

**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

**THIRD STATUS REPORT DATED APRIL 6, 2017**  
**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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**Filed by:**

**The Supreme Court Appointed Committee of Administrators**

**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 &amp; Ors. ... Respondents

**THIRD STATUS REPORT DATED APRIL 06, 2017****SUBMITTED BY THE COMMITTEE OF ADMINISTRATORS****A. RELEASE OF PAYMENTS TO STATE ASSOCIATIONS**

1. This Hon'ble Court, by way of order dated March 24, 2017, had inter alia directed the Board of Control for Cricket in India ("BCCI") to (i) honour the terms and conditions postulated in the contracts with the State Associations in letter and spirit so that there is no impediment in holding the Test matches and ODIs; and (ii) honour the contractual terms in relation to the holding of matches of the Indian Premier League. A copy of the said order dated March 24, 2017 is annexed hereto and marked as **ANNEXURE A-1**.
2. Pursuant to the order dated March 24, 2017 passed by this Hon'ble Court, the BCCI has asked the relevant State Associations to raise invoices as per the respective stadium agreements for hosting of international matches (Test Matches



and ODIs) and released payments to those State Associations that have raised invoices as aforesaid. It is submitted that as and when the remaining State Associations raise their invoices, payments will be released to them as well.

3. For payments in relation to matches forming part of the Indian Premier League ("IPL"), it is submitted that the tripartite agreements are in the process of being executed pursuant to the meeting of the IPL Governing Council held on March 30, 2017. Payments will be released in terms thereof in compliance with the order dated March 24, 2017 passed by this Hon'ble Court.
4. Prior to the order dated March 24, 2017 passed by this Hon'ble Court, the BCCI had withheld all payments to State Associations for any purpose whatsoever in compliance with the orders dated October 7, 2016 and October 21, 2016 passed by this Hon'ble Court. Copies of the said orders dated October 7, 2016 and October 21, 2016 are annexed hereto and marked as **ANNEXURE A-2** and **ANNEXURE A-3** respectively.
5. The Vidarbha Cricket Association has amended its Constitution/ Memorandum and Rules to adopt the recommendations of the Hon'ble Justice Lodha Committee and this has been verified by the BCCI legal team. In view thereof, the BCCI will be releasing funds to the Vidarbha Cricket



Association, pursuant to the orders dated October 7, 2016 and October 21, 2016.

**B. STATUS OF FAQs ISSUED BY THE HON'BLE JUSTICE LODHA COMMITTEE**

6. Pursuant to the order dated March 24, 2017 passed by this Hon'ble Court, the Committee of Administrators has engaged in discussions with the office bearers of the BCCI on various matters. In the course of the said discussions, an important issue, namely whether the two sets of FAQs issued by the Hon'ble Justice Lodha Committee on September 6, 2016 ("First FAQs") and January 12, 2017 ("Second FAQs") form part of the reforms that the Committee of Administrators is required to implement (except to the extent any portion of the same has been expressly modified by any orders passed by this Hon'ble Court), has arisen. Copies of the First FAQs and the Second FAQs are annexed hereto and marked as **ANNEXURE A-4** and **ANNEXURE A-5** respectively.

7. Pursuant to the judgment dated July 18, 2016, a draft text of the new Memorandum and Rules and Regulations of the BCCI had been finalized by the Committee of Administrators on the basis that the First FAQs and the Second FAQs form part of the reforms that the Committee of Administrators is required to



implement. However, the same will need to be further modified in the event this Hon'ble Court determines that the First FAQs and the Second FAQs do not form part of the reforms that the Committee of Administrators is required to implement. The Committee of Administrators had earlier drafted the text of the new Memorandum and Rules and Regulations of the BCCI and put the same on the BCCI website prior to the order dated March 24, 2017 passed by this Hon'ble Court. However, since the same needs to be modified in light of the order dated March 24, 2017 passed by this Hon'ble Court, it has been taken off from the BCCI website.

8. A decision on the status of the First FAQs and the Second FAQs is necessary because the first step that the Committee of Administrators is required to take for the purpose of fulfilling the directions contained in the judgment dated July 18, 2016 passed by this Hon'ble Court ("Judgment") is the finalization of the text of the new Memorandum and Rules and Regulations that needs to be formally adopted by the BCCI in order to implement the directions contained in the Judgment. If the First FAQs and the Second FAQs (or any of them) form part of the reforms that the Committee of Administrators is required to implement, then the text of the new Memorandum and Rules and Regulations would need to be modified accordingly to reflect the same. It is only once the said text is finalized that the



Committee of Administrators can take appropriate steps towards formal adoption of the new Memorandum and Rules and Regulations of the BCCI.

9. The issue of whether the First FAQs and the Second FAQs form part of the reforms that the Committee of Administrators is required to implement, requires urgent attention in light of the notice calling for a Special General Meeting of the BCCI on April 9, 2017, copy of which has been forwarded to the Committee of Administrators by the Hon. Joint Secretary/ Acting Secretary of the BCCI. A copy of the said notice is annexed hereto and marked as **ANNEXURE A-6**.
10. FAQ No. 2 of the Second FAQs is particularly relevant in the context of the Special General Meeting that is to be held on April 9, 2017 and is reproduced below for ready reference:

**“Can a disqualified Office Bearer act as the representative/ nominee of a Member Association or the BCCI? Can such an individual discharge any other role in or behalf of the Association or the BCCI?”**

IN KEEPING WITH THE SPIRIT OF THE HON'BLE  
SUPREME COURT'S JUDGMENT, A DISQUALIFIED  
OFFICE BEARER IS NO LONGER TO BE



ASSOCIATED WITH CRICKET ADMINISTRATION.  
HE/ SHE IS DISQUALIFIED FROM BEING A  
REPRESENTATIVE OR NOMINEE OF THE  
MEMBER ASSOCIATION OR THE BCCI AND  
CANNOT DISCHARGE ANY OTHER ROLE IN OR  
ON BEHALF OF THE ASSOCIATION OR THE BCCI.  
HE/ SHE CANNOT FUNCTION WITHIN THE  
ASSOCIATION IN ANY PATRON OR ADVISORY  
CAPACITY NOR BE A MEMBER OF A COMMITTEE  
OR COUNCIL.”

11. In relation to the Second FAQs (which include the specific FAQ reproduced above), the order dated January 20, 2017 passed by this Hon’ble Court inter alia observed as follows:

“We will be failing in our duty if we do not record the submissions advanced by Mr. Kapil Sibal, learned senior counsel appearing for some of the Associations. He has drawn our attention to direction No. (ix) which reads as follows:-

“(ix) ... The role of the Justice R M Lodha Committee shall hereafter be confined to overall policy and direction on such matters as may be referred by this Court.”



It is urged by him that the Committee is still sending certain FAQs. Whether the FAQs would come under direction No. (ix) or not, shall be deliberated on the next date of hearing."

(emphasis supplied)

A copy of the said order dated January 20, 2017 is annexed hereto and marked as ANNEXURE A-7.

12. Also relevant is the following observation in the order dated January 24, 2017 passed by this Hon'ble Court:

"Having heard Mr. Rohatgi, learned Attorney General and Mr. Sibal, learned senior counsel for some of the State Associations, we permit them to suggest names for Committee of Administrators for the BCCI in a sealed cover. However, it is hereby made absolutely clear that the names that will be suggested should be in consonance with the principal judgment and the subsequent orders passed thereafter. If any one suffers from any kind of disqualification, that shall not be suggested to and considered by this Court. ..."

(emphasis supplied)

A copy of the said order dated January 24, 2017 is annexed hereto and marked as ANNEXURE A-8.



13. For the upcoming Special General Meeting that has been called by the BCCI on April 9, 2017, each existing Member Association of the BCCI is required to send a nominee/ representative to attend the same. The Committee of Administrators has been informed that such nominee/ representative need not necessarily be an office bearer of the concerned Member Association. It is possible that in some cases the nominee/ representative of a Member Association to the SGM scheduled on April 9, 2017 may be a person who would be disqualified to represent the Member Association if it is held that the FAQs form part of the reforms that the Committee of Administrators is required to implement.
14. Similarly, if the FAQ reproduced hereinabove forms part of the reforms that the Committee of Administrators is required to implement, then a person who is disqualified from being an office bearer of the BCCI in terms of the order dated January 2, 2017 is also disqualified from being a representative of the BCCI at the International Cricket Council. In this regard, it is relevant to mention that the appointment of the BCCI's representative or representatives to the International Cricket Council whose meeting is scheduled to be held on April 24, 2017, is one of the items on the agenda for the Special General Meeting that has been called on April 9, 2017.



