

**MINUTES OF THE MEETING OF THE COMMITTEE OF ADMINISTRATORS
HELD ON 17TH JULY 2018 AT HOTEL ITC MAURYA, NEW DELHI**

Mr. Vinod Rai – Chairman
Ms. Diana Edulji
Mr. Rahul Johri – BCCI CEO
Mr. Ajit Singh – BCCI ACU Head
Ms. Karina Kripalani – BCCI Legal Advisor
Ms. Prabhjyot Chhabra – BCCI Legal Advisor
Mr. Indranil Deshmukh (Cyril Amarchand Mangaldas)
Mr. Adarsh Saxena (Cyril Amarchand Mangaldas)
Ms. Rachyeta Shah (Cyril Amarchand Mangaldas)

The COA noted that it had called Mr. Atul Kumar and Mr. Shantanu Guha Ray for a meeting at 10.30 am and decided that it would discuss the subject-matter of the said meeting internally before Mr. Kumar and Mr. Ray are called in.

ITEM 3: LEGAL MATTERS

- A. Meeting with Mr. Atul Kumar: Order dated 7th May 2018 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 1163 of 2017 filed by Mr. Atul Kumar & Anr.
1. The COA went through the suggestions/ inputs of Mr. Atul Kumar as contained in the note circulated by him vide his email dated 13th July 2018 (“**Note**”).
 2. It was discussed that the COA is meeting Mr. Kumar and Mr. Ray because the Hon'ble Supreme Court has, vide its order dated 7th May 2018, directed the COA to file its report on the issues raised in the Writ Petition (Civil) No. 1163 of 2017 filed by Mr. Kumar and Mr. Ray before the Hon'ble Supreme Court (“**Writ Petition**”). It was noted that this meeting has been arranged after providing Mr. Kumar with relevant information pertaining to BCCI's existing systems for dealing with corruption, in order to obtain the views of Mr. Kumar and Mr. Ray on the subject.

The COA decided to take up other items before proceeding with the meeting with Mr. Atul Kumar and Mr. Shantanu Guha Ray.

ITEM 1: CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COMMITTEE OF ADMINISTRATORS HELD ON 18TH MAY 2018 & MATTERS ARISING OUT OF PREVIOUS MINUTES



A. Confirmation of Minutes of the COA Meeting held on 18th May 2018

1. The COA perused the draft minutes of the COA meeting held on 18th May 2018 and confirmed the same.
2. The COA decided that the Chairman shall sign the minutes after which the signed minutes should be put up on the BCCI website in the interests of transparency.

B. Press Release Notifying Schedule for 2018-2019 Domestic Season

1. The COA recalled the discussions during the previous COA meeting held on 27th June 2018 where the COA had decided that a press release may be issued notifying the schedule for the 2018-2019 domestic season in terms of the format approved by the COA. The COA was informed that although the said press release was ready, it has to be issued in the name of the Acting Secretary and the approval of the Acting Secretary on the same is still awaited despite the press release having been sent to the Acting Secretary on 11th July 2018 for his approval.
2. It was also discussed that there should not be any delay in the issuance of the press release as the State Associations need to have this information in order to commence their preparations for the domestic season. It was further discussed that it is also in the interests of the players that this be released without delay. It was observed that with the inclusion of 9 new teams, the number of matches has increased to approximately 2000 and therefore, to take care of logistics, it is important that the State Associations have the schedule of matches well in advance.
3. After some further discussion, the COA authorised the CEO to issue the press release in relation to the domestic match schedule.

ITEM 6: ADMINISTRATIVE MATTERS

A. Executive Assistant for the Acting President

1. The COA was informed that (i) the earlier Executive Assistant to the Acting President had tendered his resignation effective from 25th June 2018 and the Acting President has appointed a new Executive Assistant in his place, (ii) was informed of the salary payable to her, as agreed by the Acting President, and (iii) her appointment is to be co-terminus with that of the Acting President. The COA was informed that the Acting President had not provided the educational/ professional qualifications of the person proposed to be appointed as his new Executive Assistant, which is a requirement for all employees of BCCI.
2. After some further discussion, the COA approved the appointment of the new Executive Assistant to the Acting President subject to the Acting President providing

the educational/ professional qualifications of the said person as well as all other details/ information that other employees of BCCI are required to provide.

At this juncture, COA decided that it was 10.30 am, Mr. Atul Kumar and Mr. Shantanu Guha Ray should be called into the meeting.

