



**REPORT  
OF  
THE SUPREME COURT COMMITTEE  
ON  
REFORMS IN CRICKET  
[Volume One – Report & Annexures]**

## **REPORT OF THE SUPREME COURT COMMITTEE**

As per the judgment and order of the Hon'ble Supreme Court dated 22<sup>nd</sup> January 2015, the Committee was to:

- i. Determine the punishment to be awarded to Mr.Gurunath Meiyappan, Mr.Raj Kundra and their Franchises;
- ii. Examine the role of Mr.Sundar Raman, and if found guilty, impose a suitable punishment; and
- iii. Recommend reforms in the practices and procedures of the BCCI and also amendments in the Memorandum of Association and Rules & Regulations.

The Committee by its order dated 14<sup>th</sup> July 2015 awarded punishment to the individuals and Franchisees as per direction (i) above. By way of a separate report also delivered today, the role of Mr.Sundar Raman as outlined in (ii) has been considered. The present Report deals with the aspects covered in direction (iii).

The Chairman and Members of the Committee express their gratitude to Mr. Gopal Sankaranarayanan, Advocate of the Supreme Court, who despite his professional commitments accepted the request to act as the Secretary of the Committee. The Committee highly appreciates the valuable contribution made by him in completion of this work.

The Committee would like to thank Mr.Justice Mukul Mudgal for sharing his vast expertise and knowledge on sports law.

The Sports Law & Policy Centre, Bengaluru has prepared its analysis on Comparative Governance Practices in Sports for the Committee, which has been of immense use and help to the Committee in understanding the nuances relating to sports governance.

The Committee thanks all those who appeared before it and also all those who could not meet the Committee and gave their useful inputs for reforms in the administration and working of the BCCI. The Committee acknowledges the assistance extended by the BCCI and its functionaries.

18<sup>th</sup> December 2015

R.M.LODHA  
[Chairperson]

ASHOK BHAN  
[Member]

R.V.RAVEENDRAN  
[Member]

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## GETTING OFF THE MARK

Cricket is a national sport that connects the people of India in a unique way. The Board of Control for Cricket in India ('BCCI') which administers the game in the nation, however, continues to be mired in one controversy after another. These include serious inaction regarding betting and match-fixing, frequent amendments to the rules to enable persons in power to perpetuate their control and promote their financial interests, permitting or enabling its office bearers, employees and players to do acts which clearly give rise to conflicts of interest which have no resolution mechanism, lack of transparency and accountability, failure to provide effective grievance redressal mechanisms and a general apathy towards wrongdoing. In addition, although the BCCI discharges public functions, its working is perceived as a closed door and back-room affair, not accountable to those who are affected by its decisions nor to those who matter most – the cricket fans.

At stake therefore are the faith, love and passion for the game of hundreds of millions of people.

### **The task at hand**

The Supreme Court has left us in no doubt about its grave concern about the place at which Indian cricket finds itself today. The “cloud over the working of the BCCI” has left followers of the game “worried and



deeply suspicious about what goes on in the name of the game” says the Court, before indicating the way forward for a sport that is not only a passion but a great unifying force, by adopting a “zero tolerance approach”, which can alone satisfy the cry for cleansing. It cannot also go unnoticed that while re-emphasizing that BCCI discharges public functions, the Court has referred to the tacit concurrence and support of the Central and State Governments in activities which create a monopoly over cricket.

The Supreme Court appointed Committee comprising of Justice R.M.Lodha, former Chief Justice of India, Justice Ashok Bhan, former Judge of the Supreme Court and Justice R.V.Raveendran, former Judge of the Supreme Court was mandated *inter alia* to examine and make suitable recommendations to the BCCI for reforms in its practices and procedures and necessary amendments in the Memorandum of Association and Rules & Regulations on the matters set out in Paragraph 109 of the judgment dated 22<sup>nd</sup> January 2015.<sup>1</sup> The Committee

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1 “109. The proposed Committee can also, in our opinion, be requested to examine and make suitable recommendations on the following aspects:

(i) Amendments considered necessary to the memorandum of association of the BCCI and the prevalent rules and regulations for streamlining the conduct of elections to different posts/officers in the BCCI including conditions of eligibility and disqualifications, if any, for candidates wanting to contest the election for such posts including the office of the President of the BCCI.

(ii) Amendments to the memorandum of association, and rules and regulation considered necessary to provide a mechanism for resolving conflict of interest should such a conflict arise despite Rule 6.2.4 prohibiting creation or holding of any commercial interest by the administrators, with particular reference to persons, who by virtue of their proficiency in the game of Cricket, were to necessarily play some role as Coaches, Managers, Commentators etc.

(iii) Amendment, if any, to the Memorandum of Association and the Rules and Regulations of BCCI to carry out the recommendations of the Probe Committee headed by Justice Mudgal, subject to such recommendations being found acceptable by the newly appointed Committee.





appointed Mr.Gopal Sankaranarayanan, Advocate of the Supreme Court to act as its Secretary.

The task assigned to the Committee is clear: recommend those changes in the Rules and Regulations of BCCI that will further the interest of the public at large in the sport of cricket, improve the ethical standards and discipline in the game, streamline and create efficiency in the management of the BCCI, provide accessibility and transparency, prevent conflicts of interest situations and eradicate political and commercial interference and abuse and create mechanisms for resolution of disputes and grievances. As the Supreme Court has reiterated that the BCCI is carrying out public functions – functions that govern the interests of the public – the necessary corollary is that BCCI is subject to the rigours of public law. This would mandate that it acts in line with the general principles of reasonableness and fairness, and also that it adheres to the basic principles of accountability and transparency.

In carrying out the assigned task, the Committee took the following steps:

- (a) Prepared and circulated a detailed Questionnaire (**Appendix-1**) to various key stakeholders, aficionados and patrons of the game. This

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(iv) Any other recommendation with or without suitable amendment of the relevant Rules and Regulations, which the Committee may consider necessary to make with a view to preventing sporting frauds, conflict of interests, streamlining the working of BCCI to make it more responsive to the expectations of the public at large and to bring transparency in practices and procedures followed by BCCI.”



was prepared after a detailed perusal of the Supreme Court's judgment, the existing Rules and Regulations of the BCCI and various media articles and news reports which indicated to the Committee the flaws and loopholes in the administration of the nation's foremost sport. The Questionnaire contained 135 questions grouped under 8 distinct heads of concern areas for cricket administration:

- a. Organization, structure and relationship
  - b. Source and extent of jurisdiction
  - c. Offices, committees and elections
  - d. Commercial engagements, contracts and services
  - e. Audit, accounts and finances
  - f. Player welfare and dispute resolution
  - g. Conflict of interest
  - h. Oversight and transparency
- (b) Conducted over 35 days of sittings in Mumbai, Bangalore, Chennai, Kolkata, Hyderabad and New Delhi. These allowed the Committee to get varied perspectives from 6 primary Test Centres as well as to afford ease of access to the respective representatives from the various Zones. The Committee also interacted with 74 persons around India including Former Captains, International and First Class Players, Coaches, Managers, Administrators, Journalists,



Talent scouts, Authors, Lawyers, Club Owners, Selectors and a Former Chief Justice of a High Court. A List of these persons is at **Appendix-2** to this Report. A summary of the relevant suggestions made by persons who responded to the Questionnaire and those who interacted with the Committee is given in **Appendix-3** to this report.

- (c) Extensively researched media reports, documentaries, published material, draft legislation, books and articles, apart from several unsolicited (but always welcome) missives from cricket fans, local experts and administrators about how maladministration is rife in all parts of the country. A select list of these materials is at **Appendix-4** to this Report. Complaints of defalcation and siphoning of funds, opaqueness in administration, blatant favouritism and political interference unfortunately seem to exist in almost all State associations, varying only in degree from place to place.
- (d) Commissioned a comparative analysis of international sports bodies (both cricket and otherwise) and how they are structured, their constitution, electoral process and overall management and how measures exist to check conflict of interest and manage ethics. This comparative report secured by the Committee from The Sports Law & Policy Centre is at **Appendix-5** to this Report.



The interactions have been extremely insightful and informative as they have allowed the Committee a close examination of not only what is evident and expressed, but also the layers of the politics of the cricket establishment, both at the national and local levels. The Committee was gratified and overwhelmed by the strength and content of the responses received from various other quarters. Strangers have walked up to the members on morning walks and even called at odd hours to put in their two bits on what the way forward ought to be for Indian cricket. Knowing the strong feelings the sport evokes in the general populace, these overtures have been important – to understand the avid cricket fan’s mind as well as those, who once devoted, have become cynical. Most of those the Committee interacted with, were eager that the game of cricket be governed and administered conforming to the highest standards of management, ethics, accountability and transparency worthy of the game, and that efficient decision making process should be institutionalised. Several others declined to interact with the Committee due to prior confidentiality obligations to the BCCI. The interactions, responses to questionnaire and Committee's research relating to sports systems in general and cricket in particular, have enabled the Committee to identify the problem areas in the functioning of BCCI.

The 3 Member Probe Committee headed by Justice Mukul Mudgal earlier entrusted with the task of examining the allegations of betting



and spot fixing, in their Report dated 9.2.2014 submitted to the Supreme Court, made several recommendations to prevent and to effectively deal with betting and match/spot-fixing. This Committee has carefully considered the said recommendations and, wherever found acceptable and feasible, incorporated them in this Report. The recommendations of the Justice Mudgal Probe Committee are at **Appendix-6** to this Report.

It became clear that many ills had become endemic due to the apathy or involvement of those who were at the helm of the Board's administration; that many of these were high functionaries in the Central and State Governments further compounded the problem, as did the fact that several incumbents had remained in charge of State associations for several decades. Many officials of the various State Associations hold power without adhering to the basic principles of accountability and transparency by converting them into regional fiefdoms. Unfortunately, the management of other Indian sports bodies reveals the same sorry trend.

The Committee also found inequities writ large at the high table, with some States over-represented in votes, tournament participation and central funding while others have to wait in the wings for indefinite periods until favoured. Policies have been formulated and altered to suit the needs of a few powerful individuals, and coteries have formed around



them which has polarized and compromised independent leadership. Almost without exception, those who have no such agendas have remained quiet, their silence emboldening further malfeasance. In the mind of the cricketing public, they are as much to blame.

Close observers of the game have informed the Committee how the public gets only a small percentage of seats in matches and how the VIP culture has overtaken a noble pastime. The convenience of the viewers in the stadium generally, and women, children and differently abled in particular, are not catered to. There is neither access to quality food and water at a reasonable price, nor adequate washroom facilities are made available. Even in regard to television rights, the attempt has been to maximise revenue by inserting advertisements at crucial parts of the game, and to muzzle dissenting voices at all levels.

Surprisingly, the players who are the sport's biggest draw are not spared from the apathy of the BCCI. They are treated less like assets and more as the employees and subordinates of those governing the game. The Committee has been informed that often, the players are left to determine the accommodation and transport arrangements for their families, that requisitions for genuine payments are not cleared and delayed, and that counsellors and nutritionists are not included in the



support staff. In the affairs of the sport that they are the drivers of, they have no voice and no independence.

The IPL has obviously been the most visible, remunerative and glamourized component of cricket in India over the last 8 years, but with big money and attention, there has not been the necessary caution to protect the sport and its players from the orgy of excess that quickly began to envelope the event. As events unfolded over the last few years, it was clear that unsavoury interferences had reached the highest echelons of cricket and overlapping and conflicting interests were not only condoned, but those in governance of the Board had made ex-post facto amendments to facilitate the same. As persons in governance interfered with the management of the game and the rest remained mute spectators, generations of players have been forced to buckle, migrate or worse, give up.

We hasten to add a word of caution lest there be a negative impression created about the BCCI. During our interactions, one fact that emerged uniformly concerned the way the manpower of the BCCI organizes the actual game and its competitions across the country. The organisation has still managed to harvest talent and ensure that the national teams perform remarkably on the world stage. Talented players from virtually any corner of this vast nation are in a position to compete



and reach the highest levels, even if they come from relatively modest backgrounds. Recent years have borne evidence with India winning the World Cup in T-20 and One Day Internationals, while also reaching the top of the Test rankings.

The BCCI staff members have ensured that hundreds of matches along with match officials are organized annually at all levels, and that updates are provided so that the BCCI remains fully informed. The management of the game is also self-sufficient without any governmental grants. We notice the BCCI also conducts charity matches for national causes and humanitarian assistance is also given to the former cricketers and their families.

The Committee has therefore consciously ensured that no measures are recommended that would interfere or limit the good work being done on behalf of the BCCI.

### **Interactions with the BCCI**

From the outset, the Committee has reached out to the administration of the BCCI to offer its comments and interventions on the issues that were being considered. Meetings were arranged with all the office-bearers, and from the first week of April, the Questionnaire was sent to all of them. The then President Mr. Jagmohan Dalmiya and Secretary Mr. Anurag Thakur even sent identical responses to it. We are





glad to note that having obtained a broad picture from the Questionnaire about how the Committee intended to proceed, BCCI started taking some action, or at least made some announcements touching upon the contents of the questions. These include statements concerning committees to represent States where associations were in dispute or not formed [Qn.1.6], agent accreditation [Qns.6.10 & 6.13] and conflict of interest [Qns.7.1 – 7.3]. Unfortunately, a closer examination shows that these measures came without any structural modifications, and were done more in an effort to assuage the public.

On the 30<sup>th</sup> of September 2015, the Committee interacted in New Delhi with Mr. Shashank Manohar, who had been the President of the BCCI when amendments were carried out to permit a conflict of interest, which action was eventually quashed by the Hon'ble Supreme Court. On the day of the meeting, Mr. Manohar was widely tipped to be the consensus candidate to again be the President of the BCCI in elections to be held on the weekend. During the extensive discussions, the Committee put to Mr. Manohar the various concerns highlighted in the Questionnaire, particularly regarding the wide-ranging powers of the President, the lack of financial oversight over State bodies, the lack of transparency as far as BCCI regulations and processes were concerned, the lack of a Conflict of Interest policy and the need for an Ombudsman. Mr. Manohar fairly conceded that these needed to be addressed. We are



again happy to note that that on being elected as President of BCCI within 4 days thereafter, Mr. Manohar, even without waiting for the Committee's report, adopted and projected the Committee's views as his roadmap for improving the functioning of the BCCI. He also implemented some of them, i.e. uploading of the Constitution and Bye-Laws on the BCCI website, creating a policy for Conflicts of Interest and appointment of an Ombudsman. While we believe that these proposals are in the right direction, we find that they are not comprehensive and substantive.

The need of the hour is not cosmetic but fundamental change, which will lay the proper foundations on which the BCCI can function in a professional and transparent manner and will bring the game of cricket back to its pristine form and restore the confidence of the people. It is precisely this that the Committee has proposed.

### **Our Approach**

We understand that the cricket fan is emotionally wedded to the game, and is willing to sacrifice much for a mere taste of what cricket has to offer. The Indian fan, young or old, fit or differently abled, deserves better from the richest cricket body in the world, both in terms of access and administration. While massive funds flow into the coffers of the BCCI and the IPL through the sale of television and media rights and



sponsorship deals, little commensurate advantage finds its way to the members of public who stand in snaking long queues, often unable to obtain tickets, and if lucky, to stumble into stadia without access to basic amenities. This trusting soul believes in the purity of the game and his passion drives his faith that all aspects of cricket are ethical and clean. The fact that forces from politics and business see cricket administration as a stepping stone to recognition and publicity is irrelevant to the cricket fan, until he realizes, as many embittered souls recently have, that the game is not really being played on the cricket pitch. The Committee has therefore approached each issue, keeping in view the directions and observations of the Supreme Court and attempted to find the solutions by applying two tests - "Whether this will benefit the game of cricket?" and "What does the Indian cricket fan want?"

In an effort to make this Report as readable as possible, the Committee has shorn it of legal jargon and unnecessary details. We have also sought to maintain the confidentiality reposed in us from various quarters by not referring to individuals or institutions which have shared information or suggestions with us, and limited the contents of this report to the bare minimum so that the Model Memorandum of Association and Regulations may speak for themselves along with the Codes set out in the Annexures.



At a time when the nation's highest court has been compelled to find that the game has fallen into disrepute, only extraordinary steps will bring it back from this chasm. We are conscious that some of our proposals may evoke varied responses, but the collective conscience of this Committee is clear that tough measures are called for to restore Indian cricket to its pinnacle of glory. Individual interest will have to be sacrificed for the sake of the institution, and no exigency of convenience or convention shall stand in the way of a whole scale structural overhaul. The current governance structure of the BCCI and its Member Associations is far from satisfactory and it needs to be suitably restructured. Strict terms and tenures have to be imposed on administrators, oversight and audit of member associations need to be carried out, professional management deserves to be introduced in the administration of the game, all States require an equal say in the affairs of the BCCI, financial prudence has to be exercised, independent views in Governance are imperative and cricketers have to be protected and given a free hand in cricketing affairs. There also ought to be an Ombudsman, an Ethics Officer and an Electoral Officer who can provide institutional resolution while principles of transparency and conflict of interest need to be infused without further delay.



The report that follows is the Committee's effort to restore Indian cricket to its deserved status by putting in place good governance structures and best practices.



## **Chapter One: The Structure and Constitution**

It was nearly 200 years after the British first brought cricket to India that its governing body was created. At a time of communal Gymkhanas and the occasional touring team from England, the princely families and other cricket patrons came together to create the Board of Control for Cricket in India, which was registered as a not-for-profit society in Madras (now Chennai). The BCCI has grown from its original composition of less than half a dozen provincial members to have five times that number representing various groups and territorial divisions.

### ***The Structure***

The BCCI at the moment consists of 30 Full Members some of whom do not field teams, while others do not represent any territory. Twenty States and one Union Territory are included and ten States and six Union Territories remain either excluded or disenfranchised. In addition, officially there are Associate and Affiliate Members as well as so-called Future Members.

The Services Sports Control Board, the Railways Sport Promotion Board and All India Universities represent particular national service groups, who traditionally constituted the largest employers of Indian sportsmen before the advent of liberal private enterprise. Apart from



these, two Clubs – the Cricket Club of India at Mumbai and the National Cricket Club at Kolkata also enjoy full membership of the BCCI.

### ***Problems***

An examination of the existing structure revealed the following anomalies:

a. Not all States are represented on the BCCI

One old State (Bihar) and two new states (Chhattisgarh and Uttarakhand) and six North-Eastern States (Sikkim, Manipur, Meghalaya, Nagaland, Arunachal Pradesh and Mizoram) are unrepresented on the Board. Of course, the most significant omission was Bihar, which, being the third most populous State in the nation required the cricket representatives of its 100 million populace to migrate to other States to ply their trade. Apart from Tripura, the other six sister-States of the north-east had been relegated to various categories of membership (Associate, Affiliate and Future) which really have no voice on the Board.

b. Some States are over-represented

Mainly attributable to their historic legacy, both Maharashtra and Gujarat have 3 Full Members, each representing parts of their respective States. Maharashtra therefore exercises votes through



the Associations of Mumbai, Vidarbha and Maharashtra while Gujarat fields the Associations of Baroda, Gujarat and Saurashtra.

c. Some members do not represent territories

The Services Sports Control Board, the Railways Sport Promotion Board and All India Universities show that territorial divisions were not the consistent criteria to determine membership of the BCCI. However, these members were represented by teams that played competitive cricket.

d. Some members neither play matches nor represent territories

Both the National Cricket Club (NCC) at Kolkata and the Cricket Club of India (CCI) at Mumbai were more in the nature of recreation clubs which neither fielded teams for tournaments nor had a geographical basis for being Full Members of the BCCI. In fact, by virtue of CCI being granted full membership, Maharashtra has garnered as many as four out of the total 30 votes on the Board.

e. Union Territories are unrepresented on the Board

Except for Delhi which enjoys a special position under the Constitution as well, none of the other six Union Territories are Full Members of the BCCI. In fact, there have been repeated





representations by the Cricket Association of Pondicherry that just as Delhi, it is also a Union Territory with a Chief Minister and ought to be made a Full Member. This issue is *sub judice* before the Madras High Court but nonetheless, there seems that some artificial distinction exists in the extant rules between Delhi and Puducherry.

f. Ad-hoc creation of Membership categories

The Regulations of the BCCI only speak of three categories of Members – Full, Associate and Affiliate. However, we find that there is a list of six “Future Members”, a category that does not have a legal basis. This consists of Uttarakhand, Mizoram, Telangana, Chandigarh, Puducherry and Andaman & Nicobar. Such a classification seems a half-way house with no real purpose except to give the association an illusion that it will be promoted at some vague point in the future.

g. Arbitrary addition and removal of associations

For reasons best known to the BCCI, despite being a Full Member, the Rajasthan Cricket Association has been treated as disenfranchised, resulting in the players of the State being forced to move elsewhere to compete. The non-addition of the Bihar



Cricket Association or an equivalent has also led to such a denial to the players from Bihar.