15. In the aforesaid circumstances, the Committee of Administrators requests this Hon'ble Court to issue appropriate directions regarding whether the First FAQs and the Second FAQs (especially FAQ No. 2 of the Second FAQs) form part of the reforms that the Committee of Administrators is required to implement. Such directions are also necessary for the Member Associations of the BCCI to be able to choose appropriate person/ persons to represent the BCCI at the International Cricket Council.

**C. PARTICIPATION BY NON-COMPLIANT STATE ASSOCIATIONS IN GENERAL BODY MEETINGS**

16. Vide the aforementioned orders dated October 7, 2016 and October 21, 2016 passed by this Hon'ble Court, BCCI had been directed not to release funds to those State Associations unless they have:
- (a) passed a proper resolution to the effect that they are agreeable to undertake and to support the reforms proposed and accepted by this Hon'ble Court in letter and spirit;
  - (b) filed a copy of such resolution before the Hon'ble Justice Lodha Committee with an affidavit of their President unequivocally undertaking to abide by the reforms as



proposed by the Hon'ble Justice Lodha Committee and  
accepted and modified by this Hon'ble Court; and

- (c) filed a similar affidavit along with a copy of such  
resolution before this Hon'ble Court.

17. In the order dated October 7, 2016, this Hon'ble Court has  
explained the rationale for the above directions as follows:

“... What is more important is that one of the reasons  
given by Mr. Sibal for 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. ...”

18. The above rationale set out by this Hon'ble Court in its order  
dated October 7, 2016 may equally extend to participation by  
State Associations in the affairs of the BCCI including by  
attending and voting at meetings of the General Body.

19. In light of the aforesaid, the Committee of Administrators  
requests this Hon'ble Court to issue appropriate directions



regarding whether State Associations that have not complied with the orders dated October 7, 2016 and October 21, 2016 passed by this Hon'ble Court are nevertheless entitled to participate in any Special General Meeting or Annual General Meeting of the BCCI and send their nominees/ representatives to attend the same. Such directions are necessary in order to ensure that the State Associations know their eligibility to participate in any Special General Meeting or Annual General Meeting of the BCCI.

**D. REQUEST FOR DIRECTIONS**

20. For the reasons stated above, the Committee of Administrators requests this Hon'ble Court to:

- (a) issue appropriate directions relating to whether the First FAQs and the Second FAQs (especially FAQ No. 2 of the Second FAQs) form part of the reforms that the Committee of Administrators is required to implement;
- (b) issue appropriate directions relating to whether persons who are disqualified from being office bearers of a State Association are nevertheless entitled to attend any Special General Meeting or Annual General Meeting of



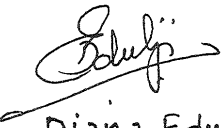
the BCCI as nominees/ representations of a State Association;

- (c) issue appropriate directions relating to whether persons who are disqualified from being office bearers of the BCCI may nevertheless be appointed to represent the BCCI at the International Cricket Council;
- (d) issue appropriate directions regarding whether State Associations that have not complied with the orders dated October 7, 2016 and October 21, 2016 passed by this Hon'ble Court are nevertheless entitled to participate in any Special General Meeting or Annual General Meeting of the BCCI and send their nominees/ representatives to attend the same; and
- (e) 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

Vinod Rai, Chairman  
 Ms. Diana Edulji  
 Dr. Ramachandra Guha  
 Mr. Vikram Limaye

}  
 }  
 }  
 }

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

Annexure-A-1

CA 4235/2014

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ITEM NO.303

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCivil Appeal No.4235/2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR &amp; ORS.

Respondent(s)

(With appln. (s) for impleadment and directions and intervention and modification of Court's order and permission to implead the name of applicant and recalling the Court's order )

WITH C.A. No.4236/2014C.A. No.1155/2015

(With office report for direction)

CONMT. PET. (C) No.46/2017 In C.A. No. 4235/2014CONMT. PET. (C) No.47/2017 In C.A. No. 4235/2014W.P. (C) No.46/2017

(With appln. (s) for permission to file synopsis and list of dates and office report)

S.L.P. (C)...CC 4762/2017

(With appln. (s) for permission to file SLP and office report)

S.L.P. (C)...CC 4759/2017

(With appln. (s) for permission to file SLP and office report)

Date : 24/03/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Gopal Subramaniam, Sr. Adv., A.C.  
Mr. Santosh Krishnan, Adv.  
Mr. Ankur Kashyap, Adv.  
Mr. Pavan Bhushan, Adv.

Signature invalid  
Digitally signed by  
Appellant(s)  
Date: 2017.03.24  
Reason:

Mr. Parag P. Tripathi, Sr. Adv.  
Mr. Rishabh Kapur, Adv.  
Ms. Gauri Rasgotra, Adv.  
Mr. Indranil Deshmukh, Adv.  
Mr. Adarsh Saxena, Adv.  
Mr. Raunak Dhillon, Adv.

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	Mr. Vikash Kumar Jha, Adv. for M/s. Cyril Amarchand Mangaldas
CA 4236/14	Mr. Rajat Sahegal, Adv. Mr. Gagan Gupta, AOR
CA 1155/15	Mr. Vikas Mehta, AOR Ms. Anushree Menon, Adv.
WP 46/17	Mr. Venkita Subramoniam T. R., AOR
CP(C) 46/17	Mr. K. K. Mohan, AOR
CP(C) 47/17	Mr. M. P. Vinod, AOR
SLP CC 4759/17	Mr. A. Subba Rao, AOR Mr. A.T. Rao, Adv. Mr. K.L.D.S. Vinober, Adv.
For Respondent(s)	Mr. Mukul Rohatgi, AG Ms. Diksha Rai, Adv. Mr. R. Bala, Adv.  Mr. Senthil Jagadeesan, AOR  Mr. Nirnimesh Dube, AOR  Mr. Gagan Gupta, AOR  Mr. Chirag M. Shroff, AOR  Ms. Rashmi Singh, AOR  Mr. Venkita Subramoniam T. R., AOR Mr. Amit A. Pai, Adv. Mr. Rahat Bansal, Adv.  Mr. Jayant Bhushan, Sr. Adv. Mr. Amit A. Pai, Adv. Mr. Ketan Paul, Adv. Mr. Ankit Nigam, Adv. Ms. Manju Sharma, AOR  Mr. Gaurav Sharma, AOR  Ms. Sonia Mathur, AOR  Mr. A. S. Bhasme, AOR  Mr. E. C. Agrawala, AOR

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Mr. Raghavendra S. Srivatsa, AOR

Mr. Balaji Srinivasan, AOR

Mr. Anish R. Shah, AOR

Mr. Mukesh Kumar Maroria, AOR

Mr. Shreekant N. Terdal, AOR

Mr. Praveen Swarup, AOR

Ms. Liz Mathew, AOR

Mr. Anshuman Ashok, AOR

Ms. Neela Gokhale, Adv.

Mr. Devansh Sharma, Adv.

Mr. Anvesh Verma, Adv.

Ms. Kamakshi S. Mehlwal, AOR

Mr. V. K. Biju, AOR

Mr. Nishad L.S., Adv.

Mr. Rakeesh N.P., Adv.

Mr. P.R. Raman, Sr. Adv.

Mr. Amol Chitale, Adv.

Ms. Pragya Baghel, AOR

Mr. Kapil Sibbal, Sr. Adv.

Mr. P.R. Raman, Sr. Adv.

Mr. Amol Chitale, Adv.

Mr. Nirnimesh Dube, AOR

Mr. Shree Pal Singh, AOR

Mr. Tushar Mehta, Sr. Adv.

Mr. Siddharth Garg, Adv.

Mr. Snehasish Mukherjee, AOR

Mr. Ashish Mohan, Adv.

Mr. K. K. Mohan, AOR

Mr. Santosh Krishnan, AOR

Mr. Rajiv Nanda, AOR

M/s. Cyril Amarchand Mangaldas

Mr. Hari Shankar K., AOR

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Mr. Vipin Nair, AOR

Mr. Rahul Pratap, AOR

Mr. Mishra Saurabh, AOR

Mr. Deeptakirti Verma, AOR

Mr. M. Yogesh Kanna, AOR

Ms. Nithya, Adv.

Mrs. Maha Lakhshmi, Adv.

Mr. Partha Sarathi, Adv.

