

Right to Information and Good Governance

Professor Sairam Bhat

Professor of Law

National Law School of India University, Bengaluru

Lecture 45

Public Authority - XIII

(Refer Slide Time: 00:14)



Whether BCCI is a PA?

- CIC in its order in 2018 brought back BCCI as PA under RTI Act.
- The CIC held that the SC has also reaffirmed that the BCCI is the 'approved' national-level body holding virtually monopoly rights to organize cricketing events in the country." Citing the Law Commission report, he said it not only affirmatively recognized the economic (monopoly) nature of the BCCI acting as a sports federation for cricket but also outlined the power and ability of such a body to impact the human rights of athletes and potential athletes.
- Hence despite no substantial funding, it was held to be a PA.

National Law School of India University Bengaluru



In fact, while we consider this CIC order on BCCI, in 2018 the Law Commission of India, which was then chaired by Justice BS Chauhan submitted its report in April 2018, examining whether the BCCI is covered under the Right to Information Act. And they notice that while BCCI is a registered society, it is a central governing body for regulating cricket in India, which includes selecting the national team for international cricket tournaments.

And the report also acknowledges the Supreme Court directive in July 2016 that the Supreme Court had noted that the BCCI discharges public functions, and (asked) had asked the Law Commission to examine whether the BCCI will fall within the ambit of the Right to Information Act. Now, while submitting the Law Commission report, the Law Commission said something like this and these are very important pertinent points to examine whether BCCI is a public authority or not.

First and the foremost, the Law Commission states in its report saying that the BCCI has state like nature. It is like a state. And it controls the policy formulation relating to cricket in India it. So, it frames the policy in relation to cricket. And the Commission says that it is a state agency, though autonomous and registered as a society, it acts like a state agency. So, having state like nature, the BCCI should be a public authority.

Second, they say that the BCCI is concerned with lot of human rights issues, (especially) especially of sportsmen who are in the game of cricket. Such as you know it could be in relation to betting, it could be violence, discrimination, so on and so forth. So interestingly, there are human right issues, and there are employment issues, there are contractual issues, there are issues about banning a cricketer for life, like in the Azharuddin's case or in the case of Sreeshant.

And hence, the BCCI deals with human rights of players, of spectators, of say affiliating bodies and institutions as well. Third, they say that, you know, whether BCCI receives substantial funding or not, must be perused by the fact that it receives tax concessions. So, it receives a lot of tax concession, both direct and indirect tax which actually helps BCCI in its functioning. If BCCI would not have received tax concessions, I think it would affect the very functioning of this body.

And hence, it has benefited from the tax concession for a long period of time which would entitle some kind of interpretation of the fact that it is getting funding from the government organizations. Also, the BCCI receives significant amount of subsidies on land in terms of construction of stadiums and in terms of construction of its cricket academy. And that should also be something that is in relation to finance of infrastructure. Also, the fact that some of the state cricketing federations like the Karnataka State Cricket Federation is a public authority.

So, when state bodies have been brought within the purview of Right to Information Act, why should not the central body be brought into the public, that is the third point in terms of

finance. The fourth point is the fact and the most important one is that it is a national sports federation. Now, while the other national sport federation including hockey or say for that matter Olympics and others, have been treated as public authorities, to bring in uniformity I think it is pertinent that the BCCI also be brought within that accountability and transparency regime under the RTI Act. What will this do? The Law Commission states that it will improve the quality of cricket. It will lay down policies relating to cricket in a transparent manner. The selection of the team will also represent an international standard in terms of ensuring transparency as well.

And interestingly, most national sporting federation receive around 10 lakh rupees from the government every year. And hence, while other national sports federations are covered under the Right to Information Act, BCCI should also be covered under the Right to Information Act. So, these were some of the interesting recommendations that the Law Commission gave regarding BCCI's coverage under the Right to Information Act in a report that was submitted in the year 2018.