

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

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

In Re: Complaint dated 21.08.2024 made by Mr. Rizwan Rasool Mir, sent to the Ethics Officer, Board of Control for Cricket in India, alleging violation of Rules relating to Conflict of Interest

ORDER

1. The High Court of Jammu & Kashmir in LPA No. 14/2019 titled "City Cricket Club vs. Board of Control for Cricket in India and others" was disposed of by the Hon'ble Division Bench of Jammu and Kashmir High Court on 23.03.2021 with various directions. In the place of Administrators, the court directed the BCCI to appoint a committee and directed to form a Sub-committee to look after the affairs of JKCA and finalize the constitution and thereafter hold the elections of JKCA in conformity with Lodha Committee recommendations as accepted by the Hon'ble Supreme Court.
2. It is submitted that the committee appointed by the BCCI under the orders of the court has formed a Sub-Committee which comprises three members, namely Mr. Anil Gupta, Mr. Mithun Manhas, Mr. Sunil Sethi, and Mr. Majid Dar will look into the development of cricket at Srinagar. The BCCI formed a committee over J&K Cricket Association (JKCA) on 16.06.2021.
3. It is mentioned that Mr. Mithun Manhas has been a part of Gujarat Titans in IPL as Assistant Coach for the last couple of seasons, and on the other hand, he is in the pay rolls of J&K Cricket Association earning a salary of 2-3 lac per month. Rule 38 of the BCCI Rules has been referred to based on that. It has been submitted that Mr. Mithun Manhas already has 3 posts, i.e. Member of Sub-committee of JKCA appointed by the committee of BCCI, Assistant



Coach of IPL franchise Gujarat Titans, and he claimed himself as the President of J&K Cricket Club.

4. The complaint is devoid of substance. Rule 38 of the BCCI Rules is not applicable to a Sub-committee which has been appointed by the Committee appointed under the order of the High Court. Even otherwise, when a person is in the management Sub-committee appointed by the BCCI for the time till the elections are held, Rule 38 of the BCCI Rules is not attracted. Moreover, there is no conflict of interest culled out as Assistant Coach of Gujarat Titans in the year 2023-24, and role as a member of Sub-committee by the complainant in the complaint.
5. Rule 38 of the Rules of BCCI is produced hereunder:

“Rule 38. CONFLICT OF INTEREST

(1) A Conflict of Interest may take any of the following forms as far as any individual associated with the BCCI is concerned:

(i) Direct or Indirect Interest: When the BCCI, a Member, the IPL or a Franchisee enter into contractual arrangements with entities in which the individual concerned or his/her relative, partner or close associate has an interest. This is to include cases where family members, partners or close associates are in positions that may, or may be seen to compromise an individual's participation, performance and discharge of roles.

Illustration 1: A is an Office Bearer of the BCCI when it enters into a broadcast contract with a company where A's son B is employed. A is hit by Direct Conflict of Interest.

Illustration 2: C is a Member of the IPL Governing Council. The IPL enters into a contract with a new franchisee, the Managing Director of which is C's partner in an independent commercial venture. C is hit by Indirect Conflict of Interest.

Illustration 3: D is the Office Bearer of a State Association. D's wife E has shares in an IPL Franchisee which enters into a stadium contract with the State Association. D is hit by Indirect Conflict of Interest.

Illustration 4: F is President of the BCCI. His son-in-law is a Team Official of a Franchisee. F is hit by Conflict of Interest.

Illustration 5: G is an employee of the BCCI. His wife runs a catering agency that is engaged by the BCCI. G is hit by Conflict of Interest.

(ii) Roles compromised: When the individual holds two separate or distinct posts or positions under the BCCI, a Member, the IPL or the Franchisee, the functions of which would require the one to be beholden to the other, or in opposition thereof.

Illustration 1: A is the Coach of a team. He is also Coach of an IPL Franchisee. A is hit by Conflict of Interest.

Illustration 2: B is Secretary of the BCCI. He is also President of a State Association. B is hit by Conflict of Interest.

Illustration 3: C is the Vice President of the BCCI. He is also President of a State Association and member of a Standing Committee. C is hit by Conflict of Interest.

Illustration 4: D is a selector. He is also coach of an IPL franchisee. D is hit by Conflict of Interest.