Ms. Pragya Baghel, AOR

Mr. Vikas Singh Jangra, AOR

Ms. Tamali Wad, AOR

Ms. Pooja Dhar, AOR

Mr. Gaurav Kejriwal, AOR

Mr. Keshav Mohan, Adv.

Mr. Shyam Kumar, Adv.

Mr. Puneet Bali, Sr. Adv.

Mrs. Gunjan Rishi, Adv.

Mr. Aditya Soni, Adv.

Mr. R.P. Goyal, Adv.

Mr. R. Balasubramanian, Adv.

Mr. Prabhas Bajaj, Adv.

Mr. Ananya Mishra, Adv.

Mr. Akshay Amritanshu, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The present interlocutory applications have been filed with manifold prayers, which includes certain modification in the judgment and order passed by this Court on 13<sup>th</sup> July, 2016, reported in Board of Control for Cricket vs. Cricket Association of Bihar and Others (2016) 8 SCC 535, as well as certain modifications in the order dated 2<sup>nd</sup> January, 2017. We think it appropriate that the prayers made in respect of many aspects can wait and be considered

after some time. The emergent prayer which is required to be considered today is for extension of the financial benefits for the test match, regard being had to the contract entered by the State Association with the Board of Control for Cricket in India (B.C.C.I.).

It is submitted by Mr. Tushar Mehta, learned senior counsel appearing for the H.P. State Cricket Association that there is a test match which is going to be played between India and Australia tomorrow i.e. 25<sup>th</sup> March, 2017, at Dharamsala Cricket Stadium and, therefore, the B.C.C.I. is under obligation to honour its contractual obligation with the State Association.

Having heard Mr. Mehta for the applicant in I.A. No.42 of 2017 and Mr. Parag P. Tripathi, learned senior counsel for the Committee of Administrators of the B.C.C.I., it is directed that the B.C.C.I. shall honour the terms and conditions postulated in the contracts with the State Associations in letter and spirit so that there is no impediment in holding the test matches and ODIs.

Another aspect that has been highlighted before this Court is with regard to the holding of matches of Indian Premier League (I.P.L.). We have been apprised that the matches are going to commence from 5<sup>th</sup> April, 2017, and there are ten venues in India. There have to be tripartite contracts and some have been entered into while some shall be entered into in due course. After the contracts are executed, following the principle of parity, the B.C.C.I. shall also honour the contractual terms. Needless to say, when we say that B.C.C.I. shall honour its commitment, there has to be sincere commitment of honouring the terms and conditions of the contract by all the parties to the contract.

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Having said this, we would have adjourned the matter for some other date for consideration of other reliefs sought in the interlocutory applications, but Mr. Mukul Rohatgi, learned Attorney General would submit that cricket which is a game of glorious uncertainties, possibly has entered into the marrows of the certain authorities, as a consequence of which doubts are created as regards the eligibility. Certain communications have been shown to us, but as we understand the real concern is the question that relates to disqualification.

To us, the direction and order passed by this Court was absolutely clear and if we permit ourselves to say so, it was clear as a cloudless sky. However, to dispel any kind of doubt, we proceed to re-state the clarification in the exercise that was undertaken vide order dated 20<sup>th</sup> January, 2017. It may be noted that on 3<sup>rd</sup> January, 2017, clause (f) which deals with disqualification was modified to the following extent:-

"25(i)(f) Has been an Office Bearer of the BCCI or a State Association for a cumulative period of 9 years."

When the matter was taken up on 20<sup>th</sup> January, 2017, a submission was advanced that that clause is likely to create some kind of ambiguity and, accordingly, this Court further stated as follows:-

"has been an office bearer of the B.C.C.I. for nine years or a State Association for the same period."

In the principal judgment, the controversy and the dispute in respect of this disqualification pertains to the office bearers with regard to the period. 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

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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.

As far as the Pondicherry Cricket Association is concerned, we grant liberty to submit a representation to the Committee of Administrators. The representation shall be decided by the Committee of Administrators within four weeks therefrom.

Let all the connected matters be listed at 2.00 p.m. on 14<sup>th</sup> July, 2017.

(Chetan Kumar)  
Court Master

(Madhu Narula)  
Court Master

Annexure - A-2

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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

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Shas  
Date  
11-10-2016  
Res

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

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9

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  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).4235 of 2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET AASOCIATION OF BIHAR &amp; ORS.

Respondent(s)

WITH

C.A. No. 4236 of 2014C.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.

31.

12

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)

Annexure - A-3

32

REPORTABLE

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  
Signature Invalid  
Digital  
ASHOK BHAN  
Date 18/10/2016  
Reason  
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

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  
R E C O R D O F P R O C E E D I N G S  
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. Shreekanth 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)



## **Supreme Court Committee on Reforms in Cricket**

### **FREQUENTLY ASKED QUESTIONS [FAQS] - 6.9.2016**

#### **FREQUENTLY ASKED QUESTIONS (FAQs)**

The Committee has received a series of emails and letters carrying queries and representations from State Associations, members and former players. As most of these queries would apply to the BCCI and all Associations, in order to clarify the manner of implementation of the recommendations in its Report, the following first list of FAQs and the responses thereto have been prepared.

1. **Do the disqualifications from being elected as a Councillor/office bearer as stated in Rule 6(5) and Rule 14(3) apply to State/Member Associations as well?**

YES. THESE DISQUALIFICATIONS WILL APPLY TO THE STATES IN LIGHT OF RULE 3(b)(1)(5) READ WITH RULE 14(3) AS WELL AS PAGES 74 & 80 OF THE REPORT.

2. **Whether the expressions “Councillor” in Rule 14(3) and “BCCI” in Rule 14(3)(f) are to be read as applied as “Members of the Governing Body” and “State Association” respectively.**

YES. THESE EXPRESSIONS WILL APPLY *MUTATIS MUTANDIS* TO THE GOVERNING BODY MEMBERS OF THE STATES. “BCCI” IN

THE CONTEXT OF 14(3)(f) WILL BE DEEMED TO BE THE RESPECTIVE STATE ASSOCIATION.

3. Does “charged under penal law” mean a chargesheet being filed by the police, or charges being framed by a court of law?

AS A RESULT OF THE AMENDMENT MADE TO RULES 6(5) AND 14 (3) BY THE SUPPLEMENTARY REPORT DATED 28.8.2016, CLAUSE (g) HAS BEEN INSERTED IN BOTH PROVISIONS TO READ – “HAS BEEN CHARGED BY A COURT OF LAW FOR HAVING COMMITTED ANY CRIMINAL OFFENCE”.

4. Will charges framed only after 18.7.2016 be considered?

THE DISQUALIFICATION WILL APPLY TO THOSE AGAINST WHOM CHARGES HAVE BEEN FRAMED PRIOR TO 18.07.2016.

5. For the disqualifications to apply, whether the past period of service as office bearer would apply, i.e. Will 9 year periods be calculated with effect after 18.7.2016, or will past terms also be considered?

ANY INDIVIDUAL WHO HAS CUMULATIVELY COMPLETED A PERIOD OF 9 YEARS AS AN OFFICE BEARER OF A STATE ASSOCIATION STANDS DISQUALIFIED FROM CONTESTING ELECTIONS OR HOLDING A POST IN THE ASSOCIATION.

THIS WILL APPLY TO ANY PERSON AS OF THE DATE OF THE ELECTION, AND WILL INCLUDE PERIODS PRIOR TO THE DATE OF THE JUDGMENT (18.07.2016).

IF ANY PERSON HAS COMPLETED 9 YEARS AS AN OFFICE BEARER (WHETHER THROUGH CONSECUTIVE OR SEPARATE TERMS; WHETHER IN ONE POST OR ANOTHER) OF THE STATE ASSOCIATION BY OR BEFORE 18.07.2016, SUCH PERSON STANDS DISQUALIFIED.

6. How exactly does the 9 year disqualification period on a Councillor/office bearer work?

IF THE PROSPECTIVE COUNCILLOR / OFFICE BEARER HAS HELD ANY OF THE FIVE OFFICE BEARER POSTS AT THE BCCI AND THE CUMULATIVE PERIOD OF ALL THOSE TENURES IS 9 YEARS OR MORE, HE IS DISQUALIFIED FROM CONTESTING FOR ANY POST AGAIN.