### ***Solutions***

Almost universally, apart from those who represented the associations in Gujarat and Maharashtra, the prevalent view was that that the State is a fair unit of representation on the BCCI. On a consideration of the entire issue, the Committee is of the view that it is not proper for only one or two States to have multiple members when all other States have single memberships (in fact, while many States have no representation). Democratic norms require each State should have equal representation, and therefore the Committee proposes the policy of 'One State – One Member – One Vote'. In fact, this is the policy followed by other national sports associations (IHF & AIFF), each of whose members have an equal vote regardless of size or population. Even at the international level (IOC & FIFA), this is the position. Cricket ought to be no different.

It was however also stated that as far as disbursement of funds by BCCI for cricket development, it need not be uniform, but can depend on the need, infrastructure and other relevant criteria, formalised as a clear and equitable policy to incentivize Members to develop the sport.



In keeping with the above principle, and notwithstanding any sense of sentiment, there would also be no place for multiple associations from a single State. The Committee is of the view that it be left to the BCCI to decide which of the 3 associations from Gujarat and Maharashtra would be taken to represent the entire State, and the remaining 2 associations from each State would become Associate Members, who would however continue to field teams for competitions as they have done in the past. Equally, in States where there are disputes concerning the appropriate governing body [Jammu & Kashmir, Bihar, Rajasthan, etc.], it is best left to the BCCI or the Court (as may be the case) to decide which association would represent the State.

As the Services, Railways and Universities have hitherto enjoyed Full Member rights although they do not represent a particular State, the Committee recommends that they be accorded the status of Associate Member so that their views may still be considered while they will not have voting rights. The same principle would apply to the Clubs (CCI and NCC), which do not field cricket teams and have no cause to be treated as Full Members.

Those existing Members who are affected by the changes suggested by the Committee must appreciate that the changes are being suggested in the interest of the game as a whole and also having regard to BCCI's



role as a national body to promote and control cricket in India. Governance of cricket being the central theme, the changes in membership in the BCCI are inevitable and must be seen by all concerned in the right spirit of fair representation and for the betterment of cricket administration.

While there are seven Union Territories, it was found that only Delhi and Puducherry have a Chief Minister and are treated as substantially independent governing entities. At first glance, there seems no rationale for a distinction between the two, but what cannot be denied is the fact that Delhi, apart from being the national capital, is also a major Test Centre with an international stadium and has nearly 20 times the population of Puducherry. There may thus be some merit for Puducherry not immediately being included as a Full Member, especially when the issue is *sub judice*. Among the Union Territories, it would however be appropriate for Puducherry to be now inducted by the BCCI as an Associate Member which will retain rights to field a team and compete.

The consequence of the above realignments would also have an effect on how the Zones are constituted. The Zones would consist of Members in such a manner that each of them would be reasonably balanced as far as competition for the various zonal tournaments is



concerned. However, this reconstitution is best left to the BCCI for the purposes of convenience and competition. It is also left to the discretion of the BCCI whether the Union Territories would field individual or combined teams for tournaments and whether, for the purposes of expediency and convenience, the teams representing the States of the North-East be combined as well.

The categories of Affiliate and Future Members are therefore to be removed, and only Full Members and Associate Members will remain, the former with voting rights and the latter without. The 4 associations from the States of Maharashtra and Gujarat which would be relegated to the category of Associate Members shall, however, continue to receive grants for cricket development, as may be assessed by the BCCI depending on infrastructure and relevant criteria. They will also field teams in the domestic tournaments and host international matches.

It is imperative that all players across the country have opportunities to represent their States and Zones and then the national team. To punish the innocent residents and players of a State for the real or perceived shortcoming of the Member Association is illogical and unacceptable. Even if an alternate Association is not readily available, BCCI should function as the *parens patriae* of Indian cricket and continue to provide equal and alternate avenues for that particular State.



The Model Memorandum of Association and Rules & Regulations  
of BCCI are at **ANNEXURE-A**.



## Chapter Two: Governance

Over the last two decades, and especially with the advent of the IPL, the complexion of the office bearers of the BCCI has substantially changed. Those who helm the game come from mixed milieu – some are patrons seeking to promote the sport, while others seek to promote themselves, with no particular attention being paid to cricket itself. There can be no two views that cricket, with its popularity and its finances ought to be run professionally. Towards this end, it is imperative that a strong governance structure is put in place, which will be at arm's length from the actual day-to-day management of the association and the game.

The reins of cricket's richest and arguably most powerful national body remains mired in controversy. With an individual-centric constitution and old power centres that have remained relatively unaltered for years, the BCCI seems to have strayed from its chosen path. It has found it difficult to control and manage the IPL, and its most successful venture threatens its existence in its present form. There seems to be no collective interest in the game being promoted, and cricket stands without a custodian for its protection and propagation in its most passionately followed nation.



## ***Problems***

### a. Concentration of power

From overall superintendence of the Board and its affairs to taking action against players and even approving the composition of the team chosen by the Selectors, the President is all-powerful. In practice, this power was even abused with the exercise of veto over the changes in captaincy and selection of ICC representatives. Incumbents were also known to turn a blind eye when issues of corruption and mismanagement were brought to their notice, even going as far as permitting retrospective amendments to the bye-laws to favour particular interests.

### b. Lack of competence

The running of an organisation like the BCCI requires a clear functioning structure with well defined ideas to be executed. The present Working Committee of the BCCI consisting of the various office bearers elected by the BCCI and other representatives of the Members do not have any managerial expertise and requisite experience to run BCCI in a professional manner. Specialists and professionals are usually engaged in an ad-hoc manner without any terms and tenures as would be expected with any billion dollar entity.





c. Overlap of diverse functions

To borrow an analogy from political governance, it is necessary that the making of laws and regulations (legislative functions) are divorced from implementation thereof (executive functions) and those that review their validity or implementation (judicial functions). As far as the BCCI is concerned, the Working Committee not only lays down the relevant rules, regulations and bye-laws that govern the BCCI, but also oversee their implementation and takes final decisions when a Member or third party challenges either the rule or the manner of its implementation. These overlaps provide for extremely complicated and messy functioning.

d. Zonal considerations

There seems to be no rational basis for the Presidency to be rotated as per Zones, which has the effect of forsaking merit. A person who has the support of as few as two or three members in his Zone may end up as the President, if it is the turn of that Zone for election of President. Recent amendments to the rules have permitted individuals who are not even from the zone in question to be nominated to the post. For the same reason, the Vice-Presidents who are elected from each of the five zones seem to be merely ornamental without any specific functions.



e. No representation to players

It is only by accident that players are elected to the Working Committee of the BCCI. Their views are, more often than not, ignored, and the lack of an assured position at the governance table leaves the players gravely hamstrung. With arbitrary contracts and salaries that are dwarfed by those playing for franchises, it is full credit to the national players that they continue with enthusiasm and patriotic fervour to do their best for the country when they have no say in the affairs of the very body towards which they are the primary contributors.

f. No representation to women

The BCCI has never seen a woman in the Working Committee, and for a body that runs the sport in the country, the BCCI ought to have bestowed greater attention to the women's game. Australia, New Zealand, England and even Pakistan are seen to regularly play the women's game with only governance apathy responsible for the Indian women's team playing few and far between in all forms of the game. Greater support and promotion is required so that youngsters may also be attracted to it.

g. No independent voice

The BCCI has not embraced the modern principles of open governance, which is all the more necessary when discharging



such far reaching public functions. The Working Committee consists entirely of representatives of the Full Members, thereby making it's functioning a closed-door affair with no representation of players or audit experts to act as checks on governance.

h. Unlimited terms and tenures

Many individuals occupy various posts in the BCCI for multiple terms and on multiple occasions, without any ceiling limit. There has even been an instance of a former President later becoming the Treasurer.

i. No disqualifications

There appears to be no ground on which an office bearer has to demit office. No principles of conflict of interest, of age, of conviction by a criminal court or of holding an office under the Government has been laid down to disqualify an office bearer.

### ***Solutions***

The governance of the BCCI must be decentralised. No individual is more important than the institution, and so all crucial powers and functions hitherto bestowed exclusively on the President will have to be divided across the governing body, which is to be known as the Apex



Council (with a special and separate governing body for IPL, known as IPL Governing Council).

The issue of competence regarding those managing the game has to be addressed by bringing in professional managers and area experts, a theme which is discussed in detail in Chapter 3.

As the zonal rotation policy is without any rational basis, and as it has been decided to keep the State as the unit to become a Full Member, it is consistent to have a president who is elected from among the Full Members, so that the best and most competent person is selected. The provision for five Vice-Presidents is detrimental to efficiency and efficacy and so only one Vice-President shall be elected to the Apex Council in the same manner as the Secretary, Joint Secretary and Treasurer.

The Apex Council should have a fair mix of elected representatives and independent members. It is recommended that it shall be a nine-member body. The five elected Office Bearers of BCCI (President, Vice-President, Secretary, Joint Secretary and Treasurer) shall be the members of the Apex Council. In addition, the Apex Council shall have four other 'Councillors' – two (one male, one female) to be nominated by the Players' Association which is to be formed, one to be elected by the Full Members of BCCI from amongst themselves and one to be



nominated by the Comptroller & Auditor General of India. These measures address the following concerns:

- a. Transparency is brought in, and independent voices are heard in the governance of the BCCI for the first time;
- b. The public are the primary stakeholders in the game while its players form its very core. Their involvement through these representatives is most deserving and long awaited.
- c. As women are nearly half the population of the country, the anomalous fact that they do not have a voice in the governance of the sport that has a 'billion hearts' beating for it is now rectified.
- d. The nominee of the C&AG also brings financial and audit experience which would bring in much required oversight into monitoring the finances of the BCCI.
- e. It continues to ensure a strong say for the Full Members, as it provides that two-thirds' strength on the Council is made up of their representatives.

In order to ensure that the posts are not treated as permanent positions of power, each term should be for three years. The total period for which a person can be a member of the Apex Council shall be nine



years regardless of the capacity in which such position was or is occupied. However, in order to ensure that there is an appropriate cooling-off period, no person shall be a member of the Apex Council for two consecutive terms. Any elected Councillor shall stand automatically disqualified after nine years as an office bearer, and shall also be disqualified from contesting or holding the post if he has completed the age of 70 years, is charged under the penal law, is declared to be of unsound mind, is a Minister or government servant or holds any post of another sports body in the country. Any nominated Councillor however, would not have more than one term in office. The endeavour in this regard is to filter those who are able and enthusiastic to govern the game that is the national passion.



## **Chapter Three: Management**

Universally, all competent sports organisations thrive on having professionals in charge of the actual administration of the game, bringing to it the very skills that are so positively utilized for big corporations and businesses. Aspects of operations, marketing, human resources, regulatory, strategy and finances are looked at keeping the preservation and development of the sport as the primary consideration. Thus, governance and policy direction are kept separate from the actual implementation of that vision.

These multiple tiers exist internationally in the Football Association (FA) of the United Kingdom, the Federation Internationale de Football Association (FIFA) and the Federation Internationale de Hockey sur Gazon (FIH). Similar structures exist in the domestic leagues for baseball, basketball and American football in the United States (MLB, NBA and NFL respectively). Such a composition has also been proposed in the Carter & Crawford Report on Cricket Australia.

As the Apex Council of the BCCI is not equipped to deal with issues of cricketing and non-cricketing management, it is felt that a separate rung for day-to-day management and guidance be created. The purpose of this is to move from ad-hocism to institutionalisation. The BCCI and its Members will have to now run as companies do, with specific



responsibilities placed on full-time professionals with established skill-sets, with reporting systems, high-level IT solutions and no interference from the governors.

While the non-cricketing management will have to be by professional managers headed by a CEO (who will act as a nodal officer), the pure cricketing matters (selection, coaching and performance evaluation) deserve to be left exclusively to the ex-players who have the greater domain knowledge, except for umpiring which should similarly be handled exclusively by umpires. As also the CEO, these Cricket and Umpires Committees would be accountable directly to the Apex Council. The IPL's Governing Council would however report directly to the general body of the BCCI.

There would also be two Committees that would be advisory in nature – the Tours, Fixtures & Technical Committee and the Tournaments Committee. Their advice would guide the CEO and the Managers in managing the affairs of the BCCI, but it would be the CEO who would be accountable to the Apex Council.

The CEO would ideally be a person with managerial experience for five years as the MD/CEO of a corporation with an annual turnover of at least Rs.100 crore. There would be a maximum of six managers to assist the CEO who would have expertise primarily in the streams of





Operations, Finance, Technical, Compliance (legal), Human Resources and Media. The CEO would be on contract with the BCCI and have a fixed tenure of five years (unless the contract is terminated by mutual agreement or by a 3 months' notice by either party), whereas the Managers will be career employees. The functions of the CEO would form the core of the organizational dealings of the BCCI, and he may distribute or delegate them in any manner he chooses among the Managers. It will be his primary mandate to cater to the two main contributors to the game of cricket – the fans and the players – and to take all measures to accommodate their needs. It will also be the duty of the CEO to ensure that all non-cricketing and logistical concerns of the Players are duly addressed through dedicated personnel so that the team can concentrate single-mindedly on what they do best: playing cricket.

Innovation in cricket administration is the need of the hour. The Fourth Test of the India-South Africa Freedom Series that recently concluded in New Delhi has demonstrated how innovative thinking in filling up the otherwise empty stands by permitting school children to view the match free or at nominal prices has created greater interest in the game.

The Cricket Committees would be seven in number dealing with selection, coaching, performance evaluation and talent resource



development of Men, Women, Junior, Zonal and Differently-Abled teams. Each of these Committees would comprise only former players. In accordance with substantial feedback and recommendations in various other realms as well, a three member committee for selection is thought to be ideal. These Committees would answer directly to the Apex Council although their quarterly reports would be routed to the Council via the CEO.

Ordinarily, spotting talent at the highest level is a continuous exercise for the national selection committee. But now since the Cricket Talent Committee has been separately constituted, restricting the selectors to 3 members will also be more compact, and increase the authority of the selection committee and make it accountable for team performance.

A most unfortunate fact that was made known to the Committee was that the Indian women's cricket team had last played a Test Match 8 years ago. Coupled with general chauvinism, the women players receive paltry earnings and have only a one month long domestic season. Unlike other countries including neighbours Sri Lanka and Pakistan, no central contracts are given to women players, and not even small measures like complimentary tickets for matches are provided to them. The Women's Cricket Committee is to be therefore formed to exclusively pay attention

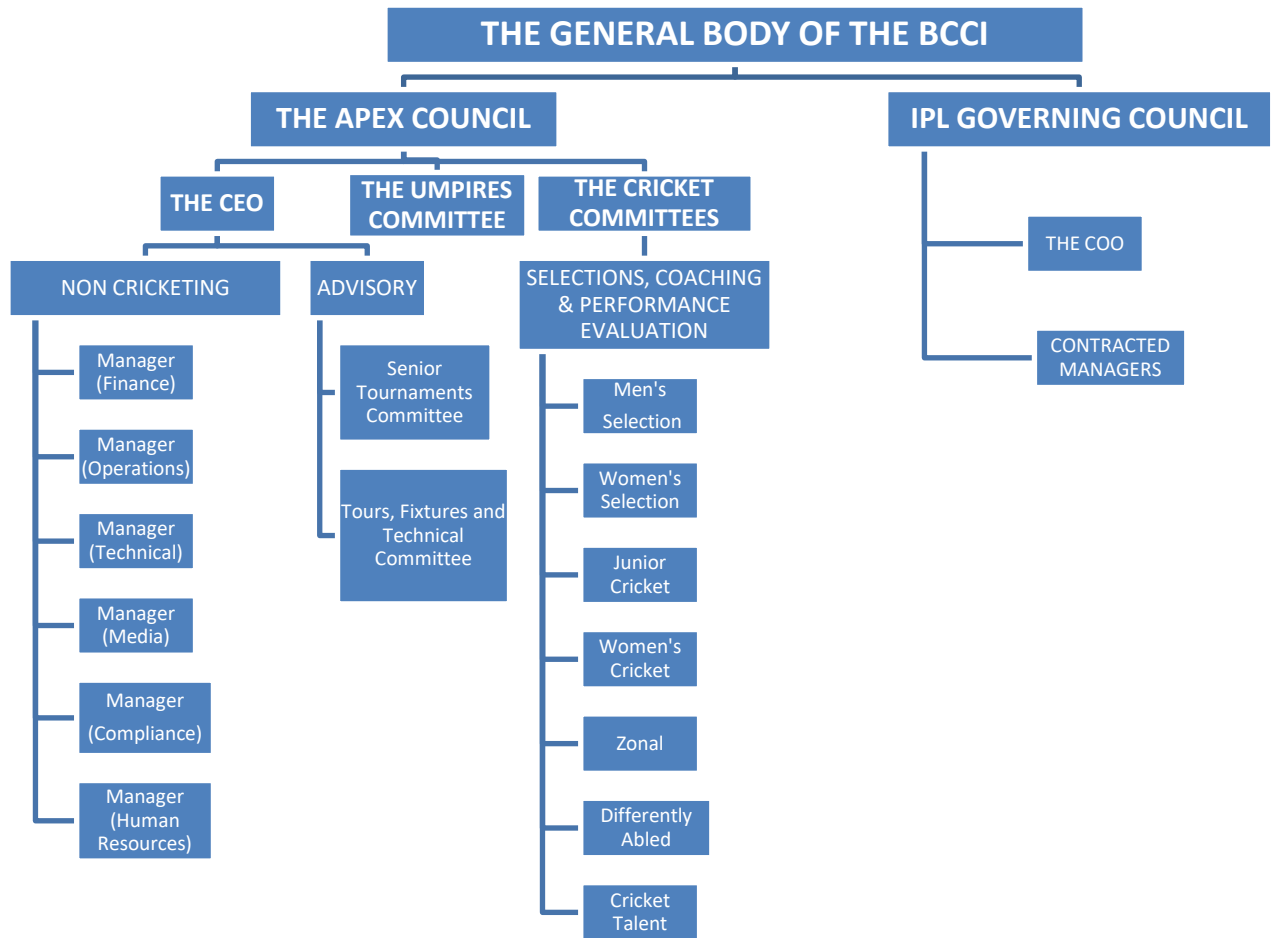


to this much ignored department in addition to the Women's Selection Committee.

While the BCCI is the parent body governing cricket in India, neither the Constitutional documents of the BCCI nor the website and other material available suggest any promotion or association with cricket for the differently-abled, which is a significant omission. In a nation such as ours, with its passion for cricket, it is all the more important to take along all sections in an endeavour to promote the sport, and make Indian cricket truly inclusive. A fine example of this is the England Disability Cricket Pathway produced by the England & Wales Cricket Board, which shows how this section of society can be sensitively dealt with. The Differently-Abled Cricket Committee will hopefully take guidance from the English effort in bringing the various disabled teams under a single umbrella in order to make a concerted effort to improve Indian cricket.

The Umpires Committee is another Committee comprising only Umpires, which conducts tests, considers confidential reports and selects and classifies umpires for officiating games under the auspices of the BCCI. This Committee would also report directly to the Apex Council.