(iii) Commercial conflicts: When the individual enters into endorsement contracts or other professional engagements with third parties, the discharge of which would compromise the individual's primary obligation to the game or allow for a perception that the purity of the game stands compromised.

Illustration 1: A runs a cricket academy. He is appointed as a selector. A is hit by Conflict of Interest.

Illustration 2: B is a BCCI commentator. He also runs a sports management company which contracts members of the team. B is hit by Conflict of Interest.

Illustration 3: C is a selector. He contracted to write a column on a tour that the national team is on. C is hit by Conflict of Interest.

Illustration 4: D is a team captain. He is also co-owner of a sports management agency which is contracted to manage other team members. D is hit by Conflict of Interest.

Illustration 5: E is a member of the IPL Governing Council. He is engaged by a cricket broadcaster to act as an IPL commentator. E is hit by Conflict of Interest.

(iv) Prior relationship: When the individual has a direct or indirect independent commercial engagement with a vendor or service provider in the past, which is now to be engaged by or on behalf of the BCCI, its Member, the IPL or the Franchisee.

Illustration 1: A is President of the BCCI. Prior to his taking office, he has been engaged professionally for his services by a firm B. After A becomes President, B is appointed as the official consultants of the BCCI. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. Prior to his election, he ran a firm C, specializing in electronic boundary hoardings. Upon becoming Secretary, the contract for the Association's stadium hoardings is granted to C. B is hit by Conflict of Interest.

Illustration 3: D is the Commissioner of the IPL. Before he came into this office, he used to engage E as his auditor for his business. After becoming Commissioner, E is appointed as auditor to the IPL. D is hit by Conflict of Interest.

Illustration 4: F is the Captain of an IPL team, and G is the team's manager. When F is made Captain of the national team, G is appointed as the national team's manager. F is hit by Conflict of Interest.

(v) Position of influence: When the individual occupies a post that calls for decisions of governance, management or selection to be made, and



where a friend, relative or close affiliate is in the zone of consideration or subject to such decision-making, control or management. Also, when the individual holds any stake, voting rights or power to influence the decisions of a franchisee / club / team that participates in the commercial league(s) under BCCI;

Illustration 1: A is a selector. His son is in the zone of consideration for selection. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. He also runs a cricket academy in the State. B is hit by Conflict of Interest.

Illustration 3: C is an umpire. His daughter D is a member of a team which is playing a match in which C officiates. C is hit by Conflict of Interest.

Illustration 4: E is the President of a State Association and his company F owns 12 cricket clubs in the State from which probabilities are selected for the State team. E is hit by Conflict of Interest.

EXPLANATION: The Illustrations which refer to a President / Secretary / Vice-President may be read as illustrations referring to any other Office Bearer, and also to the members of the Apex Council, the Governing Council and the Committees.

(2) Within a period of 15 days of taking any office under the BCCI, every individual shall disclose in writing to the PEX Council any existing or potential event that may be deemed to cause a Conflict of Interest, and the same shall be uploaded on the website of the BCCI. The failure to issue a complete disclosure, or any partial or total suppression thereof would render the individual open to disciplinary action which may include termination and removal without benefits. It is clarified that a declaration does not lead to a presumption that in fact a questionable situation exists, but is merely for information and transparency.

(3) A Conflict of Interest may be either Tractable or Intractable:

(a) Tractable conflicts are those that are resolvable or permissible or excusable through recusal of the individual concerned and/or with full disclosure of the interest involved.

(b) Intractable conflicts are those that cannot be resolved through disclosure and recusal, and would necessitate the removal of the individual from a post or position occupied so that the conflict can cease to exist.

Explanation: In Illustration 3 to Rule 38(1)(i), if the wife held 51% shares, the conflict will be treated as intractable. If the wife holds 3% shares, whether the conflict is tractable or intractable will have to be decided by the Ethics Officer on the facts of the case. If the wife holds only 100 shares out of 1 crore shares, a disclosure of the same may be sufficient.