AT THE STATE ASSOCIATIONS, IF THE PROSPECTIVE OFFICE BEARER HAS HELD ANY POST OF OFFICE BEARER OF THE STATE ASSOCIATION, AND IF THE CUMULATIVE PERIOD OF ALL THOSE TENURES IS 9 YEARS OR MORE, SUCH PERSON IS DISQUALIFIED FROM CONTESTING FOR ANY POST AGAIN.

**7. Does the 9 year limit apply only to holding Councillor/office bearer posts at the BCCI?**

YES. THIS DISQUALIFICATION IS ONLY TO ENSURE THAT NO PERSON WILL HAVE MORE THAN 9 YEARS AS COUNCILLOR / OFFICE BEARER OF THE BCCI.

**8. So a person who has held an office bearer post in a State for 9 years or more is still eligible to be a Councillor/office bearer of BCCI?**

YES. THE 9 YEAR BAR APPLIES EITHER TO OFFICE UNDER THE BCCI OR SEPARATELY IN STATE ASSOCIATIONS. THE PERIOD AS OFFICE BEARER UNDER THE STATE SHALL NOT BE COUNTED TOWARDS THE PERIOD AS OFFICE BEARER OF THE BCCI AND VICE VERSA. THEREFORE, TECHNICALLY ONE INDIVIDUAL CAN BE AN OFFICE BEARER AT THE STATE ASSOCIATION FOR 9 YEARS AND SEPARATELY AN OFFICE BEARER / COUNCILLOR AT THE BCCI FOR ANOTHER 9 YEARS, SUBJECT OF COURSE TO THE COOLING-OFF PERIOD AFTER EACH TERM.

**9. For example, can a person be a State Association Secretary for 3 years, and then immediately following that tenure, or within 3 years thereof become a BCCI Councillor/office bearer?**

THE COOLING-OFF PERIOD APPLIES AFTER EVERY 3 YEARS AS AN OFFICE BEARER, WHETHER AT THE STATE ASSOCIATION OR THE BCCI. DURING THE COOLING-OFF PERIOD OF 3 YEARS, NO OFFICE BEARER / COUNCILLOR POST MAY BE HELD BY THE INDIVIDUAL EITHER AT THE BCCI OR THE STATE ASSOCIATION.

10. If a person is presently holding an office-bearer post after having been elected in 2015 or 2016, can he contest the elections to either BCCI or the State Associations which are to be conducted as per the timelines by November-December 2016?

IF THE INCUMBENT HAD NOT OCCUPIED ANY POST EITHER AT THE BCCI OR IN A STATE ASSOCIATION IMMEDIATELY PRIOR TO THE ELECTION OF 2015 OR 2016, THEN HE MAY CONTEST THE ELECTIONS TO BE HELD AS PER THE TIMELINES. IN THOSE ASSOCIATIONS WHERE ELECTIONS ARE DUE, INCUMBENT OFFICE BEARERS ARE INELIGIBLE TO CONTEST BECAUSE THE COOLING OFF PERIOD WILL COMMENCE.

11. If a candidate for an office-bearer post has already completed 7 years as an office-bearer, can he contest for a further post (the term of which is 3 years) which will take him beyond the 9 year limit?

YES, HE CAN. HE REMAINS ELIGIBLE AS OF THE DATE OF THE ELECTION. HOWEVER, IN TERMS OF RULE 14(5), HE SHALL DEMIT OFFICE UPON THE COMPLETION OF THE MAXIMUM 9 YEAR PERIOD.

12. Similarly, if a candidate for an office-bearer post is 68 years old, can he contest for a further post (the term of which is 3 years) which will take him beyond the 70 year age limit?

YES, HE CAN. HE REMAINS ELIGIBLE AS OF THE DATE OF THE ELECTION. HE SHALL HOWEVER CEASE TO HOLD THE OFFICE UPON TURNING 70 YEARS OF AGE.

- 13. If a State Association has posts of “Advisor”, “Assistant Secretary”, “Patron”, “Deputy Treasurer”, etc., will they be considered as Office Bearers?**

FOR THE PURPOSES OF UNIFORMITY, AS PER THE NEW NORMS, THERE SHALL ONLY BE THE FOLLOWING 5 OFFICE BEARER POSTS IN ANY ASSOCIATION: PRESIDENT, VICE-PRESIDENT, TREASURER, SECRETARY AND JOINT SECRETARY. THERE SHALL BE NO OTHER POST BY WHATSOEVER NAME.

- 14. Can an office bearer of a State Association who is not eligible to contest the next election function as a CEO or similar managerial post after making amendments to the Bye-Laws and Regulations of the Association?**

WHILE THE POSITION OF AN OFFICE BEARER IS NOT ONE OF EMPLOYMENT, BUT A POSITION OF GOVERNANCE, THE POST OF CEO IS A FULL TIME EMPLOYMENT.

AS PER THE RECOMMENDATIONS, RULES HAVE TO BE FRAMED FOR THE ELIGIBILITY, QUALIFICATIONS, APPOINTMENT AND TENURES OF THE CEO AND MANAGERIAL STAFF. IT IS ONLY AS PER THESE RULES THAT THE APPOINTMENTS MAY TAKE PLACE.

- 15. In Associations where there are disputes regarding the eligibility of members, or where the members’ register is not properly maintained, what recourse is available?**

AS PER PAGE 74 OF THE REPORT READ WITH RULE 33(3), THE ELECTORAL OFFICER SHALL BE CHARGED WITH RESOLVING DISPUTES CONCERNING THE ELIGIBILITY OF VOTING MEMBERS. ANY COMPLAINT MAY BE REFERRED TO THE ELECTORAL OFFICER. IF HOWEVER, THE ISSUES CONCERNED IS WIDER THAN MERE ELECTORAL ISSUES, THEN THE REFERENCE WOULD BE TO THE RESPECTIVE ASSOCIATION’S OMBUDSMAN.

- 16. What are the amendments which have to be carried out to the Bye-Laws / Regulations of the State Associations by 30.9.2016?**

AS PER THE RECOMMENDATIONS OF THE COMMITTEE READ WITH THE JUDGMENT OF THE HON'BLE SUPREME COURT DATED 18.7.2016, THE MINIMUM AMENDMENTS TO BE CARRIED OUT TO THE BYE-LAWS / REGULATIONS OF THE STATE ASSOCIATIONS BY 30.9.2016 ARE:

- Deletion of all provisions enabling holding of posts for more than 9 years.
- Restriction of Office Bearers to only the following five posts: President, Vice President, Treasurer, Secretary and Joint Secretary; Delete provisions for all other posts.
- Amendment of the term/tenure of Office Bearer to be 3 years.
- Insertion of a cooling-off clause, which bars previous office bearers either at the BCCI or the State Association from contesting the succeeding Office Bearer elections or having a second consecutive term.
- Amendment to the composition of the Governing Body to include at least one woman, representatives of the players and a nominee of the Accountant General of the State.
- Amendment to the Membership clause to automatically grant membership to interested former international cricketers from the State provided they have not already opted for membership of another Association.
- Insertion of a clause barring voting by proxy.
- Insertion of disqualifications from being an Office Bearer as stated in Rule 14(3) of the Rules read with the Judgment of the Supreme Court.
- Insertion of Clauses for appointment and functioning of the Ombudsman, Electoral Officer and Ethics Officer. These may be in line with Rules 40-41, 32-33 and 38-39 of the proposed BCCI Rules.
- Insertion of provisions for transparency as per Rules 34-36 (financial) and 37 (others) of the proposed BCCI Rules as well as Pages 76-77 of the Report.
- Insertion of a provision that removes the social club (if any) from the management and control of the Association.
- Adoption of the Agents Registration Norms carried in Annexure C to the Report and as applicable to players in States.

Annexure - A - 5

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**Supreme Court Committee on Reforms in Cricket**

**FREQUENTLY ASKED QUESTIONS - II [FAQS-II] - 12.1.2017**

**FAQs – PART TWO**

In the wake of the Hon'ble Supreme Court's orders dated 2.1.2017 and 3.1.2017, a large number of emails and missives have been received by the Committee from representatives of the BCCI, State Associations, journalists and members of the public. As it would not be possible to answer each of them, this second set of FAQs is being issued by the Committee so that there may be sufficient clarity on issues.

1. As per the first set of FAQs [6.9.2016], the Committee had stated that the 9 year disqualification for Office Bearers applied separately to offices in the State and offices in the BCCI. Does this position continue after the Supreme Court's order dated 2.1.2017 and 3.1.2017?

