

DIRECTIONS ISSUED BY THE COMMITTEE OF ADMINISTRATORS

- A. The BCCI's Memorandum of Association and Rules & Regulations dated 21st August 2018 ("**BCCI Constitution**"), as approved by the Hon'ble Supreme Court of India *vide* its judgment dated 9th August 2018, has been registered and has taken effect. Chapter Eight of the BCCI Constitution deals with Transparency and Conflict of Interest and makes detailed provisions for dealing with Conflict of Interests. The said provisions require an Ethics Officer to be appointed to determine and decide issues relating to Conflict of Interest. Rule 39(1) of the BCCI Constitution states as follows:

"The BCCI shall appoint an Ethics Officer at the Annual General Meeting for the purpose of guidance and resolution in instances of conflict of interest. The Ethics Officer shall be a retired Judge of a High Court so appointed by the BCCI after obtaining his/her consent and on terms as determined by the BCCI in keeping with the dignity and stature of the office. The term of an Ethics Officer shall be one year, subject to a maximum of 3 terms in office."

- B. In the Tenth Status Report dated 28th October 2018 submitted by the Committee of Administrators of the BCCI before the Hon'ble Supreme Court, a prayer was made seeking appropriate directions appointing and/or enabling the appointment of an Ethics Officer for the BCCI. No order has yet been passed by the Hon'ble Supreme Court in this behalf.
- C. Since transparency and measures to avoid conflict of interest are important aspects of the reforms process, there is a need for an Ethics Officer to be appointed at the earliest, so that the provisions relating to conflict of interest under the BCCI Constitution be implemented immediately and complaints/references relating to conflict of interest can be considered and addressed by a duly qualified person.
- D. In light of the aforesaid requirement, the Committee of Administrators addressed an email dated 12th March 2019 to the Ld. Ombudsman of the BCCI, the Hon'ble Mr. Justice D.K. Jain (retd.), *inter alia* requesting him to consider if he would be willing to assume the role and discharge the functions of the BCCI Ethics Officer, in addition to his role as the BCCI Ombudsman, as a *pro tem* measure till such time that an Ethics Officer is appointed.
- E. In response to the aforesaid email, the Ld. Ombudsman *vide* his letter dated 21st March 2019 sent to the Committee of Administrators has expressed his willingness to discharge the functions of the BCCI Ethics Officer as an *ad hoc* arrangement in addition to his duties as the Ombudsman of the BCCI.

Accordingly, with a view to ensure that the measures for avoidance of conflict of interest are implemented immediately and complaints/references relating to conflict of interest can be considered and addressed and as such the affairs of the BCCI are carried out in accordance with

the BCCI Constitution until an Ethics Officer is appointed, the Committee of Administrators considers it necessary to issue the following directions:

The Ld. Ombudsman of the BCCI, the Hon'ble Mr. Justice D.K. Jain (retd.), shall discharge the functions of the BCCI Ethics Officer, in addition to his role as the BCCI Ombudsman, as an *ad hoc* arrangement till such time that an Ethics Officer is appointed.

Issued By:

The Supreme Court Appointed Committee of Administrators

Dated: 28 March 2019