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### **Sports in India: Justice R.M. Lodha Committee Report**

The Supreme Court Appointed Justice R.M. Lodha Committee comprising of Justice Rajendra Mal Lodha (Retired Chief Justice, Supreme Court of India) along with Justice Ashok Bhan and Justice R.V. Raveendran (also retired Judges, Supreme Court of India) had its genesis in two Public Interest Litigations filed before the Bombay High Court, being PIL No. 55 of 2013 and PIL No. 107 of 2013 filed by the Cricket Association of Bihar.

In PIL No. 55 of 2013, the Petitioner had sought a writ of mandamus for directions to the Board of Control For Cricket in India (Respondent No. 1) to recall its order for constituting a probe panel comprising two retired judges of the Madras High Court for enquiring into the allegations of betting and spot fixing in the IPL and further sought reconstitution of the probe panel comprising of retired judges of the Bombay High Court and continuous court monitoring. The first relief, namely the setting aside of the existing probe panel was granted by the Bombay High Court vide its order dated 30.07.2013. The Bombay High Court however, declined to grant the second relief seeking reconstitution of the probe panel with retired judges of the Bombay High Court. Against the said decision, the Respondent No. 1 preferred Civil Appeal No. 4235 of 2014 before the Supreme Court of India.

In PIL 107 of 2013, the Petitioner has sought exclusion of the words "excluding events like IPL or Champions League Twenty20" from Regulation 6.2.4 of Regulations for Players, Team Officials, Managers, Umpires and Administrators which had been introduced

through an amendment introduced in AGM conducted on 27.09.2008.<sup>1</sup> The said PIL was dismissed by the Bombay High Court vide its order on 11.11.2014. Against this, the Respondent No. 1 had preferred Civil Appeal No. 1133 of 2015.

That the focus presently would be the proceedings which arose out of Civil Appeal No. 4235/2014. The said Civil Appeal was listed along with Civil Appeal No. 4236/2014 and Civil Appeal No. 1133 of 2015 which was heard together and disposed off by the Hon'ble Supreme Court on January 22, 2015.

Para 110 of the said judgment contains the operative portion whereby a committee of three members was proposed to be set up and sub-para (II), (III), (IV) and (VI) of para 110 set out the role and reach of the said committee.

Para 110 (II) and (III) was dealt with in the Interim Report of the Committee dated 20.07.2015 with the contents of para 110 (IV) was covered in a detailed manner in the final report.

In the Interim Report dated 20.07.2015, the Supreme Court appointed Committee found that there was reasonable grounds to suspend the Franchises, i.e. Chennai Superkings (Team Owner: Mr. Gurunath Meiyappan) and Jaipur IPL Cricket Ltd. (Team Owner: Mr. Raj Kundra) for a period of two years and had further imposed suspensions for life on Mr. Gurunath Meiyappan and Mr. Raj Kundra respectively. The Committee had further directed that the respective team owners would be ineligible to participate in any cricketing activities for a period of 5 years.

That thereafter, the Supreme Court appointed Committee submitted its final report on January 04, 2016. In the said Report, a number of far reaching changes were set out which were meant for the holistic betterment of the sport of cricket.

A number of aspects were covered by the Committee including governance and management of the IPL, which was launched pursuant to a decision of the BCCI held on 13.07.2007.

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<sup>1</sup> Regulation 6.2.4: No Administrators shall have, directly or indirectly any commercial interest in the matches or events conducted by the Board **excluding events like IPL or Champions League Twenty20.**

The Recommendations of the Supreme Court appointed committee is set out below for the sake of convenience:-

**1. Membership - 'One State, One Vote'**

Only cricket Associations representing the States would have voting rights as Full Members of the Board, thereby ensuring equality among the territorial divisions. Any other existing members would be Associate Members.

**2. Zones - 'Zones for Tournaments alone'**

The Zones would be relevant only for the purpose of the tournaments conducted amongst themselves, but not for nomination to the governance of the Board or to the various Standing Committees.

**3. State Associations - 'State Associations - Uniformity in Structure'**

The Associations that are the Members would necessarily have to restrict the tenures of office bearers and prescribe disqualifications, do away with proxy voting, provide transparency in functioning, be open to scrutiny and audit by the BCCI and include players in membership and management. They would also have to abide by the conflict of interest policy prescribed by the Board, and divorce the Association from the social club, if any.

