

Law Commission Report Summary

BCCI vis-à-vis Right to Information Act, 2005

- The Law Commission of India (Chair: Justice B.S. Chauhan) submitted its report on April 18, 2018, examining whether the Board of Control for Cricket in India (BCCI) is covered under the Right to Information Act, 2005. The BCCI is a registered society. It is the central governing body regulating cricket in India, including selecting the national team for international cricket tournaments. The report follows the Supreme directive in July 2016 where the Court noted that the BCCI discharges public functions and asked the Commission to examine whether the BCCI would fall within the ambit of the Act.
- The report examined: (i) whether BCCI was a public authority falling under the Act, and (ii) whether high tax exemptions and provision of land at subsidised rates by the government, amounted to 'indirect substantial financing' by the government. The Commission concluded that BCCI exercised 'state-like' powers and that the Act should apply to BCCI.
- **'State-like' nature of BCCI:** The Commission noted that BCCI had a monopoly in regulating cricket. Further, it wielded 'state-like' powers since it controlled policy formulation related to cricket in the country. Therefore, it fell within the ambit of the Act. The Commission further recommended that BCCI be viewed as a state agency. As per the Constitution, a fundamental right can be enforced against a 'state' agency. Treatment of BCCI as a state agency would allow for such rights to be enforced against it.
- **Human rights violation:** The Commission noted that certain human rights violations have been identified in sporting events, (such as violence, discrimination, and human trafficking). It noted that all bodies, including private bodies, are accountable for human right
- violations. It recommended that BCCI, which performs public functions, should be held accountable under all circumstances for violation of basic human rights.
- **Substantial government financing:** Under the Act, a body owned, controlled, or substantially financed by the government is a public authority. The Commission noted that BCCI does not receive any direct financing from the central government. However, it noted that BCCI has received indirect assistance in the form of tax concessions (such as income tax and customs duty) and provision of land at heavily subsidised rates. The Commission observed that the government foregoes a significant amount of money by providing these concessions to BCCI, and by allowing the body to use its infrastructure. Therefore, BCCI receives substantial financing from the government.
- **National Sports Federation:** The Commission noted that the BCCI has not been designated as a National Sports Federation (NSF), but has been treated as one. This is because its stated objects include: (i) controlling and improving the quality of cricket in India, (ii) laying down policies relating to cricket in India, and (iii) selecting teams to represent India internationally. An NSF which receives funds of over ten lakh rupees from the government is covered under the RTI Act. The Commission observed that the central government has already been regarding the BCCI as an NSF.
- **Other bodies:** The Commission recommended that the Act be made applicable to BCCI along with all of its constituent member cricketing associations (such as state boards) which discharge similar functions as the BCCI.

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