THIS POSITION HAS BEEN NOW ALTERED. IN VIEW OF THE ORDER DATED 2.1.2017 AS AMENDED BY THE ORDER DATED 3.1.2017, AN INDIVIDUAL IS DISQUALIFIED FROM BEING THE OFFICE BEARER OF THE BCCI OR THE STATE/MEMBER ASSOCIATION IF HE / SHE HAS BEEN AN OFFICE BEARER OF THE BCCI OR THE STATE/MEMBER ASSOCIATION FOR 9 YEARS. FOR EXAMPLE, ONE WHO HAS BEEN THE OFFICE BEARER OF A STATE ASSOCIATION FOR 9 YEARS IS DISQUALIFIED FROM RETURNING TO CRICKET ADMINISTRATION, EITHER AT THE BCCI OR AT ANY

STATE ASSOCIATION. SIMILARLY, ONE WHO HAS BEEN AN OFFICE BEARER AT THE STATE FOR 5 YEARS AND THEN AT THE BCCI FOR 4 YEARS IS ALSO SIMILARLY DISQUALIFIED.

- 2. Can a disqualified Office Bearer act as the representative/nominee of a Member Association or the BCCI?  
Can such an individual discharge any other role in or on behalf of the Association or the BCCI?**

IN KEEPING WITH THE SPIRIT OF THE HON'BLE SUPREME COURT'S JUDGMENT, A DISQUALIFIED OFFICE BEARER IS NO LONGER TO BE ASSOCIATED WITH CRICKET ADMINISTRATION. HE / SHE IS DISQUALIFIED FROM BEING A REPRESENTATIVE OR NOMINEE OF THE MEMBER ASSOCIATION OR THE BCCI AND CANNOT DISCHARGE ANY OTHER ROLE IN OR ON BEHALF OF THE ASSOCIATION OR THE BCCI. HE/SHE CANNOT FUNCTION WITHIN THE ASSOCIATION IN ANY PATRON OR ADVISORY CAPACITY NOR BE A MEMBER OF A COMMITTEE OR COUNCIL.

- 3. Can elections be conducted for the Member Associations before the due amendments are made to their Constitutions / Bye-laws bringing them in line with the judgment?**

WHILE THERE IS NO BAR TO THE HOLDING OF ELECTIONS [SUBJECT TO ORDERS OF ANY COURT], IF ANY ELECTION IS HELD WHICH IS INCONSISTENT WITH THE COMMITTEE'S REPORT AND THE JUDGMENT OF THE SUPREME COURT, THEN THE SAME WILL BE TREATED AS VOID AND WITH NO LEGAL SANCTITY. THIS WOULD ALSO NECESSARILY IMPLY THAT SUCH AN ELECTION IS SUPERVISED BY AN ELECTION OFFICER AS PRESCRIBED UNDER THE RECOMMENDATIONS.

IT WOULD BE PRUDENT IN THE CIRCUMSTANCES FOR SUCH ELECTIONS TO BE CONDUCTED UNDER THE GUIDANCE OF THE ADMINISTRATORS TO BE APPOINTED BY THE HON'BLE SUPREME COURT.

- 4. In a State/Member Association, if an individual has occupied the post of Assistant Secretary, Assistant Treasurer, Director**

**or any other post that is not defined as an 'Office Bearer' in the Report, then will his tenure in those posts be calculated towards the 9 year disqualification?**

IF THE CONSTITUTION/BYE-LAWS OF THE STATE/MEMBER ASSOCIATION HAS DEFINED THE POST [ASSISTANT SECRETARY, ASSISTANT TREASURER, DIRECTOR, ETC.,] AS AN OFFICE BEARER POST, THEN THE TENURE OF AN INDIVIDUAL IN ANY OF THOSE POSTS WILL BE RECKONED WHILE DETERMINING WHETHER THE 9 YEAR PERIOD HAS BEEN COMPLETED. FOR EXAMPLE, IN AN ASSOCIATION WHERE THE CONSTITUTION REFERS TO THE ASSISTANT TREASURER AS AN OFFICE BEARER, IF A PERSON HAS OCCUPIED THAT POST FOR 3 YEARS AND ALSO BEEN SECRETARY FOR 6 YEARS, HE STANDS DISQUALIFIED.

- 5. Will a member of the Governing Body, Managing Committee or Working Committee of a State/Member Association who has never been an office bearer also have the 9 year disqualification period apply to him?**

SUCH AN INDIVIDUAL IS ELIGIBLE TO CONTEST AN OFFICE BEARER POST, UNLESS THE CONSTITUTION OR BYE-LAWS OF THE ASSOCIATION DEFINES OFFICE BEARERS TO INCLUDE THE GOVERNING BODY / MANAGING COMMITTEE / WORKING COMMITTEE MEMBERS.

- 6. If a State/Member Association was earlier an Associate / Affiliate Member of the BCCI, and was only recently recognized as a Full Member, will the tenure of the Office Bearers for the 9 year period be calculated only from the time the Association became a Full Member.**

THERE IS NO CONNECTION BETWEEN THE TYPE OF MEMBERSHIP OF THE ASSOCIATION AND THE ELIGIBILITY OF THE OFFICE BEARER. REGARDLESS OF WHETHER THE ASSOCIATION WAS/IS A FULL MEMBER OR ASSOCIATE/AFFILIATE MEMBER, THE ENTIRE TENURE OF THE OFFICE BEARER WILL BE CALCULATED TOWARDS THE 9 YEAR PERIOD.

HOWEVER, THIS WILL NOT APPLY TO AN ASSOCIATION WHICH HAS NEVER BEEN A MEMBER OF THE BCCI. IN SUCH AN EVENT, THE TENURE OF THE OFFICE BEARER WILL BE CALCULATED ONLY FROM THE DATE OF THE AFFILIATION, UNLESS HE HAD ALREADY BEEN THE OFFICE BEARER OF ANOTHER AFFILIATED ASSOCIATION.

- 7. If an individual has been an existing office bearer in a State/Member Association for 2 years, is he eligible to contest for the next elections without the 3 year cooling off period applying to him? If yes, what will be the term of his office?**

IF AT THE TIME OF THE ELECTION, THE EXISTING OFFICE BEARER HAS NOT COMPLETED A PERIOD OF 3 YEARS, HE IS ELIGIBLE TO CONTEST THE ELECTION. HOWEVER, HE WILL NOT HAVE A FULL TERM AND WILL HAVE TO DEMIT OFFICE IMMEDIATELY UPON THE CONTINUOUS 3 YEAR PERIOD BEING COMPLETED. THIS IS TO AVOID ANY POTENTIAL ABUSE. FOR EXAMPLE, IF THERE WERE NO SUCH BAR, AN OFFICE BEARER COULD RESIGN AFTER 2 YEARS AND 9 MONTHS, AND THEN CLAIM ELIGIBILITY TO STAND AT THE NEXT ELECTION 3 MONTHS LATER ON THE GROUND THAT A NEW TERM WOULD COMMENCE.

## Annexure- A-6

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**From:** Amitabh Choudhary <[amitabh@bcci.tv](mailto:amitabh@bcci.tv)>  
**Date:** 26 March 2017 at 7:38:50 PM IST  
**To:** Committee of Administrators <[coa@bcci.tv](mailto:coa@bcci.tv)>  
**Subject:** Fwd: SPECIAL GENERAL MEETING

Dear Sirs/Ma'am,

This is for your kind perusal and information.



Thanks and regards,

Amitabh Choudhary.