The structure that should be put in place is illustrated by the following chart:



Apart from the 13 “Standing Committees” that find mention in the Constitution of the BCCI, there are several dozen other Committees that are created from time to time, usually based on the ad-hoc decision of the President of the time. These include the very specialized ‘Vizzy Trophy Committee’, ‘the TV Production Committee’, ‘the Ground & Pitches Committee’, ‘the Museum Committee’ and several more. Representatives of the Full Members are distributed across the Committees, although their meetings, work done, goals met and general purpose are not considered. Sometimes, as was the case with the recently



constituted 'Cricket Advisory Committee', the members themselves find no roles assigned, nor instructions given as to what is to be done.

The present Management structure does away with the need for such Committees that eventually serve no purpose other than to expend the BCCI's resources. However, two Standing Committees are retained in modified forms for the purpose of providing guidance and advice to the CEO and his Managers, especially as they will be new to the functioning of the BCCI. These are the Senior Tournaments Committee, and the Tours, Fixtures & Technical Committee.



## Chapter Four: IPL

The phrase “cash cow” has been employed to describe the T-20 league that has captured the imagination of a generation. Big money, Bollywood stars, expatriate cheerleaders, blaring music and a global audience came together to create this grand carnival in 2008, which looks set to continue unabated as it readies to enter its ninth season. True to its name, it has become a ‘premier league’.

The fact that the IPL is the single largest revenue generator for the BCCI cannot be lost sight of. Without the IPL, much of the media attention and international interest would be lost. However, the governance of the IPL has left much to be desired, run as it is by a Committee of twelve which denies any role to the franchisee companies who are responsible for fostering competition and making revenue. Once again, there is no independent voice, with ten of the members representing the Full Members and two being former cricketers hand-picked by the Board. The IPL Governing Council needs to be reconstituted with more autonomy, comprising not only of representatives of the Full Members, but also of Franchisees, Players and an independent auditor.

The Committee proposes a Governing Council with only nine members, comprising of three ex-officio members (the Secretary, the



Treasurer and the CEO of BCCI), two representatives of the members of BCCI to be elected by the General Body, two nominees of the Franchisees, one nominee being the C&AG's Councillor on the Apex Council and one being a nominee of the Players' Association. As per this arrangement, four out of nine members of the IPL Governing Council will be independent of BCCI, thereby providing a much-needed autonomy and balance in management of the most lucrative enterprise of the Board. One of the two representatives of the Members of BCCI elected by the General Body shall be the Chairperson of the Governing Council. It is clarified that the nominees of the Franchisees shall rotate on an annual basis and no Franchisee shall be represented again until all others have had a turn.

This Committee also recommends that the Committees / Commissions to be appointed under the IPL Regulations (Anti-Corruption Code, Code of Conduct, Operational Rules, etc.) ought to consist of members selected by a panel of the Ombudsman, the Ethics Officer and the CEO which shall be presided over by the Ombudsman. This will ensure independence from the BCCI.

The fact that IPL players, many with modest credentials, are richly remunerated by the Franchisees while those who don India colours and bring laurels to the nation are remunerated less is also a matter of



heartburn. Consider in addition the fact that the Indian cricket calendar is now annually adjusted to accommodate as many days of this extravaganza as possible, and one realizes that what would otherwise be mere entertainment has become the bastion of Indian cricket.

It ought not to be forgotten that the aim of the BCCI is to attract the best possible cricketing talent to the national side. The fact that many international players have declined lucrative IPL contracts to preserve themselves for national duty shows the path necessary for Indian cricket.

Cricket calendars also ought to keep this in mind, and the BCCI should ensure that at least 15 days gap should be provided between the IPL season and the national calendar. A testing and cramped cricketing year takes a substantial toll on a professional cricketer's body and longevity, and it is the responsibility of the BCCI to take remedial measures immediately.





## **Chapter Five: Players' Association & Agent Registration**

Two of the necessary initiatives that the Committee recommends concern an association for Players and a strict set of procedures to govern players' Agents. While almost all Test playing nations have a Players' Association, there seems to have been reluctance on the part of the BCCI to initiate such a move, ostensibly due to the apprehension of unionisation. Both England and Australia have agents' accreditation systems in place to ensure that only those professionals who qualify through a rigorous knowledge and ethics selection process can alone represent the players. These systems are administered by the national board in conjunction with the respective players' associations.

### **5.1 Players' Association**

To be one among the select few that makes up the Indian national cricket team is no easy task. The stiffness of competition and the weight of public expectation from national players are extremely demanding, and that makes their burden heavier.

A very important step towards improving the lot of the players is to give them a voice to raise their concerns and have them discussed with the BCCI. Apart from this, in cricketing matters, the ex-cricketers' skill, expertise and experience deserve to be utilised for the betterment of the game. As every other Test Playing nation has a Players' Association, and



even the Players' representative at the ICC is an Indian, it is only fitting that an independent Players' Association is established. This Association shall be comprised only of Players who have retired from competitive cricket in all forms of the game. It will be for such Association to nominate representatives from amongst its members to the Governing Body and Apex Council. In order that the Association is established and functions in a reasonable manner, the financial needs should be met by the BCCI.

It would be most appropriate that this Association is established by the players themselves and brought into effect by an Honorary Committee of 4 members, which shall be the Steering Committee. The members of this Steering Committee shall be:

- a. Mr.G.K.Pillai, Former Union Home Secretary (Chairperson)
- b. Mr.Mohinder Amarnath, Former National Cricketer
- c. Ms.Diana Edulji, Former National Cricketer
- d. Mr.Anil Kumble, Former National Cricketer

It shall be the task of the Steering Committee, as early as possible, with the assistance of the BCCI, to identify and invite all eligible Ex-Cricketers to be members of the Association, to open bank accounts, receive funds from the BCCI, conduct the first elections for office bearers, communicate the names of BCCI player nominees to the Board



and take all necessary steps in this regard. The model code for the Cricket Players' Association is at **ANNEXURE-B**.

## **5.2 Agents' Registration**

There exist grave concerns about those who act as agents of players. Their backgrounds are normally unknown, as are the commercial arrangements entered into by and on behalf of the players. The conduct of players in the last few years has also shown that they have not been properly informed and instructed about the applicable principles and ethics governing the BCCI, the IPL and the game.

It is the obligation of the Players' Agent to ensure proper information and adherence to all norms by his client and also to protect the player from any suspicious contact or questionable overtures.

The norms for Agents' Registration are given in **ANNEXURE-C** and this will be administered by the BCCI in consultation with the Cricket Players' Association.



## **Chapter Six: Conflict of Interest**

The events that have led up to this Report revolve around one oft-quoted and little understood concept: Conflict of Interest. The fact that individuals in positions of trust, adjudication and governance must conduct themselves in a manner not remotely suggestive of compromise has been an underpinning of all governance in the civilized world. In the courts, an oft-quoted precept is “justice must not only be done, but must also be seen to be done”. However, the last few years of governance at the BCCI has revealed that there is, at best, an extremely casual understanding of the concept of Conflict of Interest.

In our interactions with various stakeholders, it became apparent that the understanding of the concept of Conflict of Interest by a Player or Official is very different from that of a legal professional who is attuned to conflict mechanisms and their avoidance on a daily basis. Several cricketers of impeccable repute were surprised when queried about what were obviously potential conflict situations, needing to be convinced that no wrongdoing was necessary for a conflict to exist. The Committee had to point out to them that the very holding of a position which could be abused to undermine the integrity of the game renders the occupant vulnerable to such a charge.



During the course of the last few months, the Committee has come to learn of several instances of obvious conflict where contracts have been entered into by the BCCI, where the contractor or vendor includes family members of an Office Bearer. The fact that there was no voluntary disclosure makes matters worse, raising a presumption of wrongdoing and subterfuge against the individuals in question.

Understandably, much of this is left to the subjective assessment of the person concerned. In consonance with the practice internationally, either undertakings or declarations are furnished as some form of indemnity, or in more obvious situations, sanctions are imposed. Before the IPL, it could well have been argued that the BCCI felt no cause to take steps in this regard, but with its advent, the conduct of the BCCI has been to accommodate the conflict rather than to prevent it. Unfortunately, matters needed to reach the highest court of the land before the BCCI decided to take tentative steps towards setting its house in order.

The seriousness of conflict of interest affecting sport cannot be underestimated. While it may seem surprising to the individual administrator or player that their position could be capable of such an interpretation, it is out of abundant caution in the interests of the *game*, that its regulation is mandated. In most, if not all cases, there is no



question being raised about the integrity of the individual, but it is out of concern that the occupation of a particular post should not allow reasonable presumptions or inferences to be drawn about the compromise which *could* ensue, that would in turn lower the dignity of the game.

A glance at the various international sports bodies such as FIFA, ICC, FIH and AFC that are considered in the appendix to this Report would show that conflict of interest issues are central to the regulation of ethical conduct in sport. This is why the administration of these principles is coupled with the appointment of a responsible and independent individual who assists the organisation in the administration of the policy.

Even as this report is being prepared, two further IPL franchises have been added, and questions regarding conflict of interest are raised, which cannot be satisfactorily addressed by the policy in place.

The Committee has therefore spelt out specific types of Conflict of Interest, and applied them to individuals employed with, or connected to the BCCI. Every Office Bearer, Player, Councillor, Employee, Administrator, Team Official, Umpire or other person connected to the BCCI, its Members or the IPL and its Franchisees is mandated to avoid any act or omission which is, or is perceived to be, likely to bring the



interest of the individual in conflict with the interest of the game of cricket. In order to provide clarity, the conflicts have been broadly classified as tractable and intractable, with separate solutions or sanctions as the case may be. An Ethics Officer is also to be appointed who would administer the policy for the BCCI.



## Chapter Seven: Ombudsman, Ethics & Electoral Officers

The functioning of the BCCI cannot be truly transparent and independent without the creation of 3 new authorities essential to its functioning in its new avatar. One to resolve internal conflicts *independent* of the BCCI, another to administer the principles governing *conflict of interest*, and a third to ensure that the *process* of selecting office bearers is clean and transparent.

### 7.1 The Ombudsman

As the genesis of this Committee has shown, there are several disputes that exist within the BCCI, born out of years of apathy in governance and gross mismanagement. The compact entered into between the State Associations on the one hand and the BCCI on the other has rarely been equitable and balanced, with the latter exercising its hegemony over the constituents. The Committee feels that as with any quasi-federal structure, the relationship must be carefully moderated in an objective manner. Thus far, it is the Board that has been exercising this function, immediately becoming a judge in its own cause. The fact that certain associations have been recognized as the legitimate representatives of their States has led to disgruntlement and litigation, not least from Bihar. Rajasthan tells a different tale, with the election of an apparently unpalatable figure making the entire association, and thus the State,





*persona non grata*. In both Jammu & Kashmir and Delhi meanwhile, rival factions have attempted to field alternate teams, much to the disgust of the players who are used as pawns in the political game.

Such instances are mere illustrations of a larger malaise – the absence of a suitable dispute resolution process. Even an arbitration system as hitherto existed is insufficient, and palpably inappropriate as it often pitted two unequals against each other, with the State association beholden to the Board for matches, grants and revenues. The challenges under the auspices of the Arbitration & Conciliation Act, 1996 inevitably dragged on in the courts with an adversarial process and its attendant bitterness, when an independent entity was the ideal option.

In order to reduce the judicial role and the burdening of the courts and to expedite dispute resolution, the Committee therefore recommends the appointment of a retired judge of the Supreme Court or a former Chief Justice of a High Court as the Ombudsman of the BCCI, to be appointed once a year at the Annual General Meeting. This Ombudsman shall, either on a reference by the Apex Council or on a complaint by a Member/Franchisee/Zone/Players' Association/ Player/ Team Official/ Administrator or *suo motu* (on its own), investigate and resolve any dispute between the Board and any of the above entities or



among themselves by following due principles of natural justice, production of evidence and fair hearing.

The Ombudsman may also entertain and redress any grievance or complaint by members of the public if they concern ticketing, access and facilities at stadia, and lack of transparency in the award of contracts for goods and services.

## **7.2 The Ethics Officer**

The monitoring of the principles of Conflict of Interest along with the Code of Behaviour of the BCCI and any other such rules shall be done by an Ethics Officer. His powers include the laying down of additional guidelines or bye-laws on ethics, the initiation of investigation or adjudicatory proceedings and the award of warnings, fines, reprimands, suspensions or other action as may be recommended to the BCCI.

In addition, the BCCI and the IPL have codes of conduct and behaviour for Administrators, Team Officials, Umpires and Players both on and off the field, including in relation to match fixing, betting, non-reporting of suspicious approaches, doping, etc. The approach of the BCCI in recent years in administering these Codes has not been encouraging, especially when powerful figures in the sport were involved.



The Committee has referred to the role of Ethics Officer in constituting Committees/Commissions under the IPL Regulations while dealing with IPL in Chapter 4.

As far as all non-IPL ethics issues are concerned, the same shall be administered and adjudicated by the Ethics Officer who shall be a former Justice of a High Court to be appointed by the Board.

The Full Member associations shall also adopt and observe all the above ethical principles including those concerning Conflict of Interest. They shall also appoint an Ethics Officer, but however, depending on workload and expediency, the Ombudsman to be appointed may also discharge the functions of an Ethics Officer in an association. Additionally, multiple States may have a common Ethics Officer for the sake of convenience and economy.

### **7.3 The Electoral Officer**

The experience of several elections at the BCCI has shown that while the governing law needs to be seriously revisited, it is not sufficient for the process of elections to be internally monitored. Especially with the various disqualifications from holding office laid down above, there are bound to be questions raised right from the very inception of the election process.



The Committee is of the view that whenever elections are to be held, an independent authority needs to be vested with the powers of scrutinizing nominations and clearing them, of drawing up and verifying the electoral roll after identifying appropriate representatives of the Full Members, of ensuring that no candidate falls foul of the Rules, and for declaration of results. The Electoral Officer will also be responsible for conducting elections to the Committees under the Rules. In order to ensure competence and to distance the entity from any suspicion or bias, the Committee is of the view that a former Election Commissioner for India be appointed as the Electoral Officer for the BCCI, and that his or her decision would be final and conclusive.



## **Chapter Eight: Transparency and Oversight**

Shortly after this Committee was constituted, an effort was made to view the prevailing Constitution and bye-laws of the BCCI from its website, which proved to be futile, as the website did not carry these basic documents. Many stakeholders, in the course of interactions with the Committee stated that very little of the functioning of the BCCI is done in a fair and transparent manner and that those who seek greater information are either rebuffed by the Board or won over by enticements. Those whose professional livelihoods depend on cricket acknowledge the BCCI's total sway over the sport, and choose to remain silent rather than upset the apple cart.

Even in regard to cricket commentary, games organized by the BCCI have a contractual condition that there can be no criticism of the BCCI or its selection process, thereby curtailing an exercise of free speech. Objective commentary ought to be permitted about everything connected to the match, allowing the commentators to express themselves freely and objectively.

As the medium is very important, it is necessary that to serve both Players' and the public, all Rules, Regulations, Codes and Instructions of the BCCI be translated into Hindi and both versions be uploaded onto the official website by the BCCI and its Members. It is also necessary that



the BCCI use the latest and updated tools of Information Technology in governance, management and general decision making.

Commerce has also overtaken the enjoyment of the sport, with advertisements continuing many a time, even after the first ball and again commencing even before the last ball of the over is played, thereby interrupting the full and proper broadcast of the game. Regardless of the wicket that has fallen, century having been hit or other momentous event, full liberty is granted to maximise the broadcaster's income by cutting away to a commercial, thereby robbing sport of its most attractive attribute – emotion. It is recommended that all existing contracts for international Test & One-Day matches be revised and new ones ensure that only breaks taken by both teams for drinks, lunch and tea will permit the broadcast to be interrupted with advertisements, as is the practice internationally. Also, the entire space of the screen during the broadcast will be dedicated to the display of the game, save for a small sponsor logo or sign.

A perusal of the expenses of the BCCI, particularly with reference to the attendance of meetings of the various sub-committees as well as the expenses on professional services suggests that there ought to be better financial management. Keeping in mind that the BCCI is not for



profit, resources must be used for the development of the game, and financial prudence must be exercised to avoid unnecessary expenditure.

There appear to be no standard norms and objective criteria for the selection and empanelment of professionals in the fields of law, audit, etc. Similarly, even as far as infrastructure contracts, media engagements, television rights and equipment supply, no norms or procedures exist to select or engage contractors in a fair and transparent manner.

In the light of all this, the Committee proposes that clear principles of transparency be laid down, and the BCCI website and office will carry all rules, regulations and office orders of the BCCI, the constitution of the various committees, their resolutions, the expenditures under various heads, the reports of the Ombudsman/Auditor/Electoral Officer/Ethics Officer and the annual reports and balance sheets. In addition, norms and procedures shall be laid down for the engagement of service professionals and contractors, and there shall be full transparency of all tenders floated and bids invited by or on behalf of the BCCI. The website shall also have links to the various stadia with seating capacities and transparent direct ticketing facilities.

The Right to Information Act, 2005 ('RTI Act') enacts that public authorities shall make known the particulars of the facilities available to



citizens. While the issue of the BCCI being amenable to the RTI Act is *sub judice* before the High Court of Madras in W.P.No.20229/2013, many respondents who appeared and interacted with the Committee were of the view that BCCI's activities must come under the RTI Act. Having regard to the emphasis laid by the Hon'ble Supreme Court that BCCI discharges public functions and also the Court's reference to indirect approval of the Central and State Governments in activities which has created a monopoly in the hands of the BCCI over cricket, the Committee feels that the people of the country have a right to know the details about the BCCI's functions and activities. It is therefore recommended that the legislature must seriously consider bringing BCCI within the purview of the RTI Act.

The Committee also believes that the Auditor be tasked not only with a financial analysis, but also specifically carry out a performance audit (Compliance Report) to determine whether the State associations have actually expended their grants towards the development of the game and mark them on a report card which will be utilized to determine the due they deserve the following year. This oversight also needs to consider the high and unreasonable expenditures by the Board on various heads, which would have to be limited and streamlined.





## Chapter Nine: Match-Fixing and Betting

For those from an earlier era, cricket was the typical gentleman's game. Clad in whites, grown men would chase after a red leather ball on sunny greens of the English countryside. With its advent to the sub-continent and the Caribbean, cricket saw an upheaval. Now it was an opiate to the masses, and it heralded its arrival with colour, noise and passion. When television came, it brought with it an unparalleled reach, now making the game available to global audiences of billions. Even in the United States, where it has not attained the prominence of the local sports, international games are available for pay-per-view and through online streaming.

The revenue generated by international cricket, and particularly matches featuring the Indian team are now the subject of endorsements, commercials, pre and post match programmes and various vignettes measured to extract every penny possible as revenue. It is not surprising therefore, that it has also attracted the interest of the wagering community. With only horse-racing legally permissible in India, those interested in betting have gone underground, with illegal bookies managing affairs. As is inevitable, the *hawala* system has awakened to these channels and money laundering has also become an inevitable outcome.



The last couple of decades have shown a far murkier side of cricket – that of match fixing. From South Africa to Pakistan, instances of players involved in influencing the outcome of a game for profit has caused severe damage to the fabric of the game. There have been allegations in India of such nefarious activities, especially when cricket moved to Sharjah, and more so after the introduction of the cash-rich IPL. This is probably why the ICC decided to take the lead to check such malfeasance and instil a definite regulatory code among players and administrators alike.

There is a fundamental difference between betting and match/spot-fixing. The latter interferes with the integrity of the game and attempts to change the course of the match. It is tampering the game by the cricket players to benefit a few. On the other hand, betting is a general malaise indulged by different sections of society, not only with reference to cricket but other games also. While the issue of betting can be effectively dealt with by providing a legal framework, match/spot-fixing is neither pardonable nor a matter for regulation. The only way to deal with it is by making it a criminal offence punishable by law. The Committee recommends appropriate amendments by the legislature.

A perusal of the relevant BCCI and IPL regulations relating to Anti-Corruption show that the offences are classified under Corruption,



Betting and Misuse of inside information, and detail the standard of proof, the investigation and sanctions to be imposed by a disciplinary committee. By and large, these provisions seem to be satisfactory to govern the BCCI, but it would be necessary for the Disciplinary Committee referred to therein to be appointed by a Committee of the Ombudsman, the Ethics Officer and the CEO so that there is some independence in the grievance redressal process. Relevant amendments would therefore be necessary to the BCCI and IPL regulations in this regard.