**4. Office Bearers - 'Limited Tenures & Cooling Off'**

While all the existing office bearers (President, Vice- President, Secretary, Treasurer and Joint Secretary) are retained in honorary positions, the number of Vice Presidents is pruned from five to one. Their duties have been realigned. The President is shorn of his say in selections. The additional vote for the President at meetings is deleted. The terms of these Office Bearers continue to be of 3 years, but with a maximum of 3 such terms regardless of the post held, with a cooling off period after each such term.

## **5. Governance - 'Governance separated from management'**

The 14 member Working Committee is replaced by a 9 member Apex Council (with one-third independent members) consisting of the Office Bearers of the BCCI, an elected representative of the General Body, two representatives of the Players Association (one man and one woman) and one nominee from the C&AG's office. Terms of eligibility and disqualification are specified with a bar on Ministers and government servants.

## **6. Management - 'Professionalism in management'**

Professionalism is brought in by introducing a CEO with strong credentials assisted by a team of managers to handle non cricketing affairs. The large number of Standing Committees and Sub-Committees created by the BCCI has been reduced to two essential ones that would advise the CEO with reference to tours, technical aspects and tournaments. The selection, coaching, performance evaluation and umpiring are to be handled by Cricket Committees manned only by former professionals. Specific provisions have been made to encourage cricket for women and the differently-abled.

## **7. The IPL - 'Limited Autonomy for IPL'**

The Governing Council of the IPL is reduced to 9, but includes 2 representatives of the Franchisees and nominees of the Players' Association and the C&AG's office.

## **8. Players - 'A voice for Players'**

There shall be a Cricket Players' Association affording membership to all international and most first class men and women retired cricketers. This Association shall discharge assigned functions with the financial support of the BCCI. It shall be brought into existence by an independent steering committee.

## **9. Agents - 'Arms length for agents'**

Players' interests are protected by ensuring that their Agents are registered under the prescribed norms administered by the BCCI and the Players' Cricket Association.

## **10. Conflict of Interest- 'Avoidance of conflicts'**

Detailed norms have been laid down to ensure there is no direct or indirect, pecuniary or other conflict or appearance thereof in the discharge of the functions of those persons associated or employed by the BCCI, its Committees, its Members or the IPL Franchisees. These norms shall be administered by an Ethics Officer.

## **11. The Ombudsman and the Electoral Officer - 'Independent monitors'**

Provision has been made to have an independent ombudsman to resolve grievances of Members, Administrators, Players and even members of the public as per the procedures laid down. Similarly, an independent Electoral Officer to oversee the entire electoral process is also mandated.

## **12. Functioning - 'Transparency'**

The BCCI must provide the relevant information in discharge of its public functions. All rules and regulations, norms, details of meetings, expenditures, balance sheets, reports and orders of authorities are to be uploaded on the website as well.

## **13. Oversight - 'Accountability'**

An independent auditor to verify how the Full Members have expended the grants given to them by the BCCI, to record their targets and milestones, and to submit a separate compliance report in this regard.

#### **14. Betting & Match-fixing - 'Legalization for betting and Criminalization for match-fixing'**

A recommendation is made to legalize betting (with strong safeguards), except for those covered by the BCCI and IPL regulations. Also a recommendation for match/spot-fixing to be made a criminal offence.

#### **15. Ethics for Players - 'Awareness and sensitization'**

Provisions to be made for lectures, classes, handbooks and mentoring of young players.

#### **Conclusion:-**

Therefore, as can be seen above, from the extracts of the recommendations which have presently been placed before the Hon'ble Supreme Court of India, a number of far reaching and unique methodologies have been suggested and recommended by the Justice R.M. Lodha Committee. It is hoped that if the recommendations as set out above are implemented in their letter and spirit, the same would go a long way in protecting the interest of cricket and would also in certain respects, help other federations in streamlining their administration through uniform application of procedures. The involvement of a Apex Council, which would replace the erstwhile Governing Body, would reveal the intention of the Committee to propagate responsible administration by reducing the impact of bureaucracy in the sporting field. As set out in the Justice Lodha Report, involving players in the Apex Council would go a long way in understanding the issues that are faced by the individual players and entities such as Players Associations comprising of ex-cricketers, as set out in the Report would assist in quick understanding of issues that face cricketers and other athletes. It can be hoped that the recommendations of the Justice Lodha Committee can be equally applied to all sporting federations and is not by itself restricted to the sport of cricket.

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