----- Forwarded message -----

**From:** Amitabh Choudhary <[amitabh@bcci.tv](mailto:amitabh@bcci.tv)>  
**Date:** Sun, Mar 26, 2017 at 6:31 PM  
**Subject:** SPECIAL GENERAL MEETING  
**To:** CK Khanna <[ckkhanna@bcci.tv](mailto:ckkhanna@bcci.tv)>, chander Mohan <[ddca.stadium@yahoo.com](mailto:ddca.stadium@yahoo.com)>, DDCA FEROS SHAH KOTLA <[ddca@ddca.co](mailto:ddca@ddca.co)>, [sscbandia@nic.in](mailto:sscbandia@nic.in), PCA Stadium <[pcastadium@yahoo.com](mailto:pcastadium@yahoo.com)>, Deepak Sharma <[gmpca92@gmail.com](mailto:gmpca92@gmail.com)>, TARIQ AHMAD <[jkcags\\_srinagar@yahoo.com](mailto:jkcags_srinagar@yahoo.com)>, [hca@haryanacrick.com](mailto:hca@haryanacrick.com), [sgoffice@aiu.ac.in](mailto:sgoffice@aiu.ac.in), vishal marwaha <[secyhpca@gmail.com](mailto:secyhpca@gmail.com)>, TNCA Office <[office@tnca.in](mailto:office@tnca.in)>, TNCA secretary <[secretary@tnca.in](mailto:secretary@tnca.in)>, Office KSCA <[office@ksca.co.in](mailto:office@ksca.co.in)>, [hycricket@rediffmail.com](mailto:hycricket@rediffmail.com), Kerala Cricket <[keralacricketone@gmail.com](mailto:keralacricketone@gmail.com)>, Andhra Cricket <[andhracricquet@gmail.com](mailto:andhracricquet@gmail.com)>, andhracricquet <[andhracricquet@yahoo.com](mailto:andhracricquet@yahoo.com)>, Goa Cricket Association <[goacricquetassociation@rediffmail.com](mailto:goacricquetassociation@rediffmail.com)>, [thecab@vsnl.net](mailto:thecab@vsnl.net), Sourav Ganguly <[cabpresidentseg@gmail.com](mailto:cabpresidentseg@gmail.com)>, Triperic Assoc <[tcaagt@yahoo.com](mailto:tcaagt@yahoo.com)>, Jharkhand State Cricket Association <[jscack@gmail.com](mailto:jscack@gmail.com)>, [assamca@rediffmail.com](mailto:assamca@rediffmail.com), [bgpredip@yahoo.co.in](mailto:bgpredip@yahoo.co.in), Odisha Cricket Association <[orissacricquet@yahoo.co.in](mailto:orissacricquet@yahoo.co.in)>, Mickey dalmiya <[mickey\\_dalmiya@yahoo.com](mailto:mickey_dalmiya@yahoo.com)>, Mumbai Cricket Association <[mcacrik@mumbaicricquet.com](mailto:mcacrik@mumbaicricquet.com)>, N K Jha <[secretary.cciclub@gmail.com](mailto:secretary.cciclub@gmail.com)>, [kapil.m@gmail.com](mailto:kapil.m@gmail.com), Maharashtra Cricket Association <[cricketmaharashtra@yahoo.com](mailto:cricketmaharashtra@yahoo.com)>, BCA <[brdcal@cricketbaroda.com](mailto:brdcal@cricketbaroda.com)>, Gujarat Cricket Association <[gcaahd@yahoo.co.in](mailto:gcaahd@yahoo.co.in)>, "Saurashtra Cricket Association, Rajkot" <[saucricquet@gmail.com](mailto:saucricquet@gmail.com)>, Madhukar Worah <[mkworah@gmail.com](mailto:mkworah@gmail.com)>, UPCA <[upcaknp@gmail.com](mailto:upcaknp@gmail.com)>, Secretary MPCA <[secretary@mpcaonline.com](mailto:secretary@mpcaonline.com)>, MPCA Cricket Operations <[cricket.operations@mpcaonline.com](mailto:cricket.operations@mpcaonline.com)>, VCA Admin <[admin@vca.co.in](mailto:admin@vca.co.in)>, Rekha Yadav <[rekha71yadav@gmail.com](mailto:rekha71yadav@gmail.com)>, Sikkim Cricket Association <[sikkimcricketassociation2016@gmail.com](mailto:sikkimcricketassociation2016@gmail.com)>, Singam Priyananda Singh <[mca\\_khuman@yahoo.com](mailto:mca_khuman@yahoo.com)>, [sec.cscs@yahoo.com](mailto:sec.cscs@yahoo.com), naba bhatta <[naavstar@yahoo.co.in](mailto:naavstar@yahoo.co.in)>, Abu Metha <[abumetha@gmail.com](mailto:abumetha@gmail.com)>, [tadokholi@yahoo.com](mailto:tadokholi@yahoo.com), [24joramanand@gmail.com](mailto:24joramanand@gmail.com), Bihar Cricket Association <[biharcricquetassociation@gmail.com](mailto:biharcricquetassociation@gmail.com)>, Anirudh Chaudhry <[Chaudhry@bcci.tv](mailto:Chaudhry@bcci.tv)>

March 26, 2017.

To,

All Members

The Board of Control for Cricket in India.

Dear Sirs,

Notice is hereby issued under the instructions of Shri C. K. Khanna, Acting President that a Special General Meeting of The Board of Control for Cricket in India will be held on the 9<sup>th</sup> April 2017 at 10.30 AM at ITC Maurya, New Delhi to transact the following business:

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1. To appoint the Board's representative or representatives to the meeting of International Cricket Council and / or similar conferences.
2. To discuss and decide on the status of changes and in ICC Governance and Financial models.
3. To note the legal matters and decide issues thereof.
4. To discuss events after the 2<sup>nd</sup> January 2017 and to take action / appropriate decisions.
5. To discuss and appoint Ombudsman of the BCCI till the next Annual General Meeting under the Rules & Regulations of the Board.
6. To take note of reports from various committees.

Members are requested to attend the same. A separate note on agenda point number 2 will be sent shortly.

Yours faithfully,

*(NOT SIGNED AS SENT ELECTRONICALLY)*

Amitabh Choudhary

Honorary Joint Secretary

Acting Secretary.

Annexure - A-7

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ITEM NO.302

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4235/2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

(With app'n. (s) for directions and intervention and modification of Court's order and permission to implead the name of applicant and recalling the Court's order and office report for direction)

WITH C.A. No.4236/2014

(With interim relief and office report)

C.A. No.1155/2015

(With office report for direction)

Conmt. Pet.(C) No.46/2017 in C.A. No.4235/2014

Conmt. Pet.(C) No.47/2017 in C.A. No.4235/2014

Date : 20/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Gopal Subramaniam, Sr. Adv. (A.C.)  
Mr. Santosh Krishnan, Adv.  
Mr. Ankur Kashyap, Adv.  
Mr. Pavan Bhushan, Adv.

Mr. Anil B. Divan, Sr. Adv. (A.C.)

For Appellant(s)

Mr. Radha Rangaswamy, AOR  
Ms. Ranjeeta Rohatgi, Adv.  
Mr. Abhinav Mukerji, Adv.

CA 4236/14

Mr. Gagan Gupta, AOR

CA 1155/15

Mr. Vikas Mehta, AOR

CA 4235/14

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CP(C) 46/17

Mr. Dinesh Dwivedi, Sr. Adv.  
 Mr. Ashish Mohan, Adv.  
 Mr. K.K. Mohan, AOR

CP(C) 47/17

Mr. M.P. Vinod, AOR

For Respondent(s)

Mr. Mukul Rohatgi, AG  
 Mr. Tushar Mehta, ASG  
 Mr. Abhinav Mukerji, Adv.  
 Mr. R. Balasubramanian, Adv.  
 Mr. Santosh Kumar, Adv.  
 Mr. Prabhas Bajaj, Adv.  
 Mr. Akshay Amritanshu, Adv.  
 Mr. Ravindra Bana, Adv.  
 Mr. Mukesh Kumar Maroria, AOR

Mr. Senthil Jagadeesan, AOR

Mr. Kapil Sibal, Sr. Adv.  
 Mr. P.R. Raman, Adv.  
 Mr. Gautam Raman, Adv.  
 Mr. Amol Chitale, Adv.  
 Mr. Nirnimesh Dube, AOR

Mr. Santosh Krishnan, AOR

Mr. Gagan Gupta, AOR

Mr. A. S. Bhasme, AOR

Mr. E. C. Agrawala, AOR

Mr. K. K. Mohan, AOR

Mr. Shree Pal Singh, AOR

Mr. Shreekanth N. Terdal, AOR

Ms. Manju Sharma, AOR

Mr. Praveen Swarup, AOR

Mr. Kapil Sibal, Sr. Adv.  
 Ms. Neela Gokhale, Adv.  
 Mr. Tanmay Mehta, Adv.  
 Mr. Gaurav Kumar, Adv.  
 Mr. Devanshu Sharma, Adv.  
 Ms. Kamakshi S. Mehlwal, AOR

Ms. Sonia Mathur, AOR

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Mr. Chirag M. Shroff, AOR

Mr. Balaji Srinivasan, AOR  
Mr. Abhishek Bharti, Adv.  
Ms. Vaishnavi Subrahmanyam, Adv.  
Ms. Srishti Govil, Adv.  
Ms. Pratiksha Mishra, Adv.  
Mr. Mayank Kshisagar, Adv.  
Mr. Arunava Mukherjee, Adv.