As far as Betting alone is concerned, many of the respondents before the Committee were of the view that it would serve both the game and economy if it were legalized as has been done in the United Kingdom. It cannot be overlooked that the worldwide legal sports betting market is worth over 400 billion dollars. However, with the interest of cricket being foremost in our minds, it would always be necessary to protect and invoke transparency from those involved in the game.

While it is our recommendation that the legislatures ought to legalize betting in cricket, these must be with the following safeguards:

- a. Regulatory watchdogs would be necessary to ensure that the betting houses as well as those transacting there are strictly



monitored, failing which their registrations would be susceptible to cancellation.

- b. The Players, Administrators and others closely associated with the sport would be required to furnish the details of their incomes and assets for the sake of transparency.
- c. Licenses would have to be issued to those placing the bets as well, with age and identification details recorded.
- d. Strict penal sanctions would have to be imposed on those transgressing the license and other requirements.

Needless to say, betting by Administrators, Players, Match Officials, Team Officials, Owners, etc., shall continue to be an offence under the BCCI and IPL Rules & Regulations.

The need to educate and sensitize young players and debutants about game ethics, the need to inculcate discipline and integrity among players, and the need to spread awareness about the ills of betting, match/spot-fixing and other game related malpractices is well accepted and recognized. In fact, BCCI has already introduced the ACSU education module involving lectures by ICC instructors. But this is inadequate. It is therefore necessary for BCCI to take the following additional measures to ensure that cricket players in particular,



youngsters understand, appreciate and practise the ethics relating to the game:

- i. Prepare a Cricketers Handbook for young players, on the lines of Athletes' Handbook, 2013 (prepared by Go Sports Foundation) containing the Do's and Don'ts and FAQs.
- ii. Arrange for Lectures (preferably in local languages apart from English) and frequent interactions with cricket players and sport persons of unimpeachable integrity in regard to game ethics.
- iii. Create an Integrity Unit consisting of former cricket players of repute, committed to the cause of cricket, to act as mentors and guides, whom young players can meet on designated dates to discuss their doubts, problems and grievances related to the game.

Financial insecurity, short professional career and huge disparity in the contract money paid to different classes of players are some of the factors which tempt players towards malpractices. While reputed/glamorous players, particularly those with international exposure have huge incomes, the position of other national players, let alone fringe players, is not very rosy. Equally disturbing is the trend of young players suddenly exposed to riches by way of IPL not being



suitably guided on responsible conduct, with the result that in order to maintain their extravagant lifestyles, they are lured into misadventures in the form of betting and match/spot-fixing. Attention should be bestowed by BCCI to give education about ethics and financial management to youngsters and to secure the post-cricket life of all players.

Experience has shown that when a betting or match/spot-fixing incident occurs, BCCI is ill-prepared to deal with the same. BCCI should therefore coordinate with State machinery so as to create a dedicated special investigation wing in the police to be activated whenever there are complaints, and also to ensure that such events do not occur. This can be done by BCCI agreeing to bear the expenditure of such special wing. It has been brought to the notice of the Committee that the official post-match parties of the IPL which mandate player presence have not been conducive to the game and the conduct of the players. The Committee also learns that this has now been discontinued. BCCI should be careful not to offer any avenues which may affect the game and the conduct of the players.

A database of undesirable elements (bookies, fixers, etc.) though maintained by BCCI-ACU, is not shared with the Players and Team Officials, with the result that they remain in the dark and might deal with



them unwittingly. Such non-sharing may even enable a technical defence of ignorance when such incidents surface. The sharing of such information should be in good faith to protect the interest of the person to whom such communication is made and for the public good of the game. Such a caution should clarify that it does not seek to cast any aspersion on the person regarding whom any information is shared.

Any person associated with the governance or management, or employed or engaged by the BCCI has a duty to inform the Apex Council or the CEO of any undesirable activity or approaches which have a bearing on the game or the functioning of the BCCI.

In addition to this, when conducting franchise auctions, the BCCI shall verify and ascertain whether the person controlling the prospective franchisee has criminal antecedents. These are some of the measures which may help in preventing illegalities in regard to the game.



## Chapter Ten: Constitution & Functioning of Members

Apart from the BCCI, a majority of the regional members of the BCCI are societies registered either under the Societies Registration Act, 1860 or the respective State acts. A handful have recently been registered as companies under the provisions of the Companies Act, 1956 (Haryana, Punjab, Delhi, Himachal Pradesh, Uttar Pradesh and Maharashtra). The Cricket Club of India (CCI) and the National Cricket Club (NCC) are also public companies limited by guarantee. Thus, the existing Members of the BCCI have different structures. Uniformity in the constitution and functioning of the Member Associations is necessary for the proper governance of the game. The different structures in Member Associations have brought about much disquiet in Indian cricket.

### ***Problems***

#### a. Membership & Privileges

Some Member Associations have clubs and individuals as members, some have only clubs as members and others have individuals and patrons as members. There does not seem to be any guideline or basis for membership, and these seem to be ad-hoc, often at the pleasure of the incumbents. Where clubs are members, a few powerful interests control several cricket clubs,





thereby positioning themselves for easy election with a sizeable chunk of the convenient electorate. New entrants are discouraged or muzzled out of contention. Some associations exclude even former Indian cricketers from membership (including legendary performers), without any basis, and ensure that the association functions more as a social club controlled by a few families. The priority often seems to be to have an exclusive venue with bar and dining facilities with other recreational avenues for the members, and not the promotion of cricket. Tickets to games are also distributed as largesse among members as entitlement, thereby shrinking their availability to the public at large. In both Chennai and Kolkata for example, it is learnt that the respective stadia at Chepauk and Eden Gardens had been constructed on land which had been leased to the Madras Cricket Club (MCC) and National Cricket Club (NCC) respectively, but now, even with the change in structure, the respective Clubs continue to be housed at the premises. While at NCC, the members have ticket and other entitlements, the same is not so for the MCC.

b. Posts & Tenures

There is much rancour concerning the administration of these Associations. Posts either exist without any specified terms, or sans any restriction on the number of terms which can be held. As a



result, in some Associations, the incumbents have continued at the helm for over three decades, creating personal and hereditary monopolies which have no place in sport. Unfortunately, a glance at several other Indian sports bodies reveal the same malaise, with individuals remaining at the helm for years together. Some Associations have also made amendments to their regulations to permit certain individuals to effectively have posts for life, and to allow unregulated tenures. The lack of any qualifications or disqualifications also ensures that those with full time occupations superficially involve themselves, thereby compromising their commitment to the association and the game of cricket. Several public servants hold lead positions in State Associations which take a substantial toll on both sets of their respective obligations to the public.

c. Voting

Proxy voting seems to be the bane of several associations which have individual members. Even the continuing existence of the members is not confirmed, but coteries are promoted and candidates elected on the basis of several signed proxy votes given, very often with the name of the proxy left blank to be filled in later. This has given rise to unscrupulous practices that have even been brought to the attention of the courts.



d. Compliance

Companies and Societies have fundamentally different constitutions and objects, apart from different reporting and compliance mechanisms. While the associations that are companies have been registered as not-for-profit (earlier under Section 25 of the Companies Act, 1956 and now under Section 8 of the Companies Act, 2013), there is little to show that there has been compliance as legally mandated. As far as Associations registered as societies, the relevant statutes provide for a comparatively lesser degree of transparency.

e. Expenditure & Infrastructure

One of the major criticisms of the functioning of the BCCI has been the fact that there has been no accountability by Member Associations of the grants given to them by the BCCI for the 'development of cricket'. No detailed account are maintained, no oversight or audit is carried out, and on the rare occasion where a particular Association has been found wanting, there is no follow up action. The funds are allegedly utilized for winning votes by apportioning amounts to constituents (clubs, district associations, etc.,) and quite frequently being siphoned away without any accountability. State infrastructure remains poorly developed with very few turf wickets or cricket grounds outside of the existing



stadium. The stadia (even new ones) do not provide basic facilities to the public, nor offer food and water at a reasonable price or of an acceptable quality. More importantly, the lack of hygienic toilets and access to the differently-abled discourage many patrons. The ad-hoc and irregular manner of creating stands or refurbishing the premises without proper municipal permissions has led to a stand-off with at least two State Governments (Delhi and Tamil Nadu). The eventual victim is of course the cricket fan who loses out on a chance to watch a home match.

f. Lack of professionalism

There is no distinction between governance and management in the Member Associations, and no steps have been taken to create modern and professional systems to take cricket administration forward. The accounting systems for example, are uniformly capable of alterations without a trace, thereby opening up the possibility of abuse. There is no incentive to create revenue streams, and it is time to rouse the Member Associations from their comfortable couches where they rest upon BCCI's largesse.

The one notable exception to this are the detailed modules created at the behest of the administration of the Karnataka State Cricket Association in 2012 which sought to overhaul the policies



and processes that were hampering the functioning of the Association. The report prepared by an external consultant seems to fairly reflect the very issues that concern all other State Associations as well. This report is at **Appendix-7**. IT solutions would go a long way to ensure that human interference is reduced and that the association functions transparently. A reluctance to adopt such avenues (even by the Karnataka Association) would raise grave doubts about the actual intentions of the administrators.

g. Dual posts

Strangely, while conflict of interest issues have been at the heart of recent controversies, virtually all office bearers of the BCCI continue to be office bearers in their respective State Associations *at the same time*. Presidents and Secretaries of State Associations are to discharge functions with the primary interest of the State in mind, but as BCCI office bearers, these interests would have to be subordinated to that of national interest. Often, with powers centred on an office bearer, that individual has been found to appoint his State associates to critical posts in the BCCI, thereby creating an imbalance.



h. Interference in selection

Over the last two decades, there have been disturbing accounts of some of the country's leading players being forced to migrate and play for other States because the home state's administration looks to suppress their avenues and brook no independent action by the Selection Committees. Large amounts of influence, in all possible unsavoury forms have been utilized in order to have one player or other selected, with merit being wholly ignored. The problem is so deep-rooted, that many feel that the States are not inducting or fielding their best available talent.

i. Transparency

While quite a few associations have websites, the relevant and critical details including their constitution, bye-laws, accounts, expenditure, ethics guidelines and player statistics are rarely available or up to date. There are many others who do not even have or maintain websites, nor do their offices respond to requests from journalists and others for sharing such material. Information Technology solutions, as referred to earlier, would be useful to ensure that such transparency is achieved.



## ***Solutions***

There was a consistent view among respondents to the queries that many of the ills befalling Indian cricket find their roots in the State Associations and their lack of administration. The root cause for the problem is that the BCCI is making substantial annual grants regarding which there is no oversight, and so the status quo remained as it was, with little effort by the provincial administrators.

Therefore, it is necessary that there is uniformity in the constitution and functioning of the various associations (without any office being created for life), that membership of social clubs be divorced from the administration of cricket which is a sombre task, that cricketers be made members and have a say in governance and that management be made professional. The State Associations must also create avenues to generate revenue, improve infrastructure and develop the sport, all of which will be marked through a detailed report card. There also has to be an audit and independent oversight of how resources are allocated and spent. It is necessary that all State Associations immediately transition to the use of tamper-proof accounting software which either does not permit alterations or which records all alterations made.

The conflicts that arise by holding office both at the BCCI and in the State Associations ought to be brought to an end by automatic



vacation of post at the local level when elected to the BCCI. Also, certain disqualifications have to be laid down that apply to those who seek office in the State Associations, along with limits on their tenures and terms. Corrective measures are to be brought into place so that professional managers will interface with the State Governments and attempt to rectify any prevailing shortfalls or drawbacks as far as infrastructure and permissions are concerned.

The electoral process will have to be transparent and independent, for which an Electoral Officer (a retired Central or respective State Election Commissioner) will have to be appointed. In the event that no such person is available, any other former State Election Commissioner, preferably from a neighbouring State may be appointed. This officer would conduct and supervise the entire process of elections from the filing of nominations to the declaration of results and the resolution of any disputes and objections during the election.

It is also necessary to have an independent selection committee in which the Governing body of the State Association will have no say, and also for the cricket committees manned only by former players to have an independent say on coaching and evaluation of team performance, apart from the selection of players.





The policies of BCCI regarding dispute resolution and Conflict of Interest, as well as the norms for Agents' Registration will have to apply to the State Associations as well. In order to administer this, the associations may also appoint an Ombudsman-cum-Ethics Officer. It would be open to multiple States to have a single Ombudsman / Ethics Officer so as to reduce expenditure. The person so appointed shall be an eminent person well versed in adjudicatory processes and it will be his/her task to decide all disputes between the Association and any of its constituents (Districts, Clubs, etc.), or between the constituents, or complaints of any player or member of the public, by following the principles of natural justice before rendering a decision.

As Ethics Officer, it shall be his duty to administer the principles of Conflict of Interest and recommend such action as may be deemed fit as far as an Office Bearer, Employee, Player, Team Official or other individual connected to the State Association is concerned. Needless to say, if it is an issue that concerns the BCCI as well, the Ethics Officer of the BCCI shall proceed to decide the issue. The Ethics Officer shall also decide all issues concerning the violation of the Agents' Registration norms as far as players of the State are concerned.

Each State Association will necessarily have a website that carries the following minimum details:



- a. The Constitution, Memorandum of Association and Rules & Regulations, Bye-Laws and Office Orders and directions that govern the functioning of the Association, its Committees, the Ombudsman and the Ethics Officer.
- b. The list of Members of the Association as well as those who are defaulters.
- c. The annual accounts & audited balance sheets and head-wise income and expenditure details.
- d. Details of male, female and differently abled players representing the State at all age groups with their names, ages and detailed playing statistics.
- e. Advertisements and invitations for tenders when the Association is seeking supply of any goods or services (exceeding a minimum prescribed value), or notices regarding recruitment, as also the detailed process for awarding such contracts or making such recruitments.
- f. Details of all goals and milestones for developing cricket in the State along with timelines and the measures undertaken to achieve each of them.



g. Details of all office bearers and other managerial staff (including CEO, COO, CFO, etc.)

h. Details of directives from the BCCI and their compliances.

These websites will have to be maintained and updated at least on a quarterly basis. All the above information will have to be maintained at the registered office of the State Association and when sought, the same shall be shared with the applicant on the payment of a reasonable fee, as may be prescribed by the Association.

The cost of construction of a stadium runs into hundreds of crores. On the other hand, formation of a cricket playing ground costs a small fraction of the cost of a stadium. It makes more sense to have cricket playing grounds in each District, rather than having one or two stadia in a State. In fact, the Committee learns that some members are merely collecting the grants from BCCI and depositing them in a Bank so as to accumulate sufficient funds necessary for taking up construction of a stadium. The result is some smaller States have neither a stadium nor well developed cricket playing grounds. BCCI should therefore encourage the State Associations to:

- a. Have as many cricket playing grounds and fields instead of multiple stadia, which will enable greater usage and access to greater number of players.



- b. Convert existing grounds and fields into turf wickets so that international standard facilities are made available even from a young age.
- c. To make the existing stadia amenable to other sports by providing for alternate surfaces to be laid (Astroturf for hockey, Carpet for tennis, etc.) so that income may be generated and there would be all round development of sport, care being taken not to damage the pitch. But they should not be used for public functions where thousands will stomp on the ground.

The above recommendations relating to State Associations (Full Members) will also be applicable to the 4 associations relegated to the category of Associate Members and who are entitled to disbursement of the grant from the BCCI.



## END OF THE INNINGS

If there has been one unifying factor in India, it has been cricket. From C.K.Nayudu to Virat Kohli, the 32 captains of India and the men they have led have been equally deified and vilified by the masses, for such is the ability of the game to inflame passions. It is on behalf of these devotees of willow and leather that this Committee submits this effort to edify the BCCI.

In an effort to present the recommendations made by the Committee in brief, the following synopsis of our proposals are set out:

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.

The Committee fervently hopes that this report will bring cricket fans back to the fold and put an end to regional excesses and imbalances, reign by cliques, corruption and red tape, all of which have harmed the game and the youngsters looking for nothing more than to take the field in flannels.



# THE ANNEXURES



**ANNEXURE-A**

**MEMORANDUM OF ASSOCIATION**

1. The name of the Association is “THE BOARD OF CONTROL FOR CRICKET IN INDIA” and it shall hereafter be referred to as the “Board”.
2. The objects and purposes of the BCCI are:
  - (a) To control and improve quality and standards of the game of Cricket in India, lay down policies, roadmaps, guidelines and make rules and regulations (and amend or alter them) in all matters relating to the game of Cricket, recognizing that the primary stakeholders are the players and Cricket fans in India, and that accountability, transparency and purity of the Game are the core values;
  - (b) To provide for measures necessary for promotion and development of the game of Cricket, welfare and interest of Cricketers and elimination of unethical and unfair practices in the Game of cricket; and for that purpose, organize coaching schemes, establish coaching academies, hold tournaments, exhibition matches, Test Matches, ODIs, Twenty/20, and any other matches and take all other required steps;
  - (c) To strive for sportsmanship and professionalism in the game of Cricket and its governance and administration; inculcate principles of transparency and ethical standards in players, team officials, umpires and administrators; and to ban doping, age fraud, sexual harassment and all other forms of inequity and discrimination;
  - (d) To encourage the formation of State, Regional or other Cricket Associations and the organization of Inter-State and other Tournaments; to lay down norms for recognition which achieve



uniformity in the structure, functioning and processes of the Member Associations;

- (e) To arrange, control, regulate and if necessary, finance visits of Teams that are Members of the International Cricket Council and teams of other Countries to India;
- (f) To arrange, control, regulate and finance, visits of Indian Cricket Teams to tour countries that are members of the International Cricket Council or elsewhere in conjunction with the bodies governing cricket in the countries to be visited;
- (g) To select teams to represent India in Test Matches, One Day Internationals, Twenty/20 matches and in any other format in India or abroad as the Board may decide from time to time;
- (h) To foster the spirit of sportsmanship and the ideals of cricket amongst school, college and university students and others and to educate them regarding the same;
- (i) To appoint India's representative/s on the International Cricket Council, as also to Conferences and Seminars connected with the game of Cricket;
- (j) To appoint Managers and/or other team officials for the Indian Teams;
- (k) To employ and appoint CEOs, professional managers, auditors, executive secretaries, administrative officers, assistant secretaries, managers, clerks, team support staff, players, and other service personnel and staff; and to remunerate them for their services, by way of salaries, wages, gratuities, pensions, honoraria, ex-gratia



payments and/or provident fund; and to remove/terminate or dismiss such employees or personnel;

- (l) To ensure that tickets to cricket matches are widely available well in advance of the matches to members of the public at reasonable rates, and to prevent distribution of the same as largesse; and also to offer seats *gratis* or at nominal rates to students;
- (m) To lay out cricket grounds and to provide pavilion, canteen and other facilities and amenities for the convenience and benefit of the members, players, and the Cricket fans including the women and the disabled, and to ensure the availability of Cricket gear and amenities to Cricket players;
- (n) To constitute Committees, from time to time, and entrust or delegate its functions and duties to such Committees, for achieving the objects of the Board;
- (o) To vest immovable properties and funds of the BCCI in Trustees appointed by it, for carrying out the objects of the Board;
- (p) To sell, manage, mortgage, lease, exchange, dispose of or otherwise deal with all or any property of the BCCI;
- (q) To acquire or purchase properties – movable and immovable, and assets – tangible and intangible, and to apply the capital and income therefrom and the proceeds of the sale or transfer thereof, for or towards all or any of the objects of the BCCI;
- (r) To collect funds, and wherever necessary, borrow with or without security and to purchase, redeem or pay off any such securities;
- (s) To carry out any other activity which may seem to the Board capable of being conveniently carried on in connection with the above, or calculated directly or indirectly to enhance the value or



render profitable or generate better income/revenue, from any of the properties, assets and rights of the BCCI;

(t) To promote, protect and assist the Players who are the primary agents of the game by:

(i) Creating a Players' Association to be funded by the BCCI;

(ii) Being sensitive to Players' before international calendars are drawn up so that sufficient time is provided for rest and recovery;

(iii) Taking steps, particularly on longer tours, so the emotional wellbeing and family bonds of the Players' are strengthened;

(iv) Compulsorily having qualified Physiotherapists, Mental Conditioning Coaches / Counsellors and Nutritionists among the Team's support staff;

(v) Having a single point of contact on the logistics and managerial side so that Players' can fully concentrate on the game;

(vi) Registering all duly qualified agents to ensure there is oversight and transparency in player representation;

(vii) Offering appropriate remuneration of an international standard when representing the country on the international stage, and always recalling that national representation has priority over club or franchise;

(u) To grant/donate such sum/s for:

(i) Such causes as would be deemed fit by the Board conducive to the promotion of the game of Cricket;



- (ii) The benefit of Cricketers or their spouses and children by introducing benevolent fund schemes or other benefit schemes, as the Board deems fit, subject to its rules and regulations;
- (iii) The benefit of any other persons who have served Cricket or their spouses and children as the Board may consider fit;
- (iv) To award sponsorships to sportspersons in games other than Cricket for development of their individual skills; and
- (v) To donate to any charitable cause;
- (v) To start or sponsor and/or to subscribe to funds or stage matches for the benefit of the Cricketers or persons who may have rendered service to the game of Cricket or for their families, or to donate towards the development or promotion of the game and to organize matches in aid of Public Charitable and Relief Funds;
- (w) To impart physical education through the medium of Cricket;
- (x) To co-ordinate the activities of members and institutions in relation to the Board and amongst themselves;
- (y) To create and maintain a central repository and database of all Cricketers along with their game statistics;
- (z) To introduce a scheme of professionalism and to implement the same;
- (aa) To provide a fair and transparent grievance redressal mechanism to players, support personnel and other entities associated with Cricket;
- (bb) Generally to do all such other acts and things as may seem to the Board to be convenient and/or conducive to the carrying out of the





objects of the BCCI.

