

**MINUTES OF THE 2<sup>nd</sup> APEX COUNCIL MEETING (SPECIAL MEETING) OF BOARD OF CONTROL FOR CRICKET IN INDIA (BCCI) HELD ON SUNDAY, THE 16<sup>th</sup> FEBRUARY 2020 AT 10:30 A.M. AT THE SUMMIT ROOM, THE ITC MAURYA, NEW DELHI**

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**Present:**

1. Mr. Sourav Ganguly – Honorary President, Chairperson
2. Mr. Jay Shah – Honorary Secretary
3. Mr. Arun Singh Dhumal – Honorary Treasurer
4. Mr. Mahim Verma – Honorary Vice President
5. Mr. Jayesh George – Honorary Joint Secretary
6. Mr. Prabhtej Singh Bhatia – Councillor
7. Ms. Alka Rehani Bhardwaj – CAG Nominee
8. Ms. Shantha Rangaswamy – ICA Representative (Female)
9. Mr. Aunshuman Gaekwad – ICA Representative (Male)

BCCI staff members were invited to speak on specific Agenda items, as and when required.

**1. CHAIRPERSON**

Mr. Sourav Ganguly, the Honorary President, BCCI (the “Chairperson”) took the chair and presided over the meeting. He greeted all the members present in the Apex Council and welcomed them to the 2nd Apex Council Meeting of the BCCI.

**2. QUORUM**

After ascertaining that the requisite quorum for the meeting was present, the meeting was called to order.

Thereafter, Mr. Jay Shah, the Honorary Secretary, BCCI, also welcomed all the members.

With the permission of all the members present, the notice convening the meeting, having already been circulated, was taken on record.

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**3. CONFIRMATION OF THE MINUTES OF THE 1ST APEX COUNCIL MEETING HELD ON 30<sup>th</sup> NOVEMBER 2019.**

The Chairperson took up the first item on the agenda which was confirmation of the minutes of the 1st Apex Council Meeting held on November 30, 2019. Ms. Bhardwaj desired to know the progress on some of the issues raised in the previous meeting on November 30, 2019, wherein action was reported as under-way, which was apprised by the Chairperson.

After some deliberation, minutes of the 1st Apex Council Meeting of BCCI held on November 30, 2019, held at BCCI Headquarters, Cricket Centre, Mumbai were approved.

**4. APPOINTMENT OF OMBUDSMAN AND ETHICS OFFICER FOR BCCI.**

It was apprised to the Apex Council by the Chairperson that the tenure of the incumbent Ombudsman and Ethics Officer of BCCI is coming to an end and the approval of Apex Council is being sought for taking a decision about seeking his continuance, as per his willingness or appointing a new Ombudsman and Ethics Officer.

Ms. Bhardwaj pointed out that as per the Rules and Regulations of the BCCI Constitution it is mandatory to appoint an Ombudsman and Ethics Officer and the appointment must be made by the general body of the BCCI.

The Chairperson pointed out the general body of the BCCI in its meeting dated December 1, 2019 had authorized the office bearers to appoint the Ombudsman and the Ethics Officer and the Apex Council needs to ratify the decision taken by the general body. On this, Ms. Bhardwaj stated that if Office Bearers had been empowered, then they can apprise the action taken to the General Body for its approval/ratification.

After some deliberation, the Apex Council noted the decision taken by the general body to authorize the office bearers of the BCCI to appoint the Ombudsman and Ethics Officer as per the Rules and Regulations of the BCCI.

**5. FINALISATION OF INTERNATIONAL CALENDAR FOR THE HOME SEASON OF 2020-2021 FOR SENIOR MEN'S TEAM.**

Mr. Gaurav Saxena, AGM, Operations presented the season fixtures for the home season of 2020-2021 for senior men's team and provided data relating to in-stadia attendance, ticket sales, TV & Digital ratings from the previous season 2019-2020 as well.

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Ms. Bhardwaj desired to know whether the schedule had been drawn up on the advice of the Tours, Fixtures and Technical Committee, a Standing Committee appointed by the BCCI. The Chairperson apprised that presently the Committee does not exist as the matter regarding their Constitution has been referred to the Supreme Court.

Ms. Bhardwaj and Mr. Gaekwad further desired an assurance whether enough time for rest and break time for players had been kept, in view of the number of all formats of matches being more than the last time. Mr. Saxena apprised the Apex Council members that the day-wise schedule was drafted after consultations with ICC, foreign boards, and the team management. Ms. Bhardwaj suggested that an engagement/discussion with Team India on the schedule will be good, so that team interests are taken care of and there are no subsequent issues on this. Mr. Gaekwad endorsed this.

The Chairperson also suggested that steps should be taken to ensure more tickets are sold to the common man and sufficient time be given for fans to buy tickets and make travel plans. It was suggested that a committee be set up to take steps for growth and development of cricket and especially Test cricket in India.

The Apex Council approved the day wise schedule along with the venues for the home season of 2020-2021.

