



Re: Communication of the decision of the Finance Committee

Committee of Administrators <coa@bccci.tv>

Sat, Sep 16, 2017 at 11:28 AM

To: Anirudh Chaudhry <chaudhry@bccci.tv>

Cc: Jyotiraditya Scindia Ji <scindia1@gmail.com>, thakurarunsingh@gmail.com, Shah_jay71@yahoo.com, C K Khanna <ckkhanna@bccci.tv>, Amitabh Chaudhary <amitabh@bccci.tv>, Rahul Johri <rahul.johri@bccci.tv>, Santosh Rangnekar <santosh.rangnekar@bccci.tv>

Dear Mr. Chaudhry,

1. The order dated 2nd January 2017 passed by the Hon'ble Supreme Court *inter alia* orders and directs that:

“A Committee of administrators shall supervise the administration of BCCI through its Chief Executive Officer.

...

... 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.

...

...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

2. The order dated 30th January 2017 passed by the Hon'ble Supreme Court states that:

“... The C.E.O. of B.C.C.I. shall report to the Committee of Administrators and the Administrators shall supervise the management of B.C.C.I.”

3. In light of the aforesaid orders, it is clear that (i) the Committee of Administrators shall supervise the management and administration of the BCCI through its CEO; (ii) the office bearers shall function subject to the supervision and control of the Committee of Administrators; (iii) the Committee of Administrators will have the power to issue all appropriate directions to facilitate due supervision and control of the functioning of BCCI; and (iv) the CEO shall report to the Committee of Administrators and the Committee of Administrators shall supervise the management of BCCI.

4. With a view to ensuring that the affairs of the BCCI are carried out in accordance with the orders passed by the Hon'ble Supreme Court as well as in the interests of good governance, the Committee of

Administrators has issued directions dated 6th April 2017, paragraph 8 of which states as follows:

“The Committee of Administrators request that notice of any meeting of any committee/ sub-committee or the General Body of the BCCI shall be simultaneously given to the CEO along with the agenda and related documents that are circulated to persons/ members entitled to attend such meeting. All decisions taken during such meeting should be intimated by the Chairman of the meeting to the CEO in writing on the same day. The CEO shall be entitled to be present in any such meeting.”

5. The aforesaid directions make it absolutely clear that the Committee of Administrators has not come in the way of any committee/ sub-committee of the BCCI conducting its meetings. The Committee of Administrators has merely issued directions to be kept informed of the business being transacted at such meetings through the CEO. This is to enable the Committee of Administrators to either intervene where necessary or take further steps where appropriate.

6. The Committee of Administrators had noted that during the Special General Meeting of the BCCI held on 26th June 2017, a question was asked as to why the decisions taken by the Committee of Administrators were placed before the General Body of the BCCI. By an email dated 18th July 2017, the Committee of Administrators had requested the office bearers of the BCCI (including you) to communicate to the General Body of the BCCI that (i) the decisions of the Committee of Administrators were placed before them only for their reference and record; (ii) the said decisions are binding on the BCCI and it is imperative that the BCCI implements them at the earliest; and (iii) the said decisions neither require affirmation nor ratification by the General Body of the BCCI nor are they subject to any modification by the General Body of the BCCI. Given that all the committees of the BCCI are subordinate to the General Body, the above communication would apply with even greater force to the said committees.

7. Accordingly, the decisions taken by the Committee of Administrators (including those which may have financial implications) are binding on the Finance Committee irrespective of whether the view of the Finance Committee was elicited prior to the said decisions having been taken. Wherever the Committee of Administrators has considered it necessary, it has referred matters to the General Body, the IPL Governing Council and even to the Finance Committee for their respective views. Further, the office bearers of the BCCI (including you) have been part of various meetings of the Committee of Administrators and have been consulted in relation to decisions taken, wherever the Committee of Administrators considered it necessary.

8. Records show that the past practice followed by the Finance Committee (i.e. prior to the Committee of Administrators having assumed charge) was to primarily approve the draft audited accounts and budget of the BCCI and to take note of decisions of the Working Committee. Even decisions taken at the level of the Hon. Treasurer have been placed before the Finance Committee merely for them to take note. Therefore, there is no occasion for any “confusion with regard to the mandate of the Finance Committee”. Nothing prevented the Chairman or any member of the Finance Committee from asking you (as the Convenor of the Finance Committee) to convene a meeting of the Finance Committee in respect of any financial matters requiring discussion. In fact, the previous meeting of the Finance Committee was held on 22nd August 2016, i.e. more than one year ago and more than five months before the Committee of Administrators assumed charge. Surely, it cannot be the case that no decisions having financial implications were taken during this period.

9. Therefore, the Committee of Administrators is not obliged to elicit the views of the Finance Committee on every decision which may have financial implications on the BCCI but may choose to refer specific issues/ matters to elicit the views of the Finance Committee where the Committee of Administrators considers necessary. The same is also the position in relation to all other committees of the BCCI regarding their respective spheres. Having said that, the Finance Committee (as also other committees) are free to conduct their meetings (in accordance with paragraph 8 of the directions dated 6th April 2017 issued by the Committee of Administrators). Having conducted their meetings they have been advised to provide their views on matters regarding their respective spheres.

10. Please also note that the Finance Committee (as also various other committees) do not find mention in the list of committees included in the draft BCCI Constitution that is in line with the recommendations of the Hon'ble Justice Lodha Committee (as accepted by the Hon'ble Supreme Court). Accordingly, the above position will continue only until the new BCCI Constitution as per the reforms mandated by the Hon'ble Supreme Court is adopted.

11. Separately, kindly confirm that apart from seeking the above clarification, no other business was transacted during the meeting of the Finance Committee held on 14th September 2017. The Committee of Administrators has noted that Item 5 of the agenda for the said meeting was to approve the draft audited accounts of the BCCI for the accounting year 2016-2017 along with the notes on accounts.

Thanking you.

Yours faithfully,
The Supreme Court Appointed Committee of Administrators

On Thu, Sep 14, 2017 at 2:53 PM, Anirudh Chaudhry <chaudhry@bccitv> wrote:

Dear Sir and Madam,

In the meeting of the Finance Committee held on the 14th of September, 2017 it was decided to communicate the following to the Committee of Administrators and to seek clarification accordingly:

- Whether all decisions that have financial implications on the BCCI have to go through the process of eliciting the view of the Finance Committee prior to being ultimately decided by the CoA/Working Committee/CEO etc.?
- The question was also asked with respect to the functioning of all committees in the Special General Meeting of the BCCI held on the 26th of June, 2017.
- There exists some confusion with regard to the mandate of the Finance Committee in the present scheme of things and the CoA is requested to kindly enlighten the Finance Committee on this matter. The Committee will abide by the decision of the Committee of Administrators.

In terms of the directions issued by the Committee of Administrators, the decision is being accordingly communicated.

Kind regards,

Anirudh Chaudhry
Honorary Treasurer,
BCCI

Sent from my iPhone