3. The income, funds and properties of the BCCI, however acquired, shall be utilized and applied solely for the promotion of the objects of the BCCI as set forth above to aid and assist financially or otherwise and to promote, encourage, advance and develop and generally to assist the game of cricket or any other sport throughout India.
4. The BCCI shall not be dissolved unless the dissolution is decided upon by a resolution passed at a General Meeting of the Board convened for the purpose, by a majority of 3/4<sup>th</sup> of the Members present and entitled to vote. The quorum for such meeting shall be 2/3<sup>rd</sup> of the Members who have a right to vote. In the case of dissolution of the Board, if there shall remain after satisfaction of all debts and liabilities, any property whatsoever, it shall be given or transferred to some other institution or institutions having objects similar to those of the BCCI and not running for profit.



## RULES AND REGULATIONS

### CHAPTER ONE: SCOPE

#### 1. (A) DEFINITIONS

In these Rules and Regulations, unless the context otherwise requires:-

- (a) “ADMINISTRATOR” shall mean and include present and former Presidents, Vice Presidents, Honorary Secretaries, Honorary Treasurers, Honorary Joint Secretaries of the Board of Control for Cricket in India (“BCCI”), past and present Presidents and Secretaries of Members affiliated to the Board, a representative of a Member of the Board, and any person connected with the Governance and Management of the affairs of the Board or of its Committees.
- (b) “AGENTS’ REGISTER” is the register maintained by the BCCI under the Regulations for Registration of Players’ Agents.
- (c) “APEX COUNCIL” is the principal body of the Board tasked with its governance as set out in Rule 14.
- (d) “AUDITOR” is the auditor of the Board appointed by the Apex Council of the Board to discharge the functions set out in Rule 34.
- (e) “BCCI” or “BOARD” is the Board of Control for Cricket in India registered under Act XXI of 1860 at Chennai (Madras) on 28-11-1940.
- (f) “CEO” is the Chief Executive Officer of the BCCI appointed by the Apex Council as set out in Rule 23.
- (g) “CONFLICT OF INTEREST” refers to situations where an individual associated with the BCCI in any capacity acts or omits to act in a manner



that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38.

- (h) "COUNCILLORS" are the members of the Apex Council.
- (i) "CRICKET COMMITTEES" are the Committees as set up in Rule 26 which consist only of former Players and are charged with selection, coaching and evaluation of team performance.
- (j) "CRICKET PLAYERS' ASSOCIATION" refers to the association of Players so constituted and governed by the Code for the Cricket Players' Association.
- (k) "ELECTORAL OFFICER" is the person appointed to conduct, supervise and deal with issues concerning elections as set out in Rule 33.
- (l) "ETHICS OFFICER" is the person appointed to administer the Conflict of Interest principles as set out in Rule 39.
- (m) "EXISTING MEMBER" is an association or other body corporate that was a Member of the Board immediately before the Effective Date.
- (n) "FRANCHISEES" are the various commercial entities who have entered into franchise agreements with the BCCI for participation in the Indian Premier League.
- (o) "GENERAL BODY" is the supreme body of the BCCI which is constituted by its Members.
- (p) "GOVERNING COUNCIL" is the Standing Committee constituted by the



Board which shall be in charge of and conduct the Indian Premier League.

- (q) “IPL” refers to the Indian Premier League which is the franchise-based Twenty/20 tournament conducted by the BCCI for a maximum period of 7 weeks.
- (r) “JOINT SECRETARY” is the Honorary Joint Secretary of the BCCI as set out in Rule 7(4).
- (s) “JUNIOR TOURNAMENT” shall mean any age group tournaments conducted by the BCCI from time to time.
- (t) (i) “MEMBER” is a “Full Member” and an “Associate Member” of the Board.  
(ii) “FULL MEMBER” is a State Cricket Association having voting rights and as enumerated in Rule 3(a)(ii) of these Rules;  
(iii) “ASSOCIATE MEMBER” is a Member of the Board not having voting rights and as enumerated in Rule 3(a)(iii) of these Rules.
- (u) “MATCH OFFICIAL” includes Umpires, Match Referees, Observers, Statisticians, Ground Staff and Scorers so appointed by the Board or a Full Member from time to time.
- (v) “OFFICE BEARER” means the President, Vice-President, Secretary, Joint Secretary, and Treasurer.
- (w) “OMBUDSMAN” is the independent grievance redressal authority set up under Rule 40.
- (x) “PLAYER” is any Cricketer past or present registered with BCCI or any of its Members as a player and shall include any person selected in any



squad to represent India in a Test Match, ODI tour match, Twenty/20 or Junior Tournament Match in India or Abroad.

- (y) "PRESIDENT is the Honorary President of the BCCI and of the Apex Council as set out in Rule 7(1).
- (z) "REPRESENTATIVE" of a Member means a person duly nominated as such by the respective Full Member or Associate Member as the case may be.
- (aa) "RULE" shall refer to any rule or sub-rule in these Rules and Regulations, and "RULES" refer to these Rules and Regulations.
- (bb) "SECRETARY" is the Honorary Secretary of the BCCI as set out in Rule 7(3).
- (cc) "TEAM OFFICIAL" refers to the support staff appointed by the BCCI including coaches, managers, physiotherapists, nutritionists, trainers, analysts, counsellors and medics.
- (dd) "TOURNAMENT RULES" means the rules governing the conduct of various domestic tournaments organized by the BCCI including the IPL and such other tournaments as may be conducted by the BCCI from time to time.
- (ee) "TREASURER" is the Treasurer of the BCCI as set out in Rule 7(5).
- (ff) "VICE PRESIDENT" is the Vice President of the BCCI as set out in Rule 7(2).
- (gg) "YEAR" means financial year commencing from the 1st day of April and ending on the 31st day of March of the following year.



(hh) “ZONE” means any of the 5 zones namely North Zone, South Zone, East Zone, West Zone and Central Zone, comprising such teams as may be decided by the BCCI from time to time, and subject to the following:

- (i) Only Full and Associate Members are entitled to field teams for Zonal tournaments.
- (ii) The BCCI may decide on realigning the Zones in accordance with principles of expediency and competition.
- (iii) The BCCI may, if it is expedient, combine teams for the North East and Union Territories.

## **B. INTERPRETATION**

- (i) In these Rules, all references to Players, Match Officials and Administrators shall be deemed to include Players, Match Officials and Administrators of the IPL and its Franchisees as well.
- (ii) The EFFECTIVE DATE shall be the date on which these Rules come into force.

## **2. HEADQUARTERS:**

The Headquarters of the Board shall be located at Mumbai.

## **3. MEMBERSHIP AND JURISDICTION OF MEMBERS:**

### **(a) Membership**

- (i) Membership of the Board shall be confined to

(a) Full Members; and

(b) Associate Members;

### **(ii) Full Members**

A. Each State shall be represented by a state cricket association duly recognized by the BCCI and such associations shall be Full Members. No State shall have more than one Full Member.



B. The associations who are the controlling bodies for cricket in the following States shall be the Full Members of the BCCI:

1. Andhra Pradesh
2. Arunachal Pradesh
3. Assam
4. Bihar
5. Chhattisgarh
6. Delhi
7. Goa
8. Gujarat
9. Haryana
10. Himachal Pradesh
11. Jammu & Kashmir
12. Jharkhand
13. Karnataka
14. Kerala
15. Madhya Pradesh
16. Maharashtra
17. Manipur
18. Meghalaya
19. Mizoram
20. Nagaland
21. Orissa
22. Punjab
23. Rajasthan
24. Sikkim
25. Tamil Nadu
26. Telangana
27. Tripura
28. Uttar Pradesh
29. Uttarakhand



30. West Bengal

C. In States with multiple Existing Members, the BCCI shall recognize one of them to represent the State, while the remaining shall become Associate Members.

D. Where disputes are pending regarding the duly recognized association to represent a particular State, the State shall be represented by the recognized association, subject to any order of the Court or resolution of the BCCI as the case may be.

(iii) Associate Members

A. Any Existing Member who does not fall within the definition of a Full Member shall be an Associate Member of the Board.

B. The Board may induct any other entity as an Associate Member, subject to all the conditions and disqualifications laid down in Rule 3(b) below.

(b) Grounds for sanction & derecognition of a Full Member

(1) No Member shall be entitled to any grant from the BCCI if its Constitution fails to provide for, or comply with the following within One Year after the Effective Date:

(i) The Association shall not have any provision for any post to be held for more than 9 years.

(ii) The governing body of the Association shall include representatives of players and women, and a nominee of the Accountant General of the State.

(iii) The Association shall grant automatic membership to former international players hailing from the State.

(iv) The Association shall not have proxy voting.

(v) There shall be a provision whereby the Office Bearers of the





Association stand disqualified under any of the grounds laid down in Rule 14(3) below.

- (vi) The Association shall appoint an Electoral Officer, an Ethics Officer and an Ombudsman.
- (vii) The Association shall abide by the principles of Transparency laid down in Chapter 8 of these Rules.

(2) In the event of the grant being denied to any Member under (1) above, the BCCI shall directly spend the grant in respect of the State concerned in its capacity as *parens patriae*.

(3) If any Association continues to be disentitled for a grant under (1) above for a continuous period of 2 years, the BCCI may derecognize the Association as a Member, and if it is a Full Member, in its place, recognize any other Association from that State which complies with the requirements of (1) above.

(c) Annual Updates

All Members shall, on or before 15<sup>th</sup> November of each year, inform and update the Board as to the names of their Office Bearers and the members of their Executive Committees, their respective tenures, the Audited statement of Accounts and the Balance Sheets.

(d) Jurisdiction

The territorial jurisdiction of the Full Members classified under Rule 3(a)(ii) shall be of the administrative State so defined under the Constitution. If a State were to be bifurcated, the newly created State would be entitled to an independent Full Membership, and shall be so inducted within 3 months of such Statehood coming into force.



#### 4. VOTE & ACCOUNTS OF TOURNAMENTS

- (1) Each Full Member shall have one vote, to be exercised through its authorized Representative.
- (2) An Associate Member shall be entitled to participate in the General Body Meetings but shall not be entitled either to vote or have its representative elected to the Apex Council.
- (3) A Member, required to submit the annual or other accounts, balance sheets or statements of expenditure either under these Rules or under the Rules of the tournament/match, or under the resolutions or decisions of the BCCI relating to any grant, fails to submit the accounts or the statements of expenditure relating to such grant, tournament, match or otherwise, within the period stipulated thereunder, shall not be entitled to any further financial grants from the BCCI till the requirement is complied with.

Provided that notwithstanding anything stated above, nothing shall prevent the Apex Council, for good reason, from extending for a maximum period of 6 months, the time for submitting of accounts and statements beyond the period referred to above.



## **CHAPTER TWO: THE GENERAL BODY AND OFFICE BEARERS**

### **AND THEIR POWERS & FUNCTIONS**

#### **5. CONSTITUTION AND FUNCTIONS OF THE BOARD**

- (1) The General Body is constituted of all the Members of the BCCI.
- (2) The authorized Representatives of the various Full Members shall cast their votes on behalf of their respective Full Member. The Associate Members shall have no right to vote.
- (3) All powers of governance, management and decision-making shall vest in the General Body. In addition to the powers already given to the Apex Council, the Governing Council and the CEO under these Rules, the General Body may delegate such powers as it deems fit to any of them.
- (4) In addition to, and without prejudice to the generality of powers vested in it, the General Body shall have the power:
  - (a) To collect funds and wherever necessary borrow, with or without security, for purposes of the Board and to raise loans with or without security and to purchase, redeem or pay off any such security.
  - (b) To frame the Laws of Cricket in India and to make alterations, amendments or additions to the Laws of Cricket in India whenever desirable or necessary.
  - (c) To direct and control the Governing Council, to lend oversight and assistance to the IPL conducted by the Council and to ensure that the interests of the franchises and the players are protected.
  - (d) To review any decision of the Apex Council or the Governing Council.
  - (e) Generally to do all such other acts and things as may appear to



the General Body to be expedient, convenient and/or conducive to the carrying out of the above functions of the Board.

## 6. ELECTION & TERM OF OFFICE BEARERS

- (1) The following Office Bearers of the BCCI shall be elected by the Full Members of the Board from amongst their representatives at an Annual General Meeting:
  - (a) The President
  - (b) The Vice-President
  - (c) The Secretary
  - (d) The Joint Secretary
  - (e) The Treasurer
- (2) The Term of office of an Office Bearer shall be 3 years. Their position shall be Honorary.
- (3) No person shall be an Office Bearer for more than 3 terms in all.
- (4) No Office Bearer shall be eligible to contest a succeeding election i.e. no Office Bearer shall have a consecutive term as an Office Bearer.
- (5) A person shall be disqualified from being an Office Bearer if he or she:
  - (a) Is not a citizen of India;
  - (b) Has attained the age of 70 years;
  - (c) Is declared to be insolvent, or of unsound mind;
  - (d) Is a Minister or Government Servant;
  - (e) Holds any office or post in a sports or athletic association or federation apart from cricket;
  - (f) Has been an Office Bearer of the BCCI for a cumulative period of 9 years;



**7. POWERS AND DUTIES OF OFFICE-BEARERS:**

**(1) THE PRESIDENT**

- (a) The President shall preside at all meetings of the General Body and the Apex Council.
- (b) The President shall also exercise such functions and duties as he may be empowered with by the General Body or the Apex Council.
- (c) The President shall, in the event of a vacancy or indisposition of an Office Bearer, delegate the functions to another Office Bearer until the vacancy is duly filled up, or the indisposition ceases.

**(2) THE VICE PRESIDENT**

- (a) The Vice President shall officiate in the President's absence when the President is unavailable.
- (b) The Vice President shall also exercise such functions and duties as he may be empowered with by the General Body or the Apex Council.

**(3) THE SECRETARY**

The Secretary shall:

- (a) Keep and maintain the minutes of Annual General and Special General Meetings of the General Body, the Meetings of the Apex Council and of the Committees appointed by the General Body in appropriate books and shall cause them to be properly and correctly recorded and confirmed.
- (b) Sign all contracts for and on behalf of the BCCI and carry on all correspondence in the name of the BCCI save as otherwise directed by the Apex Council.
- (c) Be in charge of the records of the General Body, the Apex Council, the Governing Council and all Committees, and such properties as may be entrusted to his care by the Board, the



Apex Council or the Governing Council as the case may be.

- (d) Convene the Annual General Meeting, the Special General Meeting and the Meetings of the Apex Council and Governing Council with the concurrence of the President.
- (e) Circulate to all Members of the BCCI the statement of accounts prepared by the Treasurer.
- (f) Have the power to delegate any work to the Honorary Joint Secretary.

(4) THE JOINT SECRETARY

The Joint Secretary shall:

- (a) Convene and keep minutes of the Committees that may be placed in his charge at the Annual General Meeting or by the Secretary.
- (b) Assist the Secretary in all matters pertaining to the affairs of the Board.

(5) THE TREASURER

The Treasurer shall:

- (a) Receive all subscriptions and donations and the monies payable and / or receivable by the BCCI;
- (b) Make payments and incur expenditure out of the funds of the BCCI in accordance with the decisions of the BCCI, the Apex Council or any Committee appointed by the Board, provided that all transfers or payments must be with the signatures of two elected Office Bearers, of which the Treasurer shall be one.
- (c) Keep accounts of all monies received and expended by the BCCI, in respect of assets, credits and liabilities of the BCCI.



- (d) Prepare statement of accounts.
- (e) Place before the Apex Council:
  - (i) Annual Balance Sheet;
  - (ii) Statement of Accounts of the BCCI;
  - (iii) Annual Budget;
- (f) Place before the Annual General Meeting duly audited:
  - (i) Annual Balance Sheet;
  - (ii) Statement of Accounts of the BCCI;
- (g) Invest and/or disburse the funds of the BCCI, to withdraw any or all of the existing fixed deposits before the date of maturity in accordance with any general or special directions of the General Body or the Apex Council.
- (h) Prepare budgets to be presented at the Annual General Meeting, Special General Meetings and Meetings of the Apex Council.
- (i) Liaise with the Auditor and the Finance Committee to obtain oversight on how the Full Members are utilizing funds allotted to them by the BCCI.



## **CHAPTER THREE: MEETINGS OF THE GENERAL BODY**

### **8. ANNUAL GENERAL MEETING**

- (1) The Annual General Meeting of the General Body shall be held every year, not later than 30th September at such place and time as the President may fix.
- (2) Elections and Nominations to the Apex Council shall take place every 3 years at the Annual General Meeting.
- (3) The following business shall be transacted at every Annual General Meeting of the General Body:
  - (a) Confirmation of the minutes of the previous General Meetings.
  - (b) Adoption of the Report of the Secretary for the year under review.
  - (c) Adoption of the Treasurer's Report and the audited accounts for the year under review.
  - (d) Adoption of the Annual Budget.
  - (e) Appointment of Auditor or Auditors for the year and fix their remuneration.
  - (f) Appointment of the Ombudsman and Ethics Officer.
  - (g) Appointment of the Cricket Committees and Standing Committees as mentioned in Rules 26 and 25 respectively.
  - (h)
    - (i) Consideration of the Report and recommendations of the Apex Council, the CEO and the Committees and to propose policy directions to the Apex Council.
    - (ii) Consideration of the Report and recommendations of the Governing Council and to propose policy directions to the Apex Council.
    - (iii) Consideration of any amendments to the Rules and Regulations of the BCCI, provided no amendment to the





Rules and Regulations of the BCCI proposed by a Full Member shall be considered unless the proposals for amendments are received by the Secretary before 31st July.

