

Under scrutiny: On BCCI status

There is little surprise in the [Law Commission of India recommendation](#) that the Board of Control for Cricket in India be brought under the purview of the Right to Information Act. Over the years, the popular expectation that India's cash-rich and commercially successful apex cricket body will have to make itself more transparent and accountable has been rising. While the BCCI is a private body that needs no financial help from the government, it is being increasingly recognised that it performs significant public functions. Even though a five-judge Bench of the Supreme Court in 2005 held by a 3-2 majority that the BCCI could not be termed an instrumentality of the 'State' under Article 12 of the Constitution, subsequent developments have ensured that the public character of its functioning is widely recognised. In recent years, especially against the backdrop of the betting scandal that hit the Indian Premier League tournament a few years ago, the view that the cricket board is functioning in an opaque manner and not entirely in the game's interest has gained ground. The Supreme Court's intervention led to the constitution of the Justice R.M. Lodha Committee, which recommended sweeping reforms in the board's structure and the rules governing its administration. Many believe that implementing these reforms at both national and State levels would impart greater transparency in its functioning and lead to an overhaul of cricket administration in the country. The apex court also reaffirmed the public character of the BCCI's functions.

The Lodha Committee recommended that the board be treated as a public authority under the RTI Act, and the Supreme Court wanted the Law Commission to examine this suggestion. The Central Information Commission favoured the idea. The Union government has on different occasions maintained that the BCCI is a 'national sports federation' and, therefore, an entity that falls under the RTI Act's ambit. However, the BCCI is not one of the national federations listed on the website of the Ministry of Youth Affairs and Sports. Summing up its reasoning, the Law Commission has taken into account "the monopolistic nature of the power exercised by BCCI, the de facto recognition afforded by the Government, the impact of the Board's actions/decisions on the fundamental rights of the players, umpires and the citizenry in general" to argue that the BCCI's functions are public in nature. The board gets no financial help directly, but the commission has argued that the tax and duty exemptions and land concessions it got would amount to indirect financing by the state. A relevant question may be whether its autonomy would suffer as a result of being brought under the RTI. It is unlikely: other national federations are under the RTI and there is no reason to believe it would be any different for the BCCI. In fact, as a complement to the structural revamp, it may redound to the game's interest.

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