ITEM 3: LEGAL MATTERS (CONTINUED)

Mr. Atul Kumar & Mr. Shantanu Guha Ray joined the meeting.

A. Meeting with Mr. Atul Kumar: Order dated 7th May 2018 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 1163 of 2017 filed by Mr. Atul Kumar & Anr. (Continued)

1. The Chairman welcomed Mr. Atul Kumar and Mr. Shantanu Guha Ray to the meeting and invited them to brief the COA on the subject matter of the Writ Petition.
2. Mr. Ray said that over the last few years, Mr. Kumar has become increasingly concerned about the state of the game of cricket, specifically in relation to the rampant corruption that plagues the game. Mr. Ray himself shares this concern and that was the reason for the Writ Petition having been filed in the Hon'ble Supreme Court. He further stated that they are thankful that the Hon'ble Supreme Court thought it fit that the COA should take up this matter. He then requested Mr. Kumar to brief the COA on the substance of the Writ Petition.
3. There was a detailed discussion between Mr. Kumar, Mr. Guha, Mr. Ajit Singh and the COA on the ways in which corruption in cricket can be tackled. Various suggestions made by Mr. Kumar and Mr. Guha in this regard were part of the said discussion.
4. At the end of the said discussion, the Chairman thanked Mr. Kumar and Mr. Ray for their inputs/ suggestions and informed them that their suggestions would be taken into consideration while preparing the report to be submitted by the COA to the Hon'ble Supreme Court.

Mr. Atul Kumar and Mr. Shantanu Guha Ray left the meeting.

5. There was further discussion between the COA and Mr. Ajit Singh regarding the contents of the Writ Petition. It was discussed that the ACU needs to be considerably strengthened in order for BCCI to effectively tackle corruption in cricket.
6. After some further discussion, the COA decided that:

(a) A proposal for strengthening the ACU should be placed before the COA; and

- (b) A draft report should be prepared after taking into consideration the Note submitted by Mr. Kumar, the discussions during the meeting today and such other relevant material as may be appropriate. The draft report should thereafter be circulated to the COA for its consideration.

ITEM 2: IMPLEMENTATION OF REFORMS AND MATTERS RELATING THERETO

A. Update on Matter before the Hon'ble Supreme Court

1. The COA was briefed on what had transpired during the hearing before the Hon'ble Supreme Court on 5th July 2018. The COA was informed that the Hon'ble Supreme Court has reserved its judgment on the issue of finalization of the new Memorandum of Association and Rules and Regulations of BCCI as per the LC Report ("**New BCCI Constitution**") and indicated that it is likely to make certain changes to the judgment dated 18th July 2016 ("**Judgment**").
2. The COA was informed that the Hon'ble Supreme Court had separately directed that as an interim measure, no High Court should entertain any application for appointment of administrators for State Associations on the basis of the COA's communication dated 21st May 2018. However, the Hon'ble Supreme Court had also directed that no State Association should conduct elections in the meantime, which affirms the COA's stand on the issue.
3. The COA noted that various proceedings are pending before High Courts and discussed the stance to be adopted by the BCCI in the following pending proceedings:
 - (a) Petition against Goa Cricket Association filed in Bombay High Court at Goa;
 - (b) Petition against Madhya Pradesh Cricket Association filed in Madhya Pradesh High Court at Indore;
 - (c) Petition against Andhra Cricket Association filed in the High Court at Hyderabad;
 - (d) Petition against Baroda Cricket Association filed in the Gujarat High Court at Ahmedabad;
 - (e) Petition against Maharashtra Cricket Association filed in the Bombay High Court at Mumbai;
 - (f) Petition against Kerala Cricket Association filed in the Kerala High Court at Ernakulam/ Kochi; and



(g) Petitions against Punjab Cricket Association filed in the Punjab & Haryana High Court at Chandigarh.

4. The COA also noted that an administrator has already been appointed in the case of Mumbai Cricket Association, Hyderabad Cricket Association and Jammu & Kashmir Cricket Association.

B. Review of the Infrastructure Subsidy Rules

1. The COA was informed that BCCI has certain rules relating to payment of Infrastructure Subsidy to State Associations ("**Infrastructure Subsidy Rules**") for certain expenditure of capital nature such as construction of stadium, etc. The COA's attention was drawn to the report of the Hon'ble Justice Lodha Committee ("**LC Report**") and it was pointed out that the same requires BCCI to encourage State Associations to (i) have as many cricket grounds and fields instead of multiple stadia, which would enable greater usage and access to greater number of players; (ii) convert existing grounds and fields into turf wickets so that international standard facilities are made available; and (iii) to make existing stadia amenable to other sports by providing for alternate surfaces to be laid so that income may be generated and there would be all round development of sport.