- (iv) Consideration of the Reports of the Ombudsman and Ethics Officer and any recommendations made therein.
  - (i) Consideration of any motion, notice whereof is given by a Full Member to the Secretary twenty-one days before the meeting. (Such a motion shall be circulated in advance to all members).
  - (j) To appoint the BCCI's Representative or Representatives on the International Cricket Conference or similar Conferences.
  - (k) (i) Consideration of any other business which the President may consider necessary to be included in the agenda.  
(ii) Transaction of any other business of an informal character as may be permitted by the Chairperson.
- (4) The record of the proceedings of the Annual General Meetings and Special General Meetings shall, after the approval of the Chairperson of the Meeting be circulated within two months of the Meeting to the Members of the BCCI and then entered in the Minutes Book. The minutes shall be duly confirmed after correction, if any, and signed by the Chairperson at the subsequent Annual General Meeting.
- (5) The Secretary shall, at least Twenty One (21) days prior to the date fixed for the Annual General Meeting, forward to each member a notice setting out the agenda of business to be transacted at the Annual General Meeting along with:
- (a) Copies of the Minutes of the previous meeting or meetings to be confirmed at the Annual General meeting;
  - (b) Copies of audited Statement of Accounts to be adopted and to be passed at the Annual General Meeting;
  - (c) Copies of the audited Statement of Accounts of any tour or tours;



- (d) Treasurer's Reports and the Annual Budget;
  - (e) Report of the Ombudsman; and
  - (f) Copies of all documents and papers having a reference to any item on the Agenda of the General Meeting;
- (6) Any Member desiring to raise any point relating to the Agenda or Accounts at the Annual General Meeting shall give seven days' notice thereof to the Secretary. The Secretary shall circulate such notice to all Members before the date fixed for the meeting.

## 9. SPECIAL GENERAL MEETING

- (1) A Special General Meeting of the General Body may be convened by the Secretary:
- (a) on a directive of the President,
  - (b) on a resolution of the Apex Council, or
  - (c) on a requisition signed by not less than 10 Full Members specially stating the business to be transacted at such Meeting.
- No business other than the one for which the Special General Meeting is called will be transacted at such meeting.
- (2) In the event of the Secretary failing to convene a Special General Meeting within thirty days of the receipt of a requisition, the requisitionists may themselves convene a Meeting for the purpose specified in the requisition at such place and time as may be decided by the requisitionists.
- (3) The President may at his discretion direct the Secretary to convene a Special General Meeting at shorter notice in which case a notice of at least 10 days shall be given.
- (4) For any Special General Meeting the Secretary shall give Twenty One days' notice specifying the business to be transacted at that meeting.



- (5) In the event of the Secretary failing to convene a Special General Meeting at the direction of the President or on a resolution of the Apex Council within Ten days, the President may convene a meeting under his own signature.

#### **10. QUORUM AT ANNUAL GENERAL MEETING & SPECIAL GENERAL MEETING**

- (1) Ten Full Members present and entitled to vote shall be a quorum for an Annual General Meeting. No business shall be transacted at the Annual General Meeting unless the quorum requisite is present at the commencement of the business of the meeting. If within an hour from the time appointed for the Annual General Meeting a quorum is not present, the meeting shall stand adjourned to the same date of the following month and at the same place and time. If at the adjourned meeting the quorum is not present within an hour from the time of the meeting, the Full Members present shall form the quorum.
- (2) For a Special General Meeting ten Full Members, present and entitled to vote shall be quorum. If no quorum is present at the appointed time of the meeting, the meeting shall stand adjourned for an hour. If at the adjourned meeting the quorum is not present, the Full Members present shall form the quorum.

#### **11. CHAIRPERSON AT MEETINGS**

The President shall preside as Chairperson at the Annual General Meeting or the Special General Meeting of the General Body and in his absence the Vice-President shall preside. In the event of the Vice President also being absent, the Meeting shall elect one amongst them as the Chairperson of the Meeting.



**12. VOTING AT ANNUAL GENERAL MEETINGS / SPECIAL GENERAL MEETINGS**

- (1) At the Annual General Meeting / Special General Meeting, each Full Member shall have one vote. The Associate Members shall have no vote.
- (2) At an Annual General Meeting / Special General Meeting, a resolution placed before the Meeting duly moved and seconded shall be put to vote and shall be decided either on a show of hands or by a secret ballot as the Chairperson may decide.

**13. CASTING VOTE OR DRAWING LOTS**

Save as provided otherwise by these Rules, questions arising at any meeting shall be decided by a majority of votes and in the event of a tie, the Chairperson shall have a casting vote. If the Chairperson of the Meeting declines to exercise his casting vote, the issue shall be decided by drawing lots.



## **CHAPTER FOUR: GOVERNANCE**

### **14. THE APEX COUNCIL**

- (1) There shall be an Apex Council for the BCCI which shall be primarily responsible for the governance of the affairs of the Board.
- (2) The Apex Council shall comprise of 9 Councillors of whom 5 shall be the elected Office Bearers as per Rule 6 and the remaining 4 shall be:
  - (a) One to be elected by the Full Members of the BCCI from among their representatives;
  - (b) Two to be nominated by the Players' Association from amongst themselves, one male and one female;
  - (c) One to be nominated by the Comptroller and Auditor General of India from among the serving senior functionaries of the C&AG's office, co-terminus with the nominee's tenure;
- (3) A person shall be disqualified from being a Councillor if he or she:
  - (a) Is not a citizen of India;
  - (b) Has attained the age of 70 years;
  - (c) Is declared to be insolvent, or of unsound mind;
  - (d) Is a Minister or a government servant [except for the nominee under Rule 14(2)(c)];
  - (e) Holds any office or post in a sports or athletic association or federation apart from cricket;
  - (f) Has been an Office Bearer of the BCCI for a cumulative period of 9 years;
- (4) Each of the elected Councillors shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Apex Council. No elected Councillor shall hold two consecutive Terms on the Apex Council.
- (5) No individual, including one filling up a vacancy under Sub-Rule (9) below shall be a Councillor for more than 9 years. In the event of a Councillor completing 9 years before the expiry of his term, he shall



cease to hold office on completion of 9 years.

- (6) No nominated Councillor shall have more than one term of 3 years.
- (7) A former President of the BCCI shall not be entitled to be elected or nominated to the Apex Council in any capacity except for a second and final term as President, subject to sub-Rules (4) and (5) above.
- (8) No Councillor, once elected, shall hold any office in a Full Member Association. The Full Member shall take steps to fill up the vacancy so created immediately.
- (9) Any vacancy in the Apex Council due to death, resignation, insolvency, unsoundness of mind, nomination to the ICC or other disqualification shall be filled up for the remaining period:
  - a. In the case of an elected Councillor, by elections at a Special General Body meeting of the BCCI convened by the Secretary for that purpose within 45 days;
  - b. In the case of a nominated Councillor, in the same manner as prescribed for the respective nominee in Rule 14(2) above;
- (10) For the purposes of the Societies Registration Act, the governing body of the BCCI shall be the Apex Council.

## **15. POWERS AND FUNCTIONS OF THE APEX COUNCIL**

- (1) The affairs of the Board shall be governed by the Apex Council and its framework of governance shall:
  - i. Enable strategic guidance of the entity;
  - ii. Ensure efficient monitoring of management;
  - iii. Clarify the respective roles, responsibilities and powers of the CEO, Managers, Cricket Committees and Standing Committees, except the Governing Council;
  - iv. Ensure a distribution and balance of authority so that no single individual has unfettered powers;
- (2) The Apex Council shall have all the powers of the General Body and



authority and discretion to do all acts and things except such acts as by these rules are expressly directed or required to be done by the General Body. Exercise of such powers, authorities and discretion shall be subject to the control and regulation of the General Body. No regulation shall retrospectively invalidate any act of the Apex Council which was otherwise valid.

- (3) The Apex Council shall exercise superintendence over the CEO, the Cricket Committees and the Standing Committees in the discharge of their duties generally, and in particular, in accordance with any general or special direction of the General Body, except for the Governing Council of the IPL which is directly accountable to the General Body.
- (4) In addition to and without prejudice to the generality of powers conferred directly or by necessary implication under these Rules and regulations and the Memorandum of Association, the Apex Council shall exercise the powers and perform the duties hereafter mentioned:
  - a. To control, permit and regulate all aspects regarding the visits of foreign cricket teams to India and visits of Indian teams to foreign countries and to settle the terms on which such visits shall be conducted.
  - b. To lay down conditions on which Players shall take part in a tour to any foreign country and by which such Players shall be governed, including terms of payments to such Players.
  - c. To control, expand and regulate the finances of the BCCI.
  - d. To institute or defend any action or proceedings for or against the BCCI or against any Office-Bearer or employee of the BCCI.
  - e. To mediate in regard to issues between Members, failing resolution of which a reference may be made to the



Ombudsman;

- f. To interact and consult with the Cricket Players' Association regarding representations made on their behalf.
- g. To purchase, sell and/or mortgage, exchange and/or otherwise dispose of immovable property wherever situated, in order to promote the objects of the BCCI.
- h. To collect funds and whenever necessary borrow not exceeding 25% of the General Fund with or without security for purposes of the BCCI and to raise loans with or without security and to purchase, redeem or pay off any such security.
- i. To fill up, till the following Annual General Meeting, any vacancy occurring of a member of a committee by reason of death or being adjudged insolvent or being of unsound mind or being convicted of a criminal offence involving moral turpitude or by resignation or any other disqualification.
- j. To frame rules and lay down conditions including those of travel, accommodation and allowances under which Indian Players shall take part in cricket tournaments/matches or Exhibition, Festival and Charity matches organized by the BCCI or by a Member under the authority of the BCCI in the course of a visit or tour of a foreign cricket team to India.
- k. To frame rules for the National Championship of India for the Ranji Trophy matches or for University, Schools or other tournaments or for any Exhibition matches between members and / or between the Universities in India.
- l. To frame rules regarding the appointment, service conditions and disciplinary action concerning employees and officers of the BCCI.
- m. To make the Tournament Rules for various domestic tournaments and exhibition matches involving Members, Universities and other entities.
- n. To frame, in consultation with the CEO, rules for the





appointment of Managers, Secretaries, Administrative Officers, Peons and other service personnel and staff and for payment to them and other persons in return for their services rendered to the BCCI, salaries, wages, gratuities, pensions, honorariums, compensations, any ex-gratia payment and/or provident fund and to regulate discipline by suspending, fining, removing or dismissing such employees.

- o. To make rules generally for the management of the affairs of the BCCI.
- p. To start or sponsor and/or to subscribe to funds or stage a match for the benefit of cricketers or persons who may have rendered service to the game of cricket or for their families or to donate for the development or promotion of the game to be regulated by rules framed in this regard from time to time.
- q. To appoint BCCI's representative or representatives on the International Cricket Council, Asian Cricket Council or similar conference.
- r. To either on its own, or through its delegate, entertain, hear and decide administrative appeals by employees or other directly affected parties against the orders of the CEO or the Cricket Committees as the case may be.
- s. Generally to do all such other acts and things which are delegated to it by the Board and all other functions to be expedient, convenient and/or conducive to the carrying out of the above functions of the Apex Council.

Provided that the exercise of powers under Clauses (j),(k), (l), (m), (n) and (o) shall be subject to ratification by the Board at its next meeting, failing which the rules shall lapse.

- (5) The Apex Council shall meet at least once every 3 months at such time and place and shall conduct proceedings in such manner as it may from time to time decide.



- (6) A Special Meeting of the Apex Council may be convened at any time by the President and shall be convened on a requisition to that effect being made in writing by not less than three Councillors. Any such requisition shall express the object of the meeting proposed to be called and shall be sent to the Secretary.
- (7) Fourteen days' clear notice of the Meeting of the Apex Council together with the Agenda shall be given to the Councillors. For a Special Meeting of the Apex Council convened for the purposes stated in Sub-Rule(5) above, Seven days' clear notice shall be given. An Emergent meeting of the Apex Council may be convened with Two days' notice.
- (8) Five members of the Apex Council shall form a quorum for its meetings. The President or in his absence a member elected by those present at the meeting shall be the Chairperson. In the event of a tie, the Chairperson shall have a casting vote.
- (9) A resolution by circulation by all members of the Apex Council shall be as valid and effective as if it had been passed at a meeting of the Apex Council. Such a resolution shall be ratified at the next meeting of the Apex Council.
- (10) The Secretary shall keep the minutes of every Meeting in a book which shall be signed by the Chairperson when approved.

**16. BCCI JURISDICTION OVER PLAYERS, MATCH OFFICIALS & TEAM OFFICIALS OF MEMBERS**

The BCCI shall have concurrent jurisdiction and control over Players, Match Officials and Team Officials within the jurisdiction of a Member. Such individuals participating in cricket under the aegis of a Member shall be deemed ipso facto to submit to the jurisdiction of the BCCI.



**17. CONDUCT OF PLAYERS**

The Apex Council shall have the power to enquire into the conduct of any Player within its jurisdiction and may take such disciplinary action against the Player as the Apex Council may deem fit, which decision shall be final.

**18. ENQUIRY INTO CONDUCT OF PLAYERS, MATCH OFFICIALS, ADMINISTRATORS, ETC.**

In the event of the BCCI enquiring into the conduct of a Player, Match Official, Administrator, etc., the BCCI shall proceed in the manner prescribed in Rule 41.



## **CHAPTER FIVE: MANAGEMENT**

### **19. ADMINISTRATION OF THE BCCI**

- (1) Mumbai shall be the administrative headquarters where the office of the BCCI shall be permanently situated. It shall be the Central Secretariat of the BCCI.
- (2) The day-to-day management of the BCCI shall be conducted by professionals in both cricketing and non-cricketing matters.
- (3) The Governing Council of the IPL shall be accountable directly to the General Body and not to the CEO or the Apex Council.

### **20. NON-CRICKETING MATTERS**

- (1) The day to day management of non-cricketing matters including operations, technical, human resources, finance and media shall be conducted by the CEO under the supervision of the Apex Council aided by the advice of the Standing Committees as set out in Rule 24.
- (2) The CEO shall be assisted by Managers as may be appointed under Rule 23.

### **21. CRICKETING MATTERS**

- (1) The management of cricketing matters such as selections, coaching and evaluation of team performance shall be exclusively handled by the Cricket Committees comprising only of Players as set out in Rule 26.
- (2) The management, evaluation and selection of umpires shall be done by the Umpires Committee comprising only of Umpires as set out in Rule 27.
- (3) The reports of the Cricket and Umpires Committees shall be sent to the CEO for being forwarded to the Apex Council, but the CEO shall not in any way be involved in the preparation, approval or amendment of the same.



## 22. EFFICIENCY IN FUNCTIONING

- (1) The bankers, lawyers and others offering professional services to the BCCI shall be appointed in a fair and transparent manner, and may be changed from time to time, as the BCCI may deem expedient.
- (2) The bank account of the BCCI shall be operated by the Treasurer along with the Joint Secretary and in the absence of the Joint Secretary, by the Secretary.
- (3) The CEO and the Cricket & Umpires Committees shall function independently in their respective domains without any interference or approval from each other.

## 23. THE CEO

- (1) The day-to-day management of the affairs of the BCCI shall vest in a full time CEO to be appointed by the Apex Council, who shall be a management professional with management experience of at least 5 years as the CEO/MD of a company with a turnover of at least Rs.100 crore.
- (2) The CEO shall be assisted by not more than 6 full-time professionals (Managers) who shall be appointed by the Apex Council in consultation with the CEO essentially to govern the streams of finance, technical, infrastructure, law, media and human resources. The CEO may however realign or reallocate these streams as he deems fit.
- (3) The eligibility criteria for the CEO and Managers shall be laid down by the Apex Council keeping in mind the following guidelines:
  - a. Knowledge and familiarity with cricket or other sports;
  - b. Understanding of financial position and fiscal direction of the BCCI;
  - c. Knowledge of operations of cricket administration and overall policy;
  - d. Clarity on role, division of responsibilities and hierarchy;



- e. Familiarity with regulatory and legal responsibilities as well as attendant risks;
- (4) There shall be an appropriate induction process laid down by the Apex Council for the CEO and the Managers, which shall include a fair and transparent process of appointment.

## **24. THE FUNCTIONS OF THE CEO**

The CEO shall have the following functions on behalf of the BCCI:

- (1) To implement all the Rules and Regulations made by the Governing Body and the Apex Council in regard to non-cricketing matters;
- (2) To issue guidelines in respect of travel, accommodation, allowances, etc., to be paid to players, support staff and officials participating in matches, other than international matches;
- (3) To lease and manage immovable property of the BCCI wherever situated, in order to promote the objects of the BCCI.
- (4) To lay down parameters for the laying of grounds for playing the game and to provide pavilion, canteen and other conveniences and amenities in connection therewith.
- (5) To appoint Team Officials for the Indian teams which shall compulsorily include qualified coaches, managers, physiotherapists, nutritionists, trainers, analysts, counsellors and medics.
- (6) To secure Players' welfare to ensure that the logistics manager will arrange for accommodation and travel, to ensure that tickets given to Players for matches will be on par with those given to the Members, and to also ensure that no expenditures towards the game (baggage handling, injury related, etc.) will be undertaken by the Player, failing which such expenses will be reimbursed to the Player within 30 working days of the requisition being made. Also, to process requests made by Players to make arrangements for the accommodation and travel of their respective wives / partners / family members, wherever permitted.



- (7) To ensure that all measures are adopted to eliminate any form of racial, communal, casteist or other hatred from the game, with stringent action taken against the offenders including the initiation of criminal proceedings.
- (8) To start and maintain a library of books, periodicals, DVDs and other databases on Sports in general and Cricket in particular, and to publish journals, books and other material as well as the official website of the BCCI.
- (9) To produce by itself the Cricket content for telecast of cricket matches and/or ceremonies by hiring or owning equipment and hiring necessary crew, technicians, etc.
- (10) To publicize the stadium capacity of all stadia across the country with compulsory seat numbers, to provide transparent online and offline ticket booking services with reasonably priced tickets and maximize the access of the public to the games.
- (11) To provide at stadiums, wholesome and hygienic food and beverages at affordable rates, clean and hygienic restrooms for all genders and for the differently-abled, adequate fire and emergency entries and corridors, sufficient access avenues and wheelchairs for the differently-abled, proper signage, parking and transport facilities as well as efficient security systems.
- (12) To arrange and organize the National Championship of India for the Ranji Trophy matches or for University, Schools or other tournaments or for any Exhibition matches between members and / or between the Universities in India including regulations and bye-laws in respect of travel, accommodation, allowances to be paid to players and officials participating in such matches.
- (13) To frame guidelines generally for the convenience and ease of day-to-day management of affairs of the BCCI.
- (14) To prescribe guidelines to lay out or convert any ground into high quality turf wickets at all levels in all areas of the country and to provide Pavilions, Canteens, Public Conveniences and other amenities



- with disabled access and suitable signage, especially to involve more Indians in the game of cricket and to encourage participation of all sections of society.
- (15) To assist the Cricket Committees and facilitate the implementation of their tasks and recommendations.
  - (16) To collate monthly reports concerning the functioning of the various Committees, to create action plans in advance and upload the same on the website of the BCCI.
  - (17) To create a database of all cricketers at all levels, maintain records and statistics, track performances and certify age and identity of participants.
  - (18) To take steps to create world class infrastructure at all levels in all areas across the country. To coordinate with State associations, to conduct tournaments, to provide better access to the public, with particular reference to women and the disabled.
  - (19) To put in place mechanisms to encourage Indian cricketers to play internationally and hone their skills so that a wider talent pool is available to represent the country.
  - (20) To enter transparently into contracts with third parties and vendors for the purposes of the various Committees of the BCCI, and to ensure that in all contracts for television and media rights, the interests of the public remain uncompromised, and full, unhindered broadcasts of all deliveries and their replays are shown with the screen offering a full and complete view without advertisement banners or margins, and to restrict commercial time only to the refreshment and other team breaks during and between innings.
  - (21) To report to the Apex Council every quarter or as often as required by the Apex Council on the functioning of the management and the progress made in developing cricket in India.
  - (22) To consider the reports of the Auditor, to verify whether Full Members are meeting their objectives and to assess whether cricket is being suitably developed and promoted across the country.





