

**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 27.06.2025 and 05.12.2022 filed by Mr. Sudershan Mehta, before the Ethics Officer, the Board of Control for Cricket in India, alleging violation of Rules relating to Conflict of Interest.

ORDER

1. Mr. Sudershan Mehta has filed a complaint of Conflict of Interest and his qualification by the Sub-committee of Jammu and Kashmir Cricket Association (JKCA).
2. The following instances of conflict of interest have been pointed out:
 - A. BCCI
 - (i) Mr. Roger Binny is the President of BCCI and a member of the BCCI Committee over JKCA;
 - (ii) Mr. Rajeev Shukla is the Vice-President of BCCI and a member of BCCI Committee of JKCA;
 - (iii) Mr. Devajit Saikia is Honorary Secretary of BCCI and a member of BCCI Committee of JKCA; and
 - (iv) Mr. Prabhtej Singh Bhatia is the Honorary Treasurer of BCCI and a member of BCCI Committee of JKCA.
 - B. BCCI Sub-Committee of JKCA

It is submitted that the Committee has appointed a Sub-committee attracted that Mr. Anil Gupta. He has attained the age of 70 years and is not suitable to continue. Mr. Mithun Manhas is holding 2 posts, Member of BCCI Sub-Committee and Assistant Coach of Gujarat Titans during IPL 2023-24.

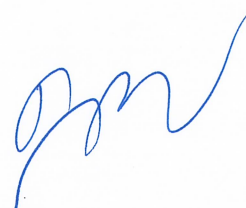


3. The complaint dated 27.06.2025 states that the same is in continuation of earlier complaints filed by the same complainant i.e. the Complaint dated 05.12.2022. In the said complaint referred to by the complainant, the following allegations have been made:

- i. allegations have been made against Mr. Rajeev Shukla, Mr. Jay Shah, Mr. Arun Singh Dhumal, the Members of the Committee appointed by the High Court and BCCI Sub-committee of JKCA. Mr. Sunil Sethi and Mr. Mithun Manhas, Members of the Sub-committee.
- ii. Mr. Jay Shah was holding the post of Secretary, BCCI and also a Member of BCCI Committee over JKCA and Mr. Arun Singh Dhumal was the Chairperson of the IPL Governing Council and a Member of BCCI Committee over JKCA. With respect to members of Sub-committee, Mr. Sunil Sethi, it has been alleged that a member of the BCCI Sub-committee and a Legal Service Provider to the BCCI as the Standing counsel of BCCI in the High Court of Jammu and Kashmir for the last 6 years.

4. Status report has been filed on 14.03.2023 pursuant to the direction of the Ombudsman by the Head of the BCCI Legal Team . It was pointed out that pursuant to the order of the High Court, following Committee was appointed:

- I. Mr. Sourav Ganguli (then Honorary President, BCCI)
- II. Mr. Jay Shah (Honorary Secretary, BCCI)



III. Mr. Arun Dhumal (then Honorary Treasurer and current IPL Chairperson)

IV. Mr. Rajeev Shukla (Honorary Vice-President, BCCI)

And the Committee appointed a Sub-Committee of JKCA consisting of the following persons:

I. Mr. Anil Gupta

II. Mr. Mithun Manhas

III. Mr. Sunil Sethi

5. It has also been stated that the Committee and Sub-Committee have been formed by the BCCI as per the directions of the Hon'ble Jammu and Kashmir High Court and therefore the complainant's allegations of conflict of interest by members of Committee/Sub-Committee is baseless and is void of any merits. It is stated that there cannot be any conflict of interest in cases wherein purported dual responsibility is vested with the BCCI for supervision of a constituent unit in compliance with a judgment of the constitutional courts of the country. Further, it is stated that in such cases it would not be permissible for the BCCI to form Committee or a Sub-Committee of members outside the fold of the BCCI as the same would again be in contravention of the orders of the court.

6. It is submitted that there is no breach of Rules 38(4)(f) and 38(4)(k) of the BCCI Constitution. As stated above the Committee and Sub-Committee has been formed over the JKCA pursuant to the directions of the Hon'ble High Court and therefore, there exists no question of any conflict in this regard. It is submitted



that the Committee/Sub-Committee formed for JKCA by the BCCI is not a Standing Committee under the BCCI Constitution and therefore, the provisions of the BCCI constitution do not come into play at all. Hence, the allegations of the complainant are completely void of any merits.

7. Further, as to allegation of the complaint that members of Sub-Committee of the JKCA have also breached the conflict provisions under the BCCI Constitution, inasmuch as Mr. Mithun Manhas and Mr. Sunil Sethi are Sub-Committee members, and Mr. Sunil Sethi is also a legal service provider to the BCCI resulting in breach of Rule 38 (1) (i), Rule 38 (4) (n) and Rule 38 (4) (m) of the BCCI Constitution. It is pointed out that Mr. Sunil Sethi is a Senior Advocate of the High Court and not the standing counsel of BCCI before Jammu and Kashmir High Court and he has conducted matters on BCCI's behalf as and when engaged by BCCI. Complainant's allegations that Mr. Sethi is in breach of Rule 38 (4) (n) and Rule 38 (4) (m) is false and baseless as Mr. Sethi is neither BCCI's service provider nor Office Bearer of a Member.
8. As to allegation by the complainant that Mr. Mithun Manhas has breached the BCCI conflict provisions by breaching Rule 38 (4) (n), Rule 38 (4) (m) and Rule 38 (4) (k). It is pointed out that Mr. Manhas is a member of Sub-Committee formed under the directions of the Hon'ble Jammu and Kashmir High Court and not a member of Standing Committee or an Office Bearer of a Member. Therefore, the allegations in this regard are also meritless.
9. I have considered the complaint. The complaint is devoid of substance and does not fall within the purview of Rule 38, as the Committee has been formed



under the directions of the Court in LPAW No. 14/2019 (LPA No. 43/2019), decided on 23.03.2021, by the Jammu and Kashmir High Court, the said committee has formed a Sub-committee for the management of the Jammu and Kashmir affairs till the election is made.

10. Rule 38 of the BCCI Rules is not applicable to a Committee nor 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, Committee or Sub-committee appointed by the BCCI for the time being till the elections are held, Rule 38 of the BCCI Rules is not attracted. Moreover, there is no conflict of interest culled out role as a member of Committee or Sub-committee by the complainant in the complaint.

11. Rule 38 of the Rules of BCCI is produced hereunder:

“Rule 38. CONFLICT OF INTEREST

5. 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 probables 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.

6. 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.

7. 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.

8. 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
9. As far as incumbents are concerned, every disclosure mandated under Sub-Rule (3) may be made within 90 days of the Effective Date.”

12. 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)

13. The question 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.”

14. In the case the posts held do not fall in the purview of Rule 38. A standing Committee is different from a court directed Committee which has been formed.



- 15.** 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 under Rule 38, so as to make it a case of conflict of interest.
- 16.** Case is also not covered under Rule 38(4). A Committee or Sub-committee appointed under orders of court is outside purview of Rule 38, it is plural body to look after management in the interregnum period till duly elected body is constituted. It is not standing committee envisaged under Rule 38 (4). Rule 38 (4) applies to an individual. On facts of case of conflict of interest is not made out.
- 17.** It has not been set out how by holding the two posts simultaneously at a give point of time give rise to conflict of interest.
- 18.** The complaint has no merit, same deserves to be and is hereby dismissed.

Dated: 25.07.2025



(Justice Arun Mishra)
Ethics Officer, BCCI