#### **6. APPOINTMENT OF PROJECT MANAGEMENT CONSULTANCY FOR THE NCA PROJECT**

The Chairperson apprised the Apex Council about the process undertaken to appoint the Project Management Consultant (“PMC”) for the NCA project. Ms. Bhardwaj enquired about the process of selection and the scope provided to the probable PMCs. The CEO, BCCI explained that an Expression of Interest was issued to parties and pursuant thereto, parties had provided their quotes and the scope was same for all.

After some deliberation, the Apex Council appointed PricewaterhouseCoopers as the PMC for the NCA project. Ms. Bhardwaj wanted it to be ensured that the agreement provided for performance evaluation and safeguards in the event of poor performance. It was also desired by Ms. Bhardwaj that a timeline for project completion be prepared and documented. A tentative timeline, as had been prepared by the Office Bearers, was shared with the Council, indicating commencement of operations in new NCA by January 2022.

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Ms. Bhardwaj had certain queries relating to the value of land for the NCA project which were answered by the CEO, BCCI. On a query by Ms. Bhardwaj, regarding any court case on the land, it was clarified that there was no such court case.

#### **7. APPROVAL FOR RFP TO BE ISSUED FOR DIGITAL SERVICES FOR BCCI & IPL, ARCHIVES AND TV PRODUCTION**

It was proposed that the Request for Proposals for the following services be issued:

- (a) Digital Services for IPL and BCCI website;
- (b) Archive services; and
- (c) TV Production services.

It was proposed that the contracts for the aforementioned services be extended till June 30, 2020 (i.e., till completion of IPL 2020) and permission be given to commence the process of preparation of request for proposals. Ms. Bhardwaj pointed out that wherever combined contracts for IPL and other events are sought to be handled by Apex Council, if there are economies of scale in covering both events, approval of Governing Council can be sought for, so as to avoid duplication of efforts.

On Ms. Bhardwaj's query regarding selection process, it was apprised that the RFP would be published on website.

Ms. Bhardwaj desired that terms of reference of the new contractor- duties and powers, timelines and deliverables, performance evaluation and safeguards in the event of poor performance, be clearly spelt out in the agreement.

After some deliberation, the Apex Council decided to extend the contract for the aforementioned services till June 30, 2020 and in the interim prepare request for proposals for the said services.

#### **8. FUND DISBURSEMENT POLICY FOR ASSOCIATE MEMBERS**

The fund disbursement policy for associate members of the BCCI was discussed by the Apex Council. It was mentioned that a sum of Rs. 50 Lakhs which was later revised to Rs. 75 lakhs for each of the Associate members to develop infrastructure and promote the game through schools and clubs in their states. This sum of money was earmarked for the development of infrastructure and promotion of the game through schools and clubs in the Associate Members' states/ regions.

The Apex Council was apprised about the average cost incurred for New Area Development Program ("NADP") – (9 new states) in the season 2018-19. For Season

2019-20, there is only one Associate member i.e. UT Cricket Association, Chandigarh (“UTCA”).

It was suggested by Ms. Bhardwaj that a documented policy be created for disbursement of funds to the Associate Members, which would require similar safeguards and restrictions as applicable for Full Members as given in Rule 3(b).

After some deliberation, it was decided that:

- a) As season 2019-20 is at its completion, no major changes in conduction of matches can be made, hence costs incurred by the associate member for this season will be reimbursed at actuals or paid directly to vendors on the request from associate member(s) (subject to discretion / approval of BCCI). BCCI may evaluate the average cost incurred by NADP – 9 states and accordingly shall advise UTCA for the claiming the expenses from BCCI. Players match fee shall be paid as per BCCI norms as applicable to other Full members. For Season 2020-21 a budget will be in place from next season onwards.
- b) a policy paper on the manner and mode of disbursement of funds shall be presented in the next Apex Council meeting.
- c) Similar safeguards and restrictions as are applicable to Full Members shall also be applicable to Associate Members. i.e. declaration / undertaking of associate member’s office bearers for the expenses incurred / certified fund utilization certificate in case of ad-hoc amounts paid to them for incurring expenses.

#### **9. APPOINTMENT OF AUTHORISED SIGNATORY IN THE PLACE OF CFO**

The CEO, BCCI, informed the Apex Council that since the CFO, BCCI has resigned and he was one of the authorized signatories, there is a vacancy in the list of people authorized to sign. The Apex Council considered the matter and felt that the existing signatories were enough to carry out the functions and there was no need to add anyone at this stage.

#### **10. APPROVAL FOR INFRASTRUCTRE SUBSIDY POLICY**

The Apex Council was apprised that BCCI had not paid out any infrastructure subsidy during the tenure of the Supreme Court Appointed Committee of Administrators and requests from State Associations were pending. Further, the infrastructure subsidy amount had been increased from Rs.70 to 100 crore and in absence of a committee, a

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working group could be created to evaluate the claim and process the pending requests / process the payments, on case to case basis.

The Honorary Secretary, BCCI, apprised the Apex Council that there have been number of pending claims where work has happened on infrastructure and the concerned State Association has not got any money. Ms. Bhardwaj pointed out that any payment for Infrastructure Subsidy to State Associations and other members would also have to be treated on par with any grant and would require the beneficiary Associations to adhere fully to the BCCI constitution. Non-compliant members should not be released any funds.

