants, which came into effect from March 18, 2019. BCCI is against Betting. Inquiries are made into allegations of Betting and other corrupt activities under the said Code and reports are sent to Ombudsman for appropriate action against the persons involved in any form of Betting.
- 15.** It is further alleged that his financial roles in ICC involve dealing with international entities like Pakistan and Bangladesh, involved in Betting, which is declared to be illegal in India and Assam. Merely by dealing with certain nations while discharging the roles of ICC, it cannot be said that BCCI or any individual representing it involves in Betting. Merely dealing with the countries where Betting may be



permissible like Pakistan and Bangladesh, which examples have been given by the complainant, it cannot be said that there is conflict of interest in any form nor the interests of the State or the Nation have been compromised. The submission is far fetched and wholly untenable. By virtue of dealing with such countries, it cannot be said that the interest of the nation is being compromised in any manner.

- 16.** Conflict of Interest has been defined under Article 1(A)(g). The same is extracted below :

“1(A) (g) – Conflict of Interest refers to situations where an individual associated with the BCCI acts or omits to act in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of Cricket and that may give rise to apprehensions of, or actual favoritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38.”

- 17.** If any individual associated with the BCCI acts in a manner that is perceived to bring the interest of an individual into conflict with the interest of the game. It cannot be said that by virtue of Shri Saikia holding the office of Advocate General, conflict is created within the purview of the definition of conflict of interest under Article 1(A)(g). When we look into Rule 38 dealing with the monetary or otherwise linkage, the case is not covered at all under Rule 38. Rule 38 (1) (i) deals with the situation where direct interest is there in any contract. Rule 38 (1) (ii) deals with the situation where roles are compromised as specified therein with respect to holding posts within the BCCI or its members or affiliates. Rules



38 (1) (iii) deals with commercial conflicts where discharge of one would compromise the individual's primary obligation to the game, or where there is perception that purity of the game would be compromised. Rule 38 (1) (iv) deals with prior commercial engagement. Rule 38 (1) (v) deals with individuals in positions of influence in the game or management of the game vis-à-vis their close relatives or friends. The case is not covered under any of the provision of Rule 38. Thus, there cannot be said to be any conflict of interest created under the provisions of BCCI Constitution and the Rules by Shri Saikia by way of holding the post of Advocate General and Hony. Secretary of BCCI.

- 18.** Lastly, it was submitted that there is breach of Rule 48 of the Bar Council of India Rules. Rule 48 of the BCI Rules provides that an advocate may be Director or Chairman of the Board of Directors of a 'company' without any ordinary sitting fee, provided none of his duties are of an executive character. The Rule has to be read with Rule 47 of the BCI Rules which provide that an advocate shall not personally engage in business but can be a sleeping partner in business provided the business nature is not inconsistent with dignity of the profession, and is approved by the appropriate State Bar Council. The provisions of Rule 47 is part of the general restriction on other employment for advocates to prevent conflict of personal duties and professional ethics. Shri Saikia is Hony. Secretary of the BCCI. It cannot be said that he is running a business by virtue of holding the office, or that he is involved in the personal business by virtue of holding the office. It cannot be said



that he is personally engaged in the business. The provisions of Rule 48 deals with a company not with a registered society. BCCI is a registered society and is not a company. It is a society registered under the Tamil Nadu Societies Registration Act, 1975. Rule 48 provides a specific allowance for certain roles even in a company offering a way for advocates to participate in corporate infrastructure without violating the spirit of the profession without engaging in the business personally. By virtue of being Hony. Secretary of the BCCI, it cannot be said that Shri Saikia is involved in running a business personally. Sports activities cannot be said to be a business also. Rule 48 is clearly not applicable. Thus, the last submission raised by the complainant is also found to be devoid of substance.

- 19.** The complaint is wholly meritless, untenable and is hereby summarily dismissed.

Dated: 01.10.2025



(Justice Arun Mishra)
Ethics Officer, BCCI