- (23) To consider all applications for financial aid or any other benevolence to cricketers, Umpires and administrators as per the rules framed by the General Body in this behalf from time to time and recommend the same to the Apex Council for their approval.
- (24) To examine all the expenditure exceeding the Budget and to control such outlays as are required for the proper administration of the BCCI.
- (25) To advise the BCCI regarding investments.
- (26) To process requests made for increase in all types of allowances, subventions/subsidies to be paid to the Associations, tariff for Coaching Camps, Coaching Subsidies to the Associations, allowance to the players for matches of different Trophies and when playing against foreign sides, both at home and away and to recommend the same to the Apex Council.
- (27) To do all acts and things which are delegated by the Board and Apex Council to him, and all other functions as are necessary and expedient to carry out the objects of the BCCI as aforesaid.

## 25. THE STANDING COMMITTEES

(1) The Standing Committees are the Committees that provide guidance and advice on behalf of the Members to the CEO.

(2) The Standing Committees are:

### A. The Senior Tournament Committee

(i) The Senior Tournament Committee shall consist of FIVE persons appointed by the Board at the Annual General Meeting, one from each Zone.

(ii) The Committee shall advise the CEO on the conduct of the following Tournaments in accordance with their respective rules as framed by the Board:

- a. National Championship of India for the Ranji Trophy;
- b. Match between the National Champions and the Rest of



- India for the Irani Trophy;
- c. National Zonal Championship for the Duleep Trophy;
- d. Limited Overs Zonal Tournament for Prof.D.B.Deodhar Trophy;
- e. Limited Overs One Day Inter State Tournament for Vijay Hazare Trophy;
- f. The Vizzy Trophy for Universities;

B. The Tours, Fixtures & Technical Committee

- (i) The Tours, Fixtures & Technical Committee shall consist of FIVE persons appointed by the Board at the Annual General Meeting, one from each Zone. At least three of these five persons ought to have played a minimum of 25 First Class games.
- (ii) The Committee shall, subject to any directions of the Board, advice the CEO on the making of draws and fixing of dates and venues in respect of the following:

- a. Tours of Indian Team visiting abroad;
- b. Tours of foreign teams visiting India;

Provided that all Test Centers shall be awarded Tests on a rotational basis without any repetition until the entire cycle is complete, and all One Day Internationals and Twenty/20 matches shall be similarly rotated among all International Centers in such a manner that no State shall host more than one match (regardless of format) on a single tour.

- c. All matches and Tournaments conducted/organized by the BCCI.

- (iii) The Committee shall, subject to any directions of the General Body or the Apex Council, advice the CEO on the following:
  - a. Appointment of Observers for Tests and other matches during the tours of foreign teams in India;



- b. Considering the laws of the game and amendments thereto, experimental laws, technical matters that may be referred to it by the General Body and matters regarding the Laws of the game to be discussed at the International Cricket Council.
- c. Framing and finalizing the playing conditions for all tours to and from India.

## 26. THE CRICKET COMMITTEES

(1) The Cricket Committees are the Committees comprised exclusively of former Players who are tasked with the Selection, Coaching and Evaluation of Team Performances.

(2) The Cricket Committees are:

### A. The Men's Selection Committee

- (i) The Men's Selection Committee shall select the Senior National Team for representation in Tests, One Day Internationals, Twenty/20 and any other format. This Committee shall also be responsible for vetting and selecting Coaches and Support Staff (physiotherapists, trainers, therapists, analysts and medics) for the respective teams, as well as providing evaluation reports of the respective team performances to the Apex Council on a quarterly basis.
- (ii) The Men's Selection Committee shall consist of THREE persons to be appointed by the Board at the Annual General Meeting, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have represented the Senior National Team in Test Matches shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most Test cap among the members of



the Committee shall be appointed as the Chairperson.

- (iii) The Men's Selection Committee shall appoint a Captain for the team in each format, who shall be an ex-Officio member of the Committee. The Captain, however, shall not be entitled to vote. In the event of there being an equality of votes for the appointment of a Captain, the Chairperson shall have a casting vote. In the event of there being no majority agreement over the selection of the players, the Captain's wishes in that regard shall prevail.
- (iv) On an overseas tour, the Cricket Manager/Coach, Captain and Vice-Captain shall constitute the Selection Committee. The Administrative Manager shall convene the meeting and keep a record of the proceedings.

**B. The Junior Cricket Committee**

- (i) The Junior Cricket Committee shall consist of THREE persons to be appointed by the Board at the Annual General Meeting, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have played a minimum of 25 First Class games shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most amongst the members of the Committee shall be appointed as the Chairperson.
- (ii) The Junior Cricket Committee shall:
  - a. Select all age group teams upto Under-22 years for the purpose of coaching camps or for playing against local or foreign teams within India or abroad in any format of the game.
  - b. Appoint a Captain for the team in each format, who shall be an ex-Officio member of the Committee. The Captain, however, shall not be entitled to vote. In the



event of there being an equality of votes for the appointment of a Captain, the Chairperson shall have a casting vote. In the event of there being no majority agreement over the selection of the players, the Captain's wishes in that regard shall prevail. On an overseas tour, the Cricket Manager/Coach, Captain and Vice-Captain shall constitute the Selection Committee. The Administrative Manager shall convene the meeting and keep a record of the proceedings.

- c. Vet and select Coaches and Support Staff (physiotherapists, trainers, therapists, analysts and medics) for the respective teams, as well as providing evaluation reports of the respective team performances to the Apex Council on a quarterly basis.
- d. Organize and conduct junior tournaments of the BCCI;
- e. Organize junior tours of foreign countries;
- f. Decide any dispute in regard to junior tournaments;
- g. Inculcate proper ethics in the youth, particularly through interactions with senior and former Players on issues such as drugs, betting, match-fixing, etc.

C. The Women's Selection Committee

- (i) The Women's Selection Committee shall select the National Team across all age groups for representation in Tests, One Day Internationals, Twenty/20 and any other format. This Committee shall also be responsible for vetting and selecting Coaches and Support Staff (physiotherapists, trainers, therapists, analysts and medics) for the respective teams, as well as providing evaluation reports of the respective team performances to the Apex Council on a monthly basis.



- (ii) The Women's Selection Committee shall consist of THREE persons to be appointed by the Board at the Annual General Meeting, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have represented the Women's National Team shall be eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most international amongst the members of the Committee shall be appointed as the Chairperson.
- (iii) The Women's Selection Committee shall appoint a Captain for the team in each format, who shall be an ex-Officio member of the Committee. The Captain, however, shall not be entitled to vote. In the event of there being an equality of votes for the appointment of a Captain, the Chairperson shall have a casting vote. In the event of there being no majority agreement over the selection of the players, the Captain's wishes in that regard shall prevail.
- (iv) On an overseas tour, the Cricket Manager/Coach, Captain and Vice-Captain shall constitute the Selection Committee. The Administrative Manager shall convene the meeting and keep a record of the proceedings.

D. The Women's Cricket Committee

- (i) The Women's Cricket Committee shall consist of THREE former women Players who have played at least First Class cricket. One Player shall be nominated from each Zone at the Annual General Meeting of the Board, the senior most of whom shall be the Chairperson.
- (ii) The Committee shall:
  - (a) Draw up programmes of coaching at zonal and national levels.
  - (b) Plan and conduct Women's Junior and Senior domestic



tournaments.

- (c) Organize tours to foreign countries or tours of others countries to India.
- (d) Decide any dispute in regard to Women's Tournaments.
- (e) Generally have control over Women's Cricket activities, outside of those covered by the Women's Selection Committee.

E. The Zonal Selection Committee

- (i) The Zonal Selection Committee shall select the respective Zonal Team for inter-zonal competitions and trophies. This Committee shall also be responsible for vetting and selecting Coaches and Support Staff (physiotherapists, trainers, therapists, analysts and medics) for the respective teams.
- (ii) The Zonal Selection Committee shall consist of ONE Selector from each Zone as laid down in Rule 1(A)(hh), who shall be nominated by the respective Associations at the Annual General Meeting of the Board. Only former Players who have played at least 10 First Class games are eligible to be appointed to this Committee, provided that they have retired from the game at least 5 years previously. The senior most amongst the members of each Zonal Committee shall be appointed as the Chairperson for the respective Committee.
- (iii) The Zonal Selection Committee shall appoint a Captain for the team, who shall be an ex-Officio member of the Committee. The Captain, however, shall not be entitled to vote. In the event of there being an equality of votes for the appointment of a Captain, the Chairperson shall have a casting vote. In the event of there being no majority agreement over the selection of the players, the Captain's wishes in that regard shall prevail.



F. The Differently-Abled Cricket Committee

- (i) The Differently-Abled Cricket Committee shall consist of THREE persons to be appointed by the Board at the Annual General Meeting, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Differently-Abled Players who have represented the country in any format of the game shall be eligible to be appointed to this Committee. It is preferable that different categories of impairment (visual, physical, etc.,) be represented among the members of the Committee. The senior most among the Players shall be the Chairperson.
- (ii) The Differently-Abled Cricket Committee shall, in selection with the Cricket Talent Committee select the National Team across all age groups for representation in Tests, One Day Internationals, Twenty/20 and any other format. In addition, this Committee shall also propose to the CEO the best practices to be inculcated including coaching, counselling and special equipment. This Committee shall also endeavour to bring the various existing cricket associations for various types of impairment under the common umbrella of the BCCI and evolve training programmes and raise awareness.
- (iii) This Committee shall appoint a Captain for the team in each format, who shall be an ex-Officio member of the Committee. The Captain, however, shall not be entitled to vote. In the event of there being an equality of votes for the appointment of a Captain, the Chairperson shall have a casting vote. In the event of there being no majority agreement over the selection of the players, the Captain's wishes in that regard shall prevail. On an overseas tour, the Cricket Manager/Coach, Captain and Vice-Captain shall constitute the Selection Committee. The Administrative Manager shall convene the meeting and keep a record of the proceedings.





G. The Cricket Talent Committee

- (i) The Cricket Talent Committee shall consist of THREE persons to be appointed by the Board at the Annual General Meeting, on such terms and conditions as may be decided by the Apex Council from time to time. Only former Players who have played at least 20 First Class games and have the highest level of coaching certification shall be eligible to be appointed to this Committee. The seniormost among the Players shall be the Chairperson.
- (ii) This Committee shall:
  - a. Be responsible for scouting for talent in men, junior, women and disabled cricket.
  - b. Organize the framework within which the National Cricket Academy and the various State/District/Zonal Cricket Academies will be established and perform.
  - c. Create the programmes and coaching centers for coaching at regional and national levels;
  - d. Improve infrastructure in all areas of the country;
  - e. Make provisions for making the game of cricket accessible to the general public by creating turf wickets, pay-and-play facilities and converting existing fields and grounds into high quality pitches;
  - f. Encourage the youth to take up cricket by setting up promotional camps and other avenues of engagement with the game;
  - g. Provide evaluation reports of the targets set and achieved and the details of its programmes to the Apex Council on a quarterly basis;

(3) No person who has been a member of a Cricket Committee for a total of 5 years shall be eligible to be a member of a Cricket Committee.



- (4) No person who has been a member of a Cricket Committee shall write, comment or publicize any discussions or decisions of the Selections made except where so authorized by the Board or the Apex Council. Any violation of this confidentiality provision will invite removal and substitution by the Apex Council.
- (5) The Chairpersons of the respective Cricket Committees shall submit a quarterly report to the CEO which shall then be forwarded by him to the Apex Council for assessment and action, if any.
- (6) The Apex Council is empowered to add any further Cricket Committees as may be required, particularly to cater to weaker sections of society.

## **27. THE UMPIRES COMMITTEE**

- (1) The Umpires Committee shall consist of THREE persons appointed by the Board at the Annual General Meeting, each of whom shall have been a former International umpire from India. In the event of such a person not being available, any umpire who has officiated in at least 25 First Class matches shall be eligible to be appointed. No person may be a member of this Committee for more than 5 years. The senior most umpire shall be the Chairperson of the Committee.
- (2) The function of the Umpires Committee shall be to standardize umpiring throughout India and to draw up and maintain a panel of Umpires to officiate matches in India and classify them into Elite Panel, All India Panel and Ranji Trophy Panel of Umpires, according to the merits of the Umpires (subject to reclassification), as per criteria worked out by the Committee. The Committee shall hold examinations from time to time for this purpose.
- (3) The Committee shall appoint umpires for all National and International matches and shall assist Members in the formation of the panels of Umpires in their respective areas. The Committee shall endeavour to promote umpiring by conducting camps and programmes.



- (4) The Committee shall draw a format to obtain confidential reports from captains on umpires, match referees or any other designated persons to assess the merits / de-merits of the Umpires.
- (5) The Committee may hold, organize and arrange seminars and conventions of umpires to discuss the laws of the game, experimental rules and suggestions of International Cricket Council in regard to amendments, alterations and additions to the laws of the game.

## **28. THE GOVERNING COUNCIL**

- (1) The Governing Council of the IPL shall consist of NINE members who shall be inducted at every Annual General Body Meeting of the Board. The term of the members of the Governing Council (other than the Secretary, Treasurer, C&AG nominee and CEO) shall be one year.
- (2) The composition of the Governing Council shall be as follows:
  - i. Four representatives of the General Body; of which two shall be the Secretary and Treasurer, and two others to be elected by the General Body;
  - ii. Two representatives of the IPL Franchisees;
  - iii. One representative of the Cricket Players' Association (other than the representatives on the Apex Council);
  - iv. The Councillor who is the nominee of the Comptroller & Auditor General on the Apex Council;
  - v. The CEO of the BCCI;
- (3) One of the two elected Member representatives shall be the Chairperson of the Governing Council.
- (4) The nominees of the IPL Franchisees shall be rotated annually so that no Franchisee is represented again until all Franchisees have been represented at least once.
- (5) All decisions relating to the IPL would be taken by the Governing Council by majority and in case of equality of votes the Chairperson shall have a casting vote.
- (6) The Governing Council shall maintain a separate Bank Account which



shall be operated by the Treasurer and the CEO.

- (7) The Governing Council shall, at the following Meeting of the General Body, submit a report along with all decisions taken by it.

## **29. ACCIDENTAL OMISSION TO GIVE NOTICE OF MEETING**

Accidental omission to give notice of an Annual General or Special General Meeting or Meetings of the Apex Council or of any of the Committees to any member entitled thereto or the non-receipt thereof by such individual shall not invalidate the proceedings of such meetings.

## **30. PERMISSION TO CONDUCT TOURNAMENTS**

- (1) No Club affiliated to a member shall conduct or organize any tournament or any matches in which players/teams from the region within the jurisdiction of a member are participating or are likely to participate without the previous permission of the member affiliated to the BCCI.
- (2) No member or a Club affiliated to a member shall conduct or organize any tournament or any match/matches in which players/teams from regions outside their jurisdiction are participating or are likely to participate without the previous permission of the BCCI.
- (3) Permission for conducting or organizing any tournament or match/matches will be accorded only to the members of the BCCI and will be in accordance with the rules framed by the BCCI in this regard from time to time.
- (4) No member or a Club affiliated to a member shall conduct or organize any international Tournament or International match/matches in which foreign players/teams are participating or are likely to participate without the previous permission of the BCCI. Permission



for conducting or organizing any International Tournaments or International match/matches will only be accorded to the Members of the BCCI on special occasions.

- (5) Members or their affiliates desirous of undertaking tours abroad or inviting foreign teams shall obtain the previous permission of the BCCI, which may be granted in accordance with the Rules framed by the BCCI.

### **31. BAN ON PARTICIPATION IN UNAPPROVED TOURNAMENTS**

- (1) No Member shall participate or extend help of any kind to an unapproved Tournament.
- (2) No Player, Umpire, Scorer, Official or other person associated with the BCCI shall participate in any unapproved tournament.
- (3) The Apex Council shall take appropriate action including suspension and stoppage of financial benefits and any other action against individuals / Members contravening the above.



## **CHAPTER SIX: ELECTIONS**

### **32. PROCEDURE FOR ELECTIONS**

The General Body shall from time to time frame rules of procedure for the elections. Any amendments to the procedure adopted shall be made at least 3 months prior to the elections.

### **33. THE ELECTORAL OFFICER**

- (1) At least two weeks prior to the Annual General Meeting at which an election is to be held, the Apex Council shall appoint an Electoral Officer, who shall be a former member of the Election Commission of India.
- (2) The Electoral Officer shall oversee and supervise the entire election process for Councillors and the Players' Cricket Association, which shall include all nominations and candidatures being subject to his scrutiny in accordance with the Rules.
- (3) In case of any dispute or objection as to candidacy, disqualification, eligibility to vote, or the admission or rejection of a vote in the elections to the Apex Council, the Players' Cricket Association or any of the Committees, the Electoral Officer shall decide the same and such decision shall be final and conclusive.



## **CHAPTER SEVEN: AUDIT & ACCOUNTS**

### **34. AUDITOR(S):**

- (1) The General Body shall at every Annual General Meeting appoint one or more auditors to hold office for a 1 year period and shall fix their remuneration. The Auditor shall be eligible for reappointment by the General Body.
- (2) The Auditor(s) of the BCCI shall have the right of access at all times to the Books of Accounts, Vouchers and any other documents relating to the accounts of the BCCI and shall be entitled to obtain from the Office-bearers and Committees such information and explanation as may be necessary in the discharge of his/their duties.
- (3) The Auditor(s) shall provide an opinion on the financial statements of the BCCI and recommendations on the financial controls within the system, which shall be contained in a Financial Report.
- (4) The Auditor(s) shall also ascertain how the funds of the BCCI are being utilized by the respective Members. It will be the responsibility of the Auditor(s) to verify the statements made by the Member associations in this regard and to give findings, which shall be contained in a Compliance Report.
- (5) Both the Financial Report and the Compliance Report of the Auditor(s) shall be considered at the Annual General Meeting.

### **35. ACCOUNTS**

True accounts shall be kept by the Treasurer of all moneys received and expended by the BCCI and the matters in respect of which such receipts and expenditure take place and of all assets, credits and liabilities of the BCCI. This shall include the separate account maintained for the IPL as well.



**36. SETTLEMENT OF ACCOUNTS & BALANCE SHEET**

The accounts shall, unless the General Body fixes any other date there for, be settled by the Treasurer on the 31st of March in each year, and a balance sheet of the assets and liabilities of the BCCI on that day shall be made out by him. The Balance Sheet duly audited with the Auditor's remarks shall be laid before the General Body at the Annual General Meeting.





## **CHAPTER EIGHT: TRANSPARENCY & CONFLICT OF INTEREST**

### **37. TRANSPARENCY**

- (i) The Memorandum of Association, Rules and Regulations and all other resolutions, orders and memoranda of the BCCI (including the Apex Council and the General Body) shall be freely available to the general public at a reasonable price. The same shall also be available on the Website of the BCCI.
- (ii) The composition of the various Committees (including the Governing Council), their reports of work done, financial outlay and expenditure shall be uploaded on the Website of the BCCI on a quarterly basis at distinct links dedicated to each Committee. It shall be the responsibility of the CEO to ensure that this is done.
- (iii) All payments and expenditures made by the BCCI which is in excess of Rs.25 lakh shall be enumerated and uploaded on the website.
- (iv) All proceedings and conclusions of the Ombudsman and the Electoral Officer shall be uploaded on the Website of the BCCI annually.
- (v) The audited accounts, balance sheets, profit & loss accounts and annual reports shall be uploaded on the Website of the BCCI annually.
- (vi) The Financial and Compliance Reports of the Auditor shall be placed on the uploaded on the Website of the BCCI annually.
- (vii) All notices on or behalf of the BCCI including tenders for goods and services, for contractual arrangements and the like shall be promptly uploaded on the Website of the BCCI.
- (viii) The website of the BCCI shall have dedicated links to all the stadia in the country which host international matches, along with their



complete seating capacity, pricing and transparent booking procedures for all tournaments whether international, domestic or IPL. All sponsor and other free allotments shall also be disclosed, in no event being more than 10% of the entire seating capacity in any particular category.

### 38. CONFLICT OF INTEREST

(1) A Conflict Of Interest may take any of the following forms as far as any individual associated with the BCCI is concerned:

(i) *Direct or Indirect Interest:* When the BCCI, a Member, the IPL or a Franchisee enter into contractual arrangements with entities in which the individual concerned or his/her relative, partner or close associate has an interest. This is to include cases where family members, partners or close associates are in positions that may, or may be seen to compromise an individual's participation, performance and discharge of roles.

