

Terms of Reference for the Committee comprising of Justice Rakesh Sharma (former Judge, Allahabad High Court) – Chairman; Smt. Barkha Singh (former Chairperson, Delhi Commission for Women) – Member; and Ms. Veena Gowda (Advocate) – External Member IC, BCCI

Taking cognizance of media reports covering allegations of sexual harassment made against Mr. Rahul Johri, the CEO of BCCI, the Committee of Administrators called for an explanation from Mr. Johri. Since there is no specific complaint of sexual harassment and the said allegations did not relate to sexual harassment at the “BCCI workplace” and were also anonymous, it was felt that the BCCI Internal Committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was not the appropriate authority to enquire into such allegations. During the deliberations amongst the members of the COA, Chapter Nine of the BCCI Constitution which envisages that an enquiry in relation to allegations of misconduct by an Administrator (which includes the CEO) be conducted by the Ombudsman (Retired Judge), were also discussed. Thus, under the BCCI Constitution, an Administrator against whom allegations of misconduct are made would be entitled to represent his case before the BCCI Ombudsman, who would then take a considered view after weighing all evidence. However, the BCCI at present does not have an Ombudsman and the issue of absence of Ombudsman has been raised by the COA and is pending before the Hon’ble Supreme Court. In these circumstances, it was felt that in all fairness Mr. Johri should be afforded a similar opportunity as is available under the BCCI Constitution to all Administrators, even in absence of an Ombudsman. Keeping in mind the nature of the allegations against Mr. Johri and as organizations have a legal duty to ensure a safe workplace for women, it was thought necessary that an independent inquiry committee, comprising of distinguished persons who are knowledgeable in this field, be constituted to enquire into allegations of sexual harassment against Mr. Rahul Johri.

The independent inquiry committee originally comprised of:

- 1. Justice Rakesh Sharma (former Judge, Allahabad High Court);**
- 2. Smt. Barkha Singh (former Chairperson, Delhi Commission for Women); and**
- 3. Shri P. C. Sharma, IPS (Retd.) (former Director, CBI).**

In view of recusal by one of the members of the Committee viz. Shri P. C. Sharma, Ms. Veena Gowda, who is an advocate and external member of the BCCI Internal Committee has been inducted as a member of the independent inquiry committee (“**Committee**”) in place of Shri P. C. Sharma.

For the sake of good order, the terms of reference of the Committee are set out below:

1. The Committee shall inquire into and/or probe allegations of sexual harassment that have been made against Mr. Rahul Johri, CEO BCCI whether anonymous or otherwise, whether they relate prior to his employment with BCCI or otherwise, in accordance with law. The

Committee shall submit a report containing its findings and recommendations in a sealed cover to the Hon'ble Supreme Court appointed Committee of Administrators for the BCCI ("**COA**"). The Committee is requested to submit the said report within 15 days of its appointment.

- 2.The Committee shall be free to regulate and stipulate the rules of procedure for the conduct of the enquiry in accordance with law, principles of fairness, transparency and natural justice.
- 3.The proceedings and the deliberations of the Committee, including the name and identity of any complainant who comes forward before the Committee, if any, shall be kept strictly confidential. Mr. Rahul Johri shall be obligated to keep all the information disclosed to him during the course of the proceedings strictly confidential.
- 4.For the purpose aforesaid, the Committee shall be free to seek all records/ evidence that it considers necessary from the BCCI or any other person. The Committee may also call such persons as it considers necessary to appear before it. For this purpose, the BCCI shall render all assistance that the Committee may require, including by making logistical arrangements for such persons and/or providing for their expenses.
- 5.Any person who is desirous of placing any fact before the Committee shall be free to do so. For this purpose, the Committee shall issue an appropriate public notice, containing relevant contact details/email id(s) and co-ordinates for submission of information and timeline for doing so, which shall be published on the BCCI website and/or any other medium, as it may deem fit.
- 6.The BCCI and all its office bearers/employees/consultants shall provide all assistance andco-operation to the Committee as it may require. The BCCI shall also create dedicated email ids on its domain for the Committee and each of its members, respectively. The said email ids shall be in the control of the Committee and each of its members, respectively. With regard to any aspect of the enquiry, the Committee and each of its members shall correspond with one another and with third parties only from the said email ids. Every person within the BCCI shall forward all relevant information/complaint/details that they may receive or have received from any quarter in connection with the enquiry to the said dedicated email id created for the Committee.
- 7.The first meeting of the Committee shall be held at Mumbai at the BCCI Headquarters. The Committee shall be free to decide the venue for its next meetings as per its convenience. In its first meeting each member of the Committee shall make a declaration of absence of conflict of interest in conducting an independent and fair enquiry against Mr. Rahul Johri. Further, at the first meeting of the Committee, the COA or any of its members shall disclose and provide a copy of all relevant material, information and documents in their possession including the correspondence exchanged with Mr. Johri to the Committee. The COA or any of its members shall be free to provide any further information, details and material to the Committee for the consideration of the Committee.

8.The Committee Members shall be paid Rs. 1,50,000/- per day/meeting by the BCCI. In addition, the Committee Members shall be entitled to a one-time fee for reading the material and writing the report. The said fee shall be decided by the COA separately. Travel, accommodation, logistics, administrative and other such arrangements for the Committee shall be made by the BCCI at its expense. If any member of the Committee incurs any expense for the aforesaid purpose, the BCCI shall reimburse such expense to the member in a timely manner. Mr. Nitish Nitigya is designated as a contact person for the Committee to seek any assistance on any aspect from the BCCI and/or the COA. He is also designated as a contact person for the Committee to seek any administrative or logistical assistance on any aspect from the BCCI and/or the COA. Mr. Nitish Nitigya shall maintain utmost confidentiality in respect of all matters connected with the enquiry and shall report directly to the COA for any permissions/approvals in this behalf.

9.It is directed that a copy of these Terms of Reference be put up on BCCI website.

Dated this 30th Day of October 2018

Issued by The Supreme Court appointed Committee of Administrators for the BCCI