2. The COA was informed that since the Infrastructure Subsidy Rules do not contain any provision to the effect that a State Association which already has a stadium will not be given any infrastructure subsidy for a second stadium, the COA needs to consider whether such a stipulation should be introduced in light of the aforementioned portion of the LC Report and, if so, whether the same should be made applicable only prospectively. It was discussed that State Associations may have already incurred expenditure towards a second stadium based on the existing Infrastructure Subsidy Rules and it may be unfair to reject their claims on the basis of a stipulation (if any) which is now introduced by the COA.

3. It was also discussed that in decided on the above issue the COA should take into account the fact that the LC Report does not specifically and absolutely prohibit grant of funds to a State Association for construction of a second stadium but merely requires BCCI to 'encourage' State Associations to 'have as many cricket grounds and fields instead of multiple stadia, which would enable greater usage and access to greater number of players'. It was observed that if this is read as an absolute prohibition, it will also be mandatory for State Associations to 'make existing stadia amenable to other sports by providing for alternate surfaces to be laid so that income may be generated and there would be all round development of sport'.

4. The COA noted that one of the points for implementation outlined by the Hon'ble Justice Lodha Committee in the timelines for implementation which forms subject



matter of the First Status Report submitted by the COA is to frame a policy for fund disbursements among Members of BCCI and this aspect needs to be covered in the said policy.

5. After some further discussion, the COA decided that:
 - (a) the relevant portion of the LC Report which requires BCCI to encourage State Associations to have as many cricket grounds and fields instead of multiple stadia cannot be read as an absolute prohibition on disbursing funds to State Associations for construction of a second stadium; and
 - (b) the issue of whether policy for fund disbursements among Members of BCCI should contain a provision to the effect that funds shall not be disbursed to a Member for construction of a second stadium will be taken up at a later stage.

C. Way Forward for the Uttarakhand Cricket Consensus Committee

1. The COA discussed the issue of who should be the nominee of the Uttarakhand Cricket Association (“UCA”) to the Uttarakhand Cricket Consensus Committee (“UCCC”) and noted the email dated 7th July 2018 addressed by the COA to the UCA whereby it had accepted the nomination of Mr. Ram Sharan Nautiyal as the nominee of the UCA on the UCCC. The COA also noted that it had subsequently received a communication dated 9th July 2018 from Advocate Mr. Prashant Kumar on behalf of six members of the UCA requesting that the decision to accept the nomination of Mr. Ram Sharan Nautiyal as the UCA’s nominee on the UCCC be recalled for the reasons stated in the said communication dated 9th July 2018.
2. It was discussed that the allegations contained in the aforesaid communication dated 9th July 2018 need to be adjudicated by an appropriate forum before they can be acted upon and the Committee of Administrators is not the appropriate forum to determine the said allegations which pertain to the internal affairs between members/ directors of the UCA. The COA noted that while the Company Petition filed by the six members of the UCA before the National Company Law Tribunal at Allahabad (“NCLT”) challenges the induction of various directors (including those who attended the meeting of the Board of Directors of the UCA held on 20th June 2018), the said Company Petition does not challenge the status of the 9 directors who were unable to attend the said meeting as they are not parties therein and these 9 directors have addressed communications in support of Mr. Ram Sharan Nautiyal’s nomination as the UCA’s nominee on the UCCC. The COA also noted that the NCLT has earlier passed an order stating that all decisions passed by the Board of Directors of the UCA would be subject to further orders of the NCLT.
3. After some further discussion, the COA decided that:



- (a) The COA should send an email clarifying that the nomination of Mr. Ram Sharan Nautiyal as the UCA's nominee on the UCCC has only been accepted provisionally, i.e. subject to any subsequent order/ final decision of the NCLT; and
- (b) the COA should notify the constitution of the UCCC at the earliest by sending an email to all concerned after which the CEO should convene the first meeting of the UCCC.

ITEM 3: LEGAL MATTERS (CONTINUED)

B. Update on Dispute with Pakistan Cricket Board

1. The COA was briefed on the status of the dispute with the Pakistan Cricket Board and the need to lead evidence in the matter.
2. After some further discussion, the COA issued necessary instructions in relation to following up on earlier requests for assistance and filing of witness statements.