(4) It is clarified that no individual may occupy more than one of the following posts at a single point of time except where prescribed under these Rules:

- (a) Player (Current)
- (b) Selector / Member of Cricket Committee
- (c) Team Official
- (d) Commentator
- (e) Match Official
- (f) Administrator / Office-Bearer



- (g) Electoral Officer
- (h) Ombudsman & Ethics Officer
- (i) Auditor
- (j) Any person who is in governance, management or employment of a Franchisee
- (k) Member of a Standing Committee
- (l) CEO & Managers
- (m) Office Bearer of a Member
- (n) Service Provider (Legal, Financial, etc.)
- (o) Contractual entity (Broadcast, Security, Contractor, etc.)
- (p) Owner of a Cricket Academy
- (5) As far as incumbents are concerned, every disclosure mandated under Sub-Rule (3) may be made within 90 days of the Effective Date."

6. In Rahul Dravid case, Complaint No. 6/2019, decided on 14.11.2019 by esteemed brother Justice D.K. Jain, he has opined as to conflict of interest as under: –

"19. Having reconsidered the matter in the light of the afore-stated provisions, while maintaining that on a literal interpretation, it may not be possible to hold that Sub-rule (4) of Rule 38 of the Rules is merely directory. Nevertheless, on a harmonious and meaningful construction of all the provisions in the BCCI Rules, I am of the opinion that the said Sub-rule (4) cannot be divorced from sub-Rule (1) of Rule 38 of the Rules. Hence, while examining the question whether or not there is a "conflict of interest" in the case of a particular individual, the actual or potential consequences of the instances illustrated in extenso in Sub-rule (1) of the Rule 38 of the Rules or other possibilities of potential/actual conflicts similar to those given in Sub-rule (1) of the Rule 38 of the Rules, have to be kept in view. To put it differently, for examining an instance of "conflict of interest", mere holding of post/s by an individual associated with the BCCI, as identified in Sub-rule (4) of Rule 38 of the Rules, may not *per se* be sufficient for arriving at the conclusion of existence of "conflict of interest". But whether holding of such post(s) gives rise to "conflict of interest" or not must also be tested on the anvil of reasonable apprehensions of, or actual favoritism, lack of objectivity, bias, benefits, etc., as



contemplated in the definition of “conflict of interest” in Rule 1(A)(g) of the Rules.”

(emphasis added)

7. Matter of Conflict of Interest has also been considered in order dated 05.03.2025 in Complaint No. 2/2025, Mr. Sanjeev Gupta vs. Mr. R. Devaraj, Secretary, and it has been observed thus:

“5. It is for the complainant to clearly set out as to how holding any given two posts simultaneously on facts, may give rise to conflict of interest. This burden must, in the first instance, be clearly discharged by the complainant. The present complaint, however, suffers from ambiguity. In Para 5.5 of the complaint, it is stated and admitted that persons on certain posts, including that of BCCI Secretary, Treasurer, CEO, are allowed to hold two posts simultaneously. On the other hand, Para 4.3 of the complaint equates the post of Secretary, HCA with that of BCCI President and others. The complaint neither properly characterizes the two posts complained of in this complaint, nor does it establish as to how occupying two posts would give rise to a Conflict of Interest.

6. Even if the logic of complainant’s own assertion is assumed to be correct, and equality of posts is seen from this point of view, the post of Secretary, HCA would be equated with that of Secretary, BCCI, and not that of the President, BCCI. Further, if Secretary BCCI can hold two posts, it does not stand to reason as to how Secretary, HCA could not hold two posts.

7. The complaint also does not disclose on facts as to how there is a conflict of interest in the discharge of the functions and duties between the post of Secretary, HCA and that of Manager, Indian Team for the ICC Champions Trophy.”

8. It is not a case of contractual matter envisaged under Rule 38(1)(i) neither it can be said that roles are compromised nor there is commercial conflicts, or prior relationship or position of influence as contemplated in provisions of Rule 38.



9. Case is also not covered under Rule 38(4), it is not a Standing Committee. A Sub-committee appointed by a Committee formed under Court's order is a plural body to look after management in the interregnum period till duly elected body is constituted. Even otherwise as observed on facts of case of conflict of interest is not made out. Facts constituting conflict of interest are not culled out in the complaint.
10. Resultantly, complaint has no merit, same deserves to be and is hereby dismissed.

Dated: 25.07.2025



(Justice Arun Mishra)
Ethics Officer, BCCI