Mr. Raghavendra S. Srivatsa, AOR

Ms. Liz Mathew, AOR

Mr. Kapil Sibbal, Sr. Adv.  
Mr. Siddharth Garg, Adv.  
Mr. Snehasish Mukherjee, AOR

Mr. Shyam Divan, Sr. Adv.  
Mr. P.R. Gautam Raman, Adv.  
Mr. Amol Chitale, Adv.  
Ms. Pragya Baghel, AOR

Mr. Vikash Singh, Sr. Adv.  
Mr. P.R. Raman, Adv.  
Mr. Gautam Raman, Adv.  
Mr. Amol Chitale, Adv.  
Mr. Pragya Baghel, AOR

Mr. Amit A. Pai, Adv.  
Mr. Venkita Subramonyam T.R., AOR  
Mr. Rahat Bansal, Adv.

Mr. Gaurav Sharma, AOR

Mr. V. K. Bijju, AOR

Ms. Rashmi Singh, AOR

Mr. Anish R. Shah, AOR

Mr. Anshuman Ashok, AOR

Mr. Radha Rangaswamy, AOR

Mr. Hari Shankar K., AOR

Mr. Vipin Nair, AOR

Mr. Rahul Pratap, AOR

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Mr. Mishra Saurabh, AOR

Mr. Deeptakirti Verma, AOR

Mr. M. Yogesh Kana, AOR  
Ms. Nithya, Adv.

Mr. Vikas Singh Jangra, AOR

Ms. Tamali Wad, AOR

Ms. Pooja Dhar, AOR

Mr. Sangram Patnaik, Adv.  
Ms. Sonal Bhalla, Adv.  
Mr. Sudanshu P., Adv.

Ms. Diksha Rai, Adv.  
Mr. R. Bala, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard Mr. Mukul Rohatgi, learned Attorney General for India, Mr. Gopal Subramaniam and Mr. Anil B. Divan, learned Amicus Curiae, Mr. Kapil Sibal, Mr. Dinesh Dwivedi and Mr. Shyam Divan, learned senior counsel for the other contesting parties.

On 2<sup>nd</sup> January, 2017, this Court had issued several directions. The relevant directions which need to be reproduced are:-

"(vi) This Court shall by a separate order nominate the persons who shall form part of the Committee of administrators. In order to enable the Court to have the benefit of objective assistance in making the nominations, we request Mr Fali S Nariman, learned Senior Counsel and Mr Gopal Subramaniam, the learned Amicus Curiae to assist the Court by suggesting names of persons with integrity and experience in managing a similar enterprise. We request the learned Counsel appearing on behalf of the parties to

also place their suggestions before the Court so as to facilitate a considered decision;

(vii) In addition to the function assigned in (v) above, the Committee of administrators shall also ensure that the directions contained in the judgment of this Court dated 18 July 2016 (which accepted the report of the Committee with modifications) are fulfilled and to adopt all necessary and consequential steps for that purpose;

(viii) In view of the directions contained in (ii) above, the senior most Vice-President of BCCI shall perform the duties of the President, BCCI and the Joint Secretary shall perform the duties of Secretary. Those of the office bearers of BCCI who are not disqualified in terms of clause (i) above (other than the President and Secretary) may continue subject to their filing an unconditional undertaking before this Court within four weeks of the date of this order to abide by and implement the directions contained in the judgment dated 18 July 2016. Upon the Committee of administrators as nominated by this Court assuming charge, the existing office bearers shall function subject to the supervision and control of the Committee of administrators. The Committee of administrators would have the power to issue all appropriate directions to facilitate due supervision and control; and

(ix) The remuneration payable to the members of the Committee of Administrators shall be fixed in consultation with the Committee consisting of Mr Justice R M Lodha, Mr Justice Ashok Bhan and Mr Justice R V Raveendran. The role of the Justice R M Lodha Committee shall hereafter be confined to overall policy and direction on such matters as may be referred by this Court.

(x) We would request the learned Senior Counsel and the learned Amicus Curiae to endeavour to submit their suggestions to this Court within two weeks. The proceedings shall be listed before this Court on 19 January 2017 for pronouncement of directions in regard to the names of the administrators."

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Be it noted, there was modification of the order as far as the direction No.(vi) is concerned, and that is instead of Mr. Fali S. Nariman, learned senior counsel, Mr. Anil B. Divan, learned senior counsel, was requested to suggest the names.

Mr. Gopal Subramaniam and Mr. Anil B. Divan, learned Amicus Curiae have suggested certain names for formation of the Committee of Administrators for the Board of Control for Cricket (BCCI). The said suggestions were filed in two sealed covers before the Court, one containing the names and the other the methodology adopted by it. It is submitted by Mr. Subramaniam that neither Mr. Divan nor he has any objection to circulate the names and give copies of the documents filed before this Court to all the learned counsel contesting or supporting the directions. While so submitting, he has left it to the discretion of this Court.

Having heard learned counsel for the parties, we think it appropriate that the documents in the sealed covers which have been opened in the Court should be sealed and, after due deliberation, certain number of members shall be chosen, who can administer the day-to-day affairs of the B.C.C.I. We have been apprised that presently the C.E.O. is functioning and looking after the working of the B.C.C.I. and he shall continue to do so till we nominate the Committee, under whose supervision he shall work.

At this juncture, Mr. Mukul Rohatgi, learned Attorney General for India has submitted that two of the directions passed on 2<sup>nd</sup> January, 2017, have seriously affected the Railways, Inter-Services team of the Armed Forces and Association of Indian Universities, for they are disqualified to become office bearers. He has drawn our attention to the disqualification enumerated in paragraphs 25(i)(a), (d) and (f), especially Clause 25(i)(f) that has

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been modified vide order 3<sup>rd</sup> January, 2017. Paragraphs 25(i) (d) and 25(i) (f) which find mention in the order dated 2<sup>nd</sup> January, 2017, read as under:-

"25(i) (d) Is a Minister or government servant;

(f) Has been an Office Bearer of the BCCI for a cumulative period of 9 years."

On 3<sup>rd</sup> January, 2017, clause (f) has been modified to the following extent:-

"25(i) (f) Has been an Office Bearer of the BCCI or a State Association for a cumulative period of 9 years."

The clarificatory order dated 3<sup>rd</sup> January, 2017, referring to office bearers of the B.C.C.I. or a State Association for a "cumulative period" of nine years is likely to create some ambiguity and, therefore, we clarify clause 25(i) (f) which should be read as follows:

"has been an office bearer of the B.C.C.I. for nine years or a State Association for the same period."

Mr. Subramaniam, learned Amicus Curiae has also submitted that the applications for review and the curative petitions have already been dismissed.

Needless to say, the contentions are recorded as advanced today.

We will be failing in our duty if we do not record the submissions advanced by Mr. Kapil Sibal, learned senior counsel appearing for some of the Associations. He has drawn our attention to direction No. (ix) which reads as follows:-

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"(ix) The remuneration payable to the members of the Committee of Administrators shall be fixed in consultation with the Committee consisting of Mr. Justice R M Lodha, Mr Justice Ashok Bhan and Mr Justice R V Raveendran. The role of the Justice R M Lodha Committee shall hereafter be confined to overall policy and direction on such matters as may be referred by this Court."

It is urged by him that the Committee is still sending certain FAQs. Whether the FAQs would come under direction No. (ix) or not, shall be deliberated on the next date of hearing.

It is submitted by Mr. Rohatgi, that the Railways and the inter-services team of Armed Forces have only government servants and if a government servant is debarred, neither the Railways nor the Armed Forces can be represented by outsiders. The same principle, it is urged, will apply to the Association of Universities.

Mr. Gopal Subramaniam, learned Amicus Curiae submits that this aspect had been dealt with in the principal judgment and in consonance with the recommendations of the Justice Lodha Committee. The said issue shall be adverted to at a later stage.

Let the matter be listed at 2.00 p.m. on 24<sup>th</sup> January, 2017. The documents that have been filed by Mr. Gopal Subramaniam and Mr. Anil B. Divan, learned Amicus Curiae, be kept in a sealed cover.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

Annexure- A-8

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ITEM NO.301

COURT NO.2

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.4235/2014

BOARD OF CONTROL FOR CRICKET

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

(With appln. (s) for directions and intervention and modification of Court's order and permission to implead the name of applicant and recalling the Court's order and office report for direction)

WITH C.A. No.4236/2014

(With interim relief and office report)

C.A. No.1155/2015

(With office report for direction)

Commt. Pet.(C) No.46/2017 in C.A. No.4235/2014

Commt. Pet.(C) No.47/2017 in C.A. No.4235/2014

Date : 24/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. Gopal Subramaniam, Sr. Adv. (A.C.)  
Mr. Santosh Krishnan, Adv.  
Mr. Ankur Kashyap, Adv.  
Mr. Pavan Bhushan, Adv.