C. Letter dated 12th July 2018 from Mr. N. Srinivasan

1. The COA noted the letter dated 12th July 2018 addressed by Mr. N. Srinivasan to the COA seeking to be indemnified by BCCI in relation to the adjudication proceedings initiated against the BCCI by the Enforcement Directorate in connection with the 2009 IPL Tournament.
2. After some further discussion, the COA decided that CAM Team should prepare and circulate drafts of (i) the respective communications from the COA to Mr. N. Srinivasan and Mr. M. P. Pandove; and (ii) the respective undertakings to be signed by Mr. N. Srinivasan and Mr. M. P. Pandove.

D. Email dated 11th July 2018 from Tamil Nadu Cricket Association

1. The COA noted the email dated 11th July 2018 from Tamil Nadu Cricket Association ("TNCA") seeking permission to allow outstation players to participate in the third edition of the Tamil Nadu Premier League ("TNPL").
2. The COA was also informed that despite the BCCI having made it clear that no outstation players are permitted to participate in the TNPL and despite the hearing before the Hon'ble Supreme Court on the subject, there are reports of one player from Kerala playing in the TNPL.
3. After some further discussion, the COA decided that:



- (a) it will respond to the TNCA's email dated 11th July 2018 stating that since the policy/ practice of not permitting outstation players to participate in T20 tournaments conducted by State Associations has been consistently applied/ enforced since 2009, any departure from and/or modification to the said policy/ practice should only be done by the appropriate forum after the recommendations of the Hon'ble Justice Lodha Committee as accepted/ modified by the Hon'ble Supreme Court have been implemented and structures/ processes in terms thereof (which are designed to ensure that all stakeholders' interests are duly considered in decision-making) have been put in place; and
- (b) it will separately send an email to the concerned player, the KCA and the TNCA seeking an explanation regarding the participation of the said player in the TNPL despite being registered with the KCA.

E. Decision dated 10th July 2018 from Central Information Commission

1. The COA's attention was drawn to the order dated 10th July 2018 passed by the Central Information Commission ("CIC") directing BCCI to explain why the CIC should not declare BCCI as a public authority. The COA was informed that this order has been passed in the matter of Geeta Rani v. Public Information Officer, Ministry of Youth Affairs and Sports, wherein the Central Public Information Officer had taken the stand that BCCI has not been declared as a public authority and accordingly, the application filed by Geeta Rani under the Right to Information Act, 2005 ("RTI Act") cannot be transferred to BCCI and the said decision had been upheld by the Appellate Authority. The decision of the Appellate Authority had then been challenged by Geeta Rani before the CIC.
2. The COA noted that the Madras High Court has, in the case of BCCI v. CIC (Writ Petition No. 20229 of 2013), taken the view that the issues raised in the said petition required to be considered taking into account the provisions of the RTI Act and the rules framed therein and stayed the proceedings vide its order dated 24th July 2018 pursuant to which the CIC was to decide the issue of applicability of RTI Act to BCCI.
3. It was discussed that BCCI has consistently taken the stand that it does not recognise the authority of the CIC over BCCI. The COA noted that BCCI had already sent a response to the CIC in July 2017 stating that while BCCI is committed to transparency, it is not covered under the RTI Act. In light of this, the Chairman observed that there is no reason to depart from this position.

ITEM 4: CRICKETING MATTERS

A. Lok Sabha Unstarred Question Diary No. 617



1. The COA's attention was drawn to the letter dated 13th July 2018 received from the Section Office (Parliament) ("**Letter**") seeking details in relation to the questions listed therein relating to payments made to players and stated that a response is to be sent to the questions at the earliest. It was discussed that BCCI should make full disclosure of all relevant details and give all factual details relating to the said payments. Further, the relevant resolutions passed by the Working Committee and at the Annual General Meeting of BCCI, should also be disclosed.
2. There was a detailed discussion on each of the specific questions contained in the Letter. The manner in which 'gross revenue' (out of which payments to players are made) is arrived at was explained to the COA. The COA was informed that the players are being provided with the payments in terms of the relevant rules/ regulations/ resolutions of BCCI. It was discussed that persons who are unaware of the relevant rules/ regulations/ resolutions of BCCI in this regard may be under the impression that players are not getting less than what they are entitled to (although this is not the case) because of the use of the term 'gross revenue' and that this can be avoided by using a more appropriate term such as 'net revenue'.
3. After further discussion, the COA decided that:
 - (a) A response on the basis of the above discussions should be sent to the Ministry of Youth Affairs and Sports;
 - (b) once the newly elected Apex Council is in place, it may consider appropriate changes in the relevant rules/ regulations/ resolutions of BCCI in order to give a clearer picture.