Ms. Bhardwaj also mentioned that it should be ensured that the subsidy is not released as a one-time measure, but as a periodic payment, following approvals by Apex Council in its meetings, based on reports on accounts and progress made, which should be called for on a quarterly basis.

After some deliberation, the Apex Council decided to release infrastructure subsidy to eligible State Associations as per the rules of BCCI Infrastructure Subsidy Policy.

## **11. PENDING FINANCE AND TAX RELATED MATTERS**

The Honorary Treasurer, BCCI, drew the attention of the Apex Council on how certain income tax related matters in which the BCCI is entitled to claim an exemption in respect of its income and the same has not been granted for a variety of reasons which are the subject matter of litigation at different fora.

After deliberations, the Apex Council decided to (i) to pay advance tax under protest in order to save on additional interest; and (ii) to further the cause to take up the issue with concerned authorities as advised by BCCI Tax Consultants.

Ms. Bhardwaj desired to know the status of audit of annual accounts of 2018-19. It was pointed out that the same was under-way. Ms. Bhardwaj pointed out to the need for hosting the already audited and approved accounts of 2016-17 and 2017-18, on BCCI website, in compliance with Rule 37- Transparency of the Constitution. This was agreed by the Hon. Secretary to be hosted.

## **12. RELEASE OF FUNDS FOR INDIAN CRICKETERS' ASSOCIATION (ICA)**

The Chairperson apprised the Apex Council members about the requests he has received from ICA for funds. Mr. Nikhil Khanna informed the Apex Council about the approximate expenditure incurred by BCCI for ICA till date.

After some deliberation it was decided that a sum of Rs. 2 crores minus the cost already spent by BCCI for ICA, be provided to ICA. The ICA would also be required to submit a report and annual audited accounts to BCCI of the funds provided along with the fund utilization certificate.

### **13. ANY OTHER BUSINESS WHICH THE CHAIRPERSON MAY CONSIDER NECESSARY INCLUDED IN THE AGENDA**

**a) Formation of Procurement Working Group:**

It was decided a Procurement Working Group be formulated to look into the procurement process at BCCI. The same was noted.

**b) Reduction in Commission of Foreign Exchange**

The Apex Council was apprised that on the advice of Hon. Secretary, BCCI has successfully negotiated the reduction of foreign exchange commission charged by the agent for procuring the currency for players and officials for official tours. The same was noted.

**c) Complaint Under Rule 41(1)(b) of the BCCI Constitution:** Ms. Bhardwaj raised the issue regarding complaints made under Rule 41(1)(b) of the BCCI Constitution. The Chairperson informed her that one of the 5 complaints was already rejected in the 1<sup>st</sup> Apex Council meeting on the grounds that it was frivolous. The remaining 4 complaints was discussed by the Apex Council Members. It was contended that the complaints did not have merit to be referred to the Ombudsman and were frivolous. Further, the complainant has also himself referred these to the Ombudsman. Ms. Bhardwaj desired that all these complaints be referred to Ombudsman by Apex Council, as requested by Complainant. Ms. Bhardwaj also emphasised that the decision not to refer it to Ombudsman should be a legally vetted decision.

The Apex Council noted the points made by Ms. Bhardwaj and after some deliberation rejected the complaints by majority decision on the grounds that they were frivolous.

**d) Physically Challenged Team:** The Apex Council noted that the erstwhile COA had approved that a cash prize be given to Indian Divyang Cricket team for winning the inaugural Physically Disabled World Series in July 2019. In the 1st Apex Council Meeting held on November 30, 2019 it was decided that *“this issue should be parked and addressed once Differently-abled Cricket Committee is formed under the BCCI constitution”*. However, considering that the Differently-abled Cricket Committee wasn't formed, it was decided to approve the cash prize to the Indian Divyang Cricket

team for winning the inaugural Physically Disabled World Series in July 2019 as the prize money will be paid directly to the players & support staff's bank account

- e) **Amount Due to State Cricket Associations (Full Members):** Ms. Bhardwaj desired that a report in every quarter on grants released to State Cricket Associations and utilisation may be put up to Apex Council. The same was noted.
- f) **Protocol to handle correspondence:** Ms Bhardwaj emphasised on the need to have a protocol/ system in place to handle correspondence from Councillors/members in a timely manner by a designated officer. This was agreed.
- g) In view of the 2nd Apex Council meeting held as 'Special meeting with 7 days' notice, Ms Bhardwaj highlighted that the Constitutional time-lines for convening Apex Council meetings and issue of Meeting Notice/Agenda with full papers to all members needs to be adhered to. This was agreed.
- h) **Conduct of India Under -19 players:** Ms. Bhardwaj raised the issue of misconduct by few players of U-19 India team in Final of World Cup against Bangladesh. It was apprised that ICC would be taking action against them if they were found guilty.

#### 14. VOTE OF THANKS

The Chairperson and the Hon. Secretary thanked the Apex Council members and there being no other business, the meeting terminated.

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A handwritten signature in black ink, appearing to be 'L. Bhardwaj', is written above a long, thin arrow pointing towards the right side of the page.