Mr. Anil B. Divan, Sr. Adv. (A.C.)

For Appellant(s)

Mr. Arvind P. Datar, Sr. Adv.  
Mr. Radha Rangaswamy, AOR  
Ms. Ranjeeta Mukerji, Adv.  
Mr. Abhinav Mukerji, Adv.

Signature Invalid  
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CHETAN KUMAR  
Date: 2017.01.24  
16:00:51  
Reason:

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Mr. Vibas Muth, Adv.  
Mr. Rajat Sehgal, Adv.  
Mr. Chandrashekher Verma, Adv.  
Ms. Anushree, Adv.

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	Mr. Gagan Gupta, AOR
CA 1155/15	Mr. Vikas Mehta, AOR
CP(C) 46/17	Mr. Ashish Mohan, Adv. Mr. K.K. Mohan, AOR
CP(C) 47/17	Mr. M.P. Vinod, AOR
For Respondent(s)	Mr. Mukul Rohatgi, AG Mr. Siddharth Garg, Adv. Mr. Snehasish Mukherjee, Adv.  Mr. R. Balasubramonian, Adv. Ms. Ananya Mishra, Adv. Mr. Prabhas Bajaj, Adv. Mr. Raj Bahadur, Adv. Mr. Mukesh Kumar Maroria, AOR  Mr. Senthil Jagadeesan, AOR  Mr. Kapil Sibal, Sr. Adv. Mr. P.R. Raman, Adv. Mr. Gautam Raman, Adv. Mr. Amol Chitale, Adv. Mr. Nirnimesh Dube, AOR  Mr. Santosh Krishnan, AOR  Mr. Gagan Gupta, AOR  Mr. A. S. Bhasme, AOR  Mr. E. C. Agrawala, AOR  Mr. K. K. Mohan, AOR  Mr. Puneet Bali, Sr. Adv. Ms. Gunjan Rishi, Adv. Mr. Vibhav Jain, Adv. Mr. Shree Pal Singh, AOR  Mr. Shreekant N. Terdal, AOR  Ms. Manju Sharma, AOR  Mr. Praveen Swarup, AOR  Mr. Kapil Sibal, Sr. Adv. Ms. Neela Gokhale, Adv.

CA 4235/2014

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Mr. Devanshu Sharma, Adv.  
Ms. Kamakshi S. Mehlwal, AOR

Ms. Sonia Mathur, AOR

Mr. Chirag M. Shroff, AOR

Mr. B.K. Sampath Kumar, Adv.  
Mr. Balaji Srinivasan, AOR  
Mr. Abhishek Bharti, Adv.  
Ms. Srishti Govil, Adv.  
Ms. Vaishnavi Subrahmanyam, Adv.  
Ms. Pratiksha Mishra, Adv.  
Mr. Arunava Mukherjee, Adv.  
Mr. Mayank Kshisagar, Adv.

Mr. Raghavendra S. Srivatsa, AOR

Ms. Liz Mathew, AOR

Mr. Kapil Sibal, Sr. Adv.  
Mr. Siddharth Garg, Adv.  
Mr. Snehasish Mukherjee, AOR

Mr. Tushar Mehta, Sr. Adv.  
Mr. P.R. Raman, Adv.  
Mr. Gautam Raman, Adv.  
Mr. Amol Chitale, Adv.  
Ms. Pragya Baghel, AOR

Mr. Vikash Singh, Sr. Adv.  
Mr. P.R. Raman, Adv.  
Mr. Gautam Raman, Adv.  
Mr. Amol Chitale, Adv.  
Mr. Pragya Baghel, AOR

Mr. Shyam Divan, Sr. Adv.  
Mr. P.R. Raman, Adv.  
Mr. Gautam Raman, Adv.  
Mr. Amol Chitale, Adv.  
Ms. Pragya Baghel, AOR

Mr. Amit A. Pai, Adv.  
Mr. Venkita Subramonyam T.R., AOR  
Mr. Rahat Bansal, Adv.  
Mr. Nitesh Ranjan, Adv.

Mr. Gaurav Sharma, AOR

Mr. V. K. Biju, AOR

Ms. Rashmi Singh, AOR  
Mr. Anish R. Shah, AOR  
Mr. Anshuman Ashok, AOR  
Mr. Radha Rangaswamy, AOR  
Mr. Hari Shankar K., AOR  
Mr. Vipin Nair, AOR  
Mr. Rahul Pratap, AOR  
Mr. Mishra Saurabh, AOR  
Mr. Deeptakirti Verma, AOR  
Mr. M. Yogesh Kana, AOR  
Ms. Nithya, Adv.  
Mr. Vikas Singh Jangra, AOR  
Ms. Tamali Wad, AOR  
Ms. Pooja Dhar, AOR  
Mr. Sangram Patnaik, Adv.  
Ms. Sonal Bhalla, Adv.  
Mr. Gautam Dass, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

When the matter was called today, as per the order dated 20<sup>th</sup> January, 2017, Mr. Kapil Sibal, learned senior counsel appearing for some of the State Associations has submitted that due to inadvertence, he could not suggest the names to be included in the Committee of Administrators, when such liberty was granted in paragraph 25(vi) of the order dated 2<sup>nd</sup> January, 2017. For the sake of convenience, the said paragraph is reproduced below:-

"25(vi) This Court shall by a separate order nominate the persons who shall form part of the Committee of administrators. In order to enable

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the Court to have the benefit of objective assistance in making the nominations, we request Mr Fali S Nariman, learned Senior Counsel and Mr Gopal Subramaniam, the learned Amicus Curiae to assist the Court by suggesting names of persons with integrity and experience in managing a similar enterprise. We request the learned Counsel appearing on behalf of the parties to also place their suggestions before the Court so as to facilitate a considered decision."

Be it noted, earlier on the learned Amicus Curiae and Mr. Anil B. Divan, learned senior counsel had suggested certain names for the Committee of Administrators for the BCCI. We had opened the sealed cover on the last occasion and, thereafter, got it sealed again so that we can choose the names for nomination of the Committee of Administrators. However, as leave was granted to the learned senior counsel, we do not intend to curtail the said right.

At this juncture, Mr. Mukul Rohatgi, learned Attorney General for India has submitted that the Central Government may be permitted to suggest certain names so that a Committee having a holistic approach can be constituted.

Having heard Mr. Rohatgi, learned Attorney General and Mr. Sibal, learned senior counsel for some of the State Associations, we permit them to suggest names for Committee of Administrators for the BCCI in a sealed cover. However, it is hereby made absolutely clear that the names that will be suggested should be in consonance with the principal judgment and the subsequent orders passed thereafter. If any one suffers from any kind of disqualification, that shall not be suggested to and considered by this Court. After the names are submitted in a sealed cover, this Court, keeping in view, the names given by Mr. Anil B. Divan and Mr. Gopal Subramaniam, learned Amicus Curiae and the names to be given by Mr. Mukul Rohatgi and Mr. Kapil Sibal, shall constitute a

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Committee of appropriate number of members to do the needful.

At this juncture, Mr. Arvind P. Datar, learned senior counsel appearing for the BCCI has submitted that there is a meeting of the Executive Committee of the ICC in the first week of February, 2017. According to Mr. Datar, the said meeting is to be attended by one nominee from the BCCI. The said position is not disputed by Mr. Gopal Subramaniam, learned Amicus Curiae assisting the Court.

In view of the aforesaid, we permit Mr. Datar to give three names in a sealed cover after following the due process and, needless to say, the names that will be given should not be disqualified under the principal judgment or any of the orders of this Court.

Let the names by Mr. Mukul Rohatgi, learned Attorney General and Mr. Kapil Sibal, learned senior counsel for the Committee of Administrators for the BCCI and Mr. Arvind P. Datar, learned senior counsel for the BCCI for a nominee to attend the meeting of the ICC, be given by 27<sup>th</sup> January, 2017.

The documents that have been filed by the learned Amicus Curiae be kept in a sealed cover.

Let the matter be listed at 3.00 p.m. on 30<sup>th</sup> January, 2017.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master