B. Update on Anti-Doping Matters

1. The COA was briefed on matters relating to anti-doping including the letter dated 4th July 2018 from the World Anti-Doping Agency ("**WADA**") to the COO of the International Cricket Council ("**ICC**"), where WADA has indicated that ICC's non-compliance should be addressed by 4th October 2018. This letter was forwarded to BCCI vide email dated 5th July 2018, wherein ICC has expressed its expectation that there would be progress made by BCCI towards working with the National Anti-Doping Agency ("**NADA**"), failing which ICC would be constrained to bring this to the attention of the ICC's Chief Executives Committee ("**CEC**") and the ICC's Board of Directors ("**Board**") in the upcoming October meetings.
2. There was a detailed discussion on the issue after which the COA decided that the CEO should brief the office bearers on the issue and inform the ICC that BCCI is considering the matter, which will take some time.



ITEM 5: FINANCE MATTERS

A. Submission of audited accounts to ICC for FY 2016-17

1. The COA's attention was drawn to the email dated 12th July 2018 from the ICC in relation to distribution of payments to the ICC members. The ICC has indicated that payment would be disbursed on receipt of BCCI's audited financial statements for FY 2016-17. The COA was informed that although BCCI's financial statements for FY 2016-2017 have been audited, they have not been approved and passed at an Annual General Meeting ("AGM") of BCCI. In the circumstances, the COA's views were sought as to whether the BCCI's audited financial statements for FY 2016-17 can still be sent to the for the release of these funds.
2. It was discussed that ICC only requires audited financial statements and therefore the same may be sent to ICC. After some further discussion, the COA decided that BCCI should send BCCI's audited financial statements for FY 2016-17 to ICC with a copy to the office bearers of BCCI.

ITEM 6: ANY OTHER MATTERS

A. Arbitration proceedings against Sahara Adventure Sports Limited

1. The COA was briefed on the stage at which the arbitration proceedings have reached and the persons whom BCCI would need to reach out to to provide assistance, and where appropriate, evidence in the matter.
2. After some further discussion, the COA decided that requests to the aforementioned persons should be issued with a copy to the COA.

B. Appointment of General Manager – Marketing

The COA discussed the need for recruiting a person for the position of General Manager – Marketing and decided that that this can be considered once a proposal is placed before the COA.

C. Acting Secretary's Travel to Bhutan

1. The COA discussed the email dated 4th July 2018 from the Acting Secretary in response to the email dated 21st June 2018 addressed to him by the COA (whereby the Acting Secretary had been directed to provide the requisite details/ information in relation to the visit to Bhutan undertaken by the Acting Secretary along with his Executive Assistant).

2. After discussion, the COA decided that a response should be sent to the email dated 4th July 2018 received from the Acting Secretary seeking explanation for not seeking the prior approval of the COA for the visit to Bhutan and for taking unilateral decisions on behalf of BCCI without consultation/ approval of the COA.

D. Replacement of ICC Champions Trophy with ICC World Twenty20

1. The COA expressed concern regarding reports in the media in relation to the replacement of ICC Champions Trophy 2021 with ICC World Twenty20.
2. The COA was informed that the ICC board in April 2018 has already replaced ICC Champions Trophy 2021 with ICC World Twenty20.
3. After some discussion, the COA decided that BCCI should seek a clarification regarding any financial impact of the said replacement.

E. Letter to Auditor

1. The COA was informed that BCCI needs to appoint auditors to commence audit for financial year 2017-2018 to comply with statutory audit requirements. However, as the AGM of BCCI for the year 2017-2018 has not been held as yet, this has not been done. It was discussed that the existing auditors should be requested to commence the audit process. For this purpose, the existing auditors, M/s. Deloitte Haskins & Sells LLP, Chartered Accountants (Firm Regn. No. 117366W/W-100018) (“**Deloitte**”) have requested for a letter asking them to commence the audit process.
2. After some further discussion, the COA decided that the draft letter to be issued to Deloitte (as requested by them) be circulated to the office bearers for their views.

Mr. Deshmukh, Mr. Saxena, Ms. Shah, Ms. Chhabra and Ms. Kripalani left the meeting.

F. Appraisals

1. The COA considered the recommendations for increments in compensation of the employees of BCCI made by the heads of departments and the CEO.

Meeting concluded.