Illustration 1: A is an Office Bearer of the BCCI when it enters into a broadcast contract with a company where A's son B is employed. A is hit by Direct Conflict of Interest.

Illustration 2: C is a Member of the IPL Governing Council. The IPL enters into a contract with a new franchisee, the Managing Director of which is C's partner in an independent commercial venture. C is hit by Indirect Conflict of Interest.

Illustration 3: D is the Office Bearer of a State Association. D's wife E has shares in an IPL Franchisee which enters into a stadium contract with the State Association. D is hit by Indirect Conflict of Interest.

Illustration 4: F is President of the BCCI. His son-in-law is a Team Official of a Franchisee. F is hit by Conflict of Interest.

Illustration 5: G is an employee of the BCCI. His wife runs a catering agency that is engaged by the BCCI. G is hit by Conflict of Interest.



- (ii) *Roles compromised*: When the individual holds two separate or distinct posts or positions under the BCCI, a Member, the IPL or the Franchisee, the functions of which would require the one to be beholden to the other, or in opposition thereof.

Illustration 1: A is the Coach of a team. He is also Coach of an IPL Franchisee. A is hit by Conflict of Interest.

Illustration 2: B is Secretary of the BCCI. He is also President of a State Association. B is hit by Conflict of Interest.

Illustration 3: C is the Vice President of the BCCI. He is also President of a State Association and member of a Standing Committee. C is hit by Conflict of Interest.

Illustration 4: D is a Selector. He is also coach of an IPL franchisee. D is hit by Conflict of Interest.

- (iii) *Commercial conflicts*: When the individual enters into endorsement contracts or other professional engagements with third parties, the discharge of which would compromise the individual's primary obligation to the game or allow for a perception that the purity of the game stands compromised.

Illustration 1: A runs a cricket academy. He is appointed as a selector. A is hit by Conflict of Interest.

Illustration 2: B is a BCCI commentator. He also runs a sports management company which contracts members of the team. B is hit by Conflict of Interest.

Illustration 3: C is a selector. He is contracted to write a column on a tour that the national team is on. C is hit by Conflict of Interest.

Illustration 4: D is a team captain. He is also co-owner of a sports management agency which is contracted to manage other team members. D is hit by Conflict of Interest.

Illustration 5: E is a member of the IPL Governing Council. He is engaged by a cricket broadcaster to act as an IPL commentator. E is hit by Conflict of Interest.

- (iv) *Prior relationship*: When the individual has a direct or indirect independent commercial engagement with a vendor or service



provider in the past, which is now to be engaged by or on behalf of the BCCI, its Member, the IPL or the Franchisee.

Illustration 1: A is President of the BCCI. Prior to his taking office, he has been engaged professionally for his services by a firm B. After A becomes President, B is appointed as the official consultants of the BCCI. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. Prior to his election, he ran a firm C, specializing in electronic boundary hoardings. Upon becoming Secretary, the contract for the Association's stadium hoardings is granted to C. B is hit by Conflict of Interest.

Illustration 3: D is the Commissioner of the IPL. Before he came into this office, he used to engage E as his auditor for his business. After becoming Commissioner, E is appointed as auditor to the IPL. D is hit by Conflict of Interest.

Illustration 4: F is the Captain of an IPL team, and G is the team's manager. When F is made Captain of the national team, G is appointed as the national team's manager. F is hit by Conflict of Interest.

- (v) *Position of influence:* When the individual occupies a post that calls for decisions of governance, management or selection to be made, and where a friend, relative or close affiliate is in the zone of consideration or subject to such decision-making, control or management. Also, when the individual holds any stake, voting rights or power to influence the decisions of a franchisee / club / team that participates in the commercial league(s) under BCCI;

Illustration 1: A is a selector. His son is in the zone of consideration for selection. A is hit by Conflict of Interest.

Illustration 2: B is the Secretary of a State Association. He also runs a cricket academy in the State. B is hit by Conflict of Interest.

Illustration 3: C is an umpire. His daughter D is a member of a team which is playing a match in which C officiates. C is hit by Conflict of Interest.



Illustration 4: E is the President of a State Association and his company F owns 12 cricket clubs in the State from which probables are selected for the State team. E is hit by Conflict of Interest.

**EXPLANATION**: The Illustrations which refer to a President / Secretary / Vice-President may be read as illustrations referring to any other Office Bearer, and also to the members of the Apex Council, the Governing Council and the Committees.

- (2) Within a period of 15 days of taking any office under the BCCI, every individual shall disclose in writing to the Apex Council any existing or potential event that may be deemed to cause a Conflict of Interest, and the same shall be uploaded on the website of the BCCI. The failure to issue a complete disclosure, or any partial or total suppression thereof would render the individual open to disciplinary action which may include termination and removal without benefits. It is clarified that a declaration does not lead to a presumption that in fact a questionable situation exists, but is merely for information and transparency.
- (3) A Conflict of Interest may be either Tractable or Intractable.
  - a. Tractable conflicts are those that are resolvable or permissible or excusable through recusal of the individual concerned and/or with full disclosure of the interest involved;
  - b. Intractable conflicts are those that cannot be resolved through disclosure and recusal, and would necessitate the removal of the individual from a post or position occupied so that the conflict can cease to exist;

Explanation: In Illustration (iii) of Rule 38(1)(i), if the wife held 51% shares, the conflict will be treated as intractable. If the wife holds 3% shares, whether the conflict is tractable or intractable will have to be decided by the Ethics Officer on the facts of the case. If the wife holds only 100 shares out of 1 crore shares, a disclosure of the same may be sufficient.

- (5) It is clarified that no individual may occupy more than one of the following posts at a single point of time except where prescribed under these Rules:



- a. Player (Current)
- b. Selector / Member of Cricket Committee
- c. Team Official
- d. Commentator
- e. Match Official
- f. Administrator / Office-Bearer
- g. Electoral Officer
- h. Ombudsman & Ethics Officer
- i. Auditor
- j. Any person who is in governance, management or employment of a Franchisee
- k. Member of a Standing Committee
- l. CEO & Managers
- m. Office Bearer of a Member
- n. Service Provider (Legal, Financial, etc.)
- o. Contractual entity (Broadcast, Security, Contractor, etc.)
- p. Owner of a Cricket Academy

(6) As far as incumbents are concerned, every disclosure mandated under Sub-Rule (3) may be made within 90 days of the Effective Date.

### **39. THE ETHICS OFFICER**

- (1) The Board 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 Board 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.
- (2) Any instance of Conflict of Interest may be taken cognizance of by the Ethics Officer:
  - a. Suo Motu;



- b. By way of a complaint in writing to the official postal or email address; or
  - c. On a reference by the Apex Council;
- (3) After considering the relevant factors and following the principles of natural justice, the Ethics Officer may do any of the following:
- a. Declare the conflict as Tractable and direct that:
    - i. The person declare the Conflict of Interest as per Sub-Rule (3); or
    - ii. The interest that causes the conflict be relinquished; or
    - iii. The person recuse from discharging the obligation or duty so vested in him or her;
  - b. Declare the conflict as Intractable and direct that:
    - i. The person be suspended or removed from his or her post; and
    - ii. Any suitable monetary or other penalty be imposed; and
    - iii. The person be barred for a specified period or for life from involvement with the game of cricket;

The Ethics Officer is wholly empowered to also direct any additional measures or restitution as is deemed fit in the circumstances.



## **CHAPTER NINE: THE OMBUDSMAN**

### **40. THE OMBUDSMAN**

- (1) The Board shall appoint an Ombudsman at the Annual General Meeting for the purpose of providing an independent dispute resolution mechanism. The Ombudsman shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court so appointed by the Board 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 the Ombudsman shall be one year, subject to a maximum of 3 terms in office.
- (2) The Board shall, in consultation with the CEO frame Regulations regarding the discipline and conduct of the Players, Match Officials, Team Officials, Administrators, Committee Members and others associated with the BCCI.

### **41. GRIEVANCE REDRESSAL**

- (1) The types of disputes/differences that form the Ombudsman's ambit and the procedures for redressal are:

- a. Member, Association & Franchisee Disputes

Any disputes between or among the BCCI, its Members, IPL Franchisees, Zones and the Cricket Players' Association shall be automatically referred to the Ombudsman.

*Procedure:* Both parties would submit their arguments and a hearing would be conducted following the principles of natural justice and exercising all powers of enquiry and hearing as the Ombudsman deems fit before appropriate orders are passed.

- b. Detriment caused by Member or Administrator

If any Member or any Administrator of the BCCI commits any act of





indiscipline or misconduct or acts in any manner which may or likely to be detrimental to the interest of the BCCI or the game of cricket or endanger the harmony or affect the reputation or interest of the BCCI or refuses or neglects to comply with any of the provisions of the Memorandum and/or the Rules and Regulations of the BCCI and/or the Rules of conduct framed by the Board, the Apex Council, on receipt of any complaint shall issue a Show Cause Notice calling for explanation and on receipt of the same and/or in case of no cause or insufficient cause being shown, refer the same to the Ombudsman.

*Procedure:* The Ombudsman shall, after providing opportunity of hearing to the parties concerned, pass an appropriate order.

c. Misconduct or Breach by Others

In the event of any complaint being received from any quarter or based on any report published or circulated or on its own motion, of any act of indiscipline or misconduct or violation of any of the Rules and Regulations by any Player, Umpire, Team Official, Selector or any person associated with the BCCI, the Apex Council shall refer the same within 48 hours to the CEO to make a preliminary enquiry.

*Procedure:* The CEO shall forthwith make a preliminary inquiry and call for explanations from the concerned person(s) and submit his report to the Apex Council not later than 15 days from the date of reference being made by the Apex Council. On receipt of the report, the Apex Council shall forward the same to the Ombudsman, who shall call for all particulars and unless it decides that there is no prima facie case and accordingly drops the charge, hearing shall commence on the case and the same shall be completed as expeditiously as possible by providing a reasonable



opportunity to the parties of being heard. If, despite due notice, any party fails to submit any cause or submits insufficient cause, the Ombudsman shall after providing reasonable opportunity of hearing to the parties concerned, pass appropriate order. In the event any party refuses and or fails to appear despite notice, the Ombudsman shall be at liberty to proceed ex-parte on the basis of the available records and evidence.

d. By the Public against the BCCI

Where a member of the public is aggrieved concerning ticketing and access and facilities at stadia, the same may be brought in the form of a complaint to the Ombudsman.

*Procedure:* The Ombudsman would adopt the same procedure as laid down in (c) above after referring the complaint to the CEO to solicit a report on the complaint.

- (3) The Place of hearing shall be decided by the Ombudsman from time to time. The Ombudsman shall have the power to impose penalties as provided in the Regulations for Players, Team Officials, Administrators, Managers and Match Officials of the BCCI.
- (4) The decision of the Ombudsman shall be final and binding and shall come into force forthwith on being pronounced and delivered.
- (5) Any Administrator, Player, Match Official, Team Official, Selector or other individual associated with the BCCI on being found guilty and expelled by the Board shall forfeit all their rights and privileges. He or she shall not in future be entitled to hold any position or office or be admitted in any committee or any role on the BCCI.
- (6) A Member or Franchise once expelled, may, on application made after expiry of three years since expulsion, be readmitted by the Board, provided the same is accepted at a General Body meeting by 3/4th members present and voting.



- (7) Pending inquiry and proceeding into complaints or charges of misconduct or any act of indiscipline or violation of any Rules and Regulations, the concerned Member, Administrator, Player, Match Official, Team Official, or other individual associated with the BCCI (along with their respective privileges and benefits) may be suspended by the Apex Council until final adjudication. However, the said adjudication ought to be completed within six months, failing which the suspension shall cease.



## **CHAPTER TEN: MISCELLANEOUS**

### **42. NOTICE**

- (1) Any notice required to be served on any Member of the BCCI or any Administrator or other entity shall be addressed to their registered addresses.
- (2) All notices shall be served by way of electronic mail to the official e-mail addresses as are furnished to the BCCI.
- (3) Any notice sent via post or e-mail shall be deemed to have been served at the time when the same was sent, and it shall be sufficient to prove either that the letter containing the notice was properly addressed and posted or that the email was sent to the correct e-mail address.

### **43. INDEMNITY**

Every Office-bearer, Councillor, CEO, Manager or a Member of a Committee of the BCCI shall be indemnified out of the BCCI's funds against all losses and expenses incurred in the discharge of his or her duties, except those which have occurred through wilful act or default and if so, each one shall be chargeable only for so much moneys or properties as they shall actually receive for or in the discharge of the business of the BCCI and shall be answerable only for their own act, neglect or default and not for those of any other person.

### **44. SUITS BY OR AGAINST THE BCCI**

The BCCI shall sue or be sued in the name of the Secretary.

### **45. AMENDMENT AND REPEAL**

These Rules and Regulations of the BCCI shall not be repealed, added to, amended or altered except when passed and adopted by a 3/4th majority of the members present and entitled to vote at a Special General Meeting of



the General Body convened for the purpose or at the Annual General Meeting.

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**ANNEXURE-B**

**THE CODE FOR THE CRICKET PLAYERS' ASSOCIATION (CPA)**

**1. NAME**

The name of the association shall be the Cricket Players' Association ("CPA").

**2. OBJECTS**

The objects of the CPA shall be as follows:

- (a) To conserve, promote and advance the welfare and interests of the members;
- (b) To provide insurance and other medical and other benefits for Players;
- (c) To negotiate with the Board of Control for Cricket in India ("BCCI"), securing best commercial and other terms to Players, and welfare measures and benefits, for both current and former players. (It is clarified that CPA will not be and act as a Trade Union).

**3. DEFINITIONS**

(a) For the purpose of this Code, the following capitalized terms shall have the following meanings:

- (i) "Association" shall mean the CPA.
- (ii) "Ex-Cricketer" shall mean any Player who has retired from competitive cricket in all forms of the game.
- (iii) "Executive Committee" shall mean the committee managing the affairs of the CPA and as constituted under these rules.
- (iv) "Member" shall mean a person who has been granted membership into the CPA.



(v) "Membership" shall mean the rights, privileges, and benefits granted to a member by the CPA.

(vi) "Rules" means the regulations in this Code.

(b) Terms for which meanings are defined in this regulation shall apply equally to singular and plural forms and also masculine/feminine gender.

#### 4. MEMBERSHIP

The membership of the CPA shall comprise:

- (a) Male and female Ex-cricketers, who have played at least one International Cricket Match in any format of the game at the senior level;
- (b) Male ex-cricketers, who have played at least Ten First Class Matches in any format of the game at the senior level;
- (c) Female ex-cricketers, who have played at least Five First Class Matches in any format of the game at the senior level;
- (d) Differently-abled ex-cricketers, who have played either International Cricket or first class cricket in any format of the game at the senior level;

#### 5. APPLICATION FOR MEMBERSHIP

- (a) Every application for membership shall be made in writing to the Executive Committee / Steering Committee as per a form prescribed by the Committee;
- (b) No application shall be rejected on any ground if the player satisfies any of the eligibility criteria laid down in regulation 4.



**6. DUTIES/OBLIGATIONS OF MEMBERS**

- (a) Members shall not form a trade union of any sort and player(s) involved in any such measure will get automatically disqualified to continue as members of this Association;
  
- (b) Members shall strictly adhere to all provisions of the BCCI Regulations including the Code of Conduct and all other Regulations made by BCCI or IPL, as the case may be, with special emphasis on Conflict of Interest and BCCI Code of Behaviour;

**7. TERMINATION OF MEMBERSHIP**

- (a) A member may resign from the association by:
  - 1. Giving notice, in writing, to the Executive Committee to that effect; and
  - 2. Paying any outstanding levies due at the date of such notice;and upon receipt of such written notice and such payment, the Executive Committee shall remove the member from the Association.
  
- (b) The Executive Committee may by resolution, and by following a process consistent with the principles of natural justice, remove any Member from the association in the event of conviction for the commission of a criminal offence or for breaching the obligations laid down in Regulation 6.

**8. THE EXECUTIVE COMMITTEE**

- (a) The Executive Committee shall be the governing body of this association comprising a President, a Secretary, a Treasurer and two Members;
  
- (b) At least one of the members of the Executive Committee shall be a woman;
  
- (c) The Executive Committee shall have the power to do all such acts, deeds, matters as may be necessary for the furtherance of the objectives of this association.





## 9. ELIGIBILITY

- (a) Members of the Executive Committee shall be elected by a simple majority through elections conducted by the Electoral Officer of the BCCI;
- (b) Such member elected must have either played at least five International Test Matches for India, or a minimum number of twenty-five (25) First Class matches, if it is a male or a minimum number of ten (10) First Class matches, if it is a female.

## 10. TERM

- (a) The term of the Executive Committee shall be 2 years.
- (b) Each Member of the Executive Committee shall be eligible to hold office for a maximum of 2 terms, after which he or she shall be ineligible to stand for office.

## 11. DUTIES OF THE EXECUTIVE COMMITTEE

- (a) The Executive Committee shall ensure that the funds provided by the BCCI are utilized exclusively for the purpose of this association and for no other purpose;
- (b) A report and audited balance sheet and statement of accounts for the preceding financial year shall be furnished to the BCCI for the funds assigned by the BCCI;
- (c) The Executive Committee shall be responsible for observance of measures mandated for the constitution of the Apex Council of the BCCI or for any of its Committees or under any Regulations of the BCCI or IPL;
- (d) The Executive Committee shall elect/nominate two of the members for being appointed as Members of the Apex Council of BCCI, and one member to the IPL Governing Council.



## 12. AMENDMENT / MODIFICATION

The CPA may add, modify or delete any of the provisions of this Code in consultation with the BCCI.

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**ANNEXURE-C**

**THE REGULATIONS FOR REGISTRATION OF PLAYERS' AGENTS**

**1. APPLICABILITY OF REGULATIONS**

No person (other than a Player representing himself) shall be permitted to conduct individual contract negotiations on behalf of a Player and/or assist in or advise with respect to such negotiations after the Effective Date unless he is registered/certified as a Player Agent pursuant to these Regulations.

**2. ADMINISTERING AUTHORITY FOR THE AGENTS**

- (a) A Committee on Agent Regulation ("Committee") shall be constituted by the BCCI to administer matters relating to registration of Player Agents.
- (b) This Committee shall consist of 5 members, of which 2 shall be nominees of the Players' Association and 3 (including the Chairperson) shall be nominees of the BCCI.
- (c) In addition to performing the function of reviewing and acting upon all applications for Registration, the Committee on Agent Regulation also serves as the Disciplinary Committee. In the latter capacity, it shall have the authority and responsibility of initiating and then presenting disciplinary proceedings against Player Agents who violate disciplinary provisions and/or engage in prohibited conduct.

**3. PREREQUISITES FOR REGISTRATION**

- (a) The Applicant must necessarily be a natural person: All applications must be signed by and filed on behalf of a single individual applicant. The Committee shall not accept any Application filed by, nor will it certify as a Player Agent, any company, partnership, corporation, or other artificial legal entity.



- (b) Each applicant, who shall not be less than 25 years of age, must pass a written examination which will be followed by a personal interview: A test and personal interview shall be conducted by BCCI to enable the committee to ascertain whether the applicant is capable and suitable to be a Player agent and has adequate knowledge of cricket regulations, including the relevant disciplinary and ethics regulations laid down by the BCCI and/or the IPL as also knowledge in the fields of legal, accounting and business management.
- (c) Clearance Certificate from Anti-Corruption and Security Unit (ACSU): The applicant must submit a clearance certificate issued by the Anti-Corruption and Security Unit (ACSU) of the International Cricket Council (ICC) which ensures that strict anti-corruption protocols are followed by all stakeholders.
- (d) No Criminal Record: The applicant will be required to satisfy the committee of his good character and reputation, on terms that shall be stipulated by the committee from time to time. This shall include, but not be limited to, consideration of the Applicant's criminal record and financial history.
- (e) Disclosure Statement: The applicant shall disclose on his application and thereafter upon request of the Committee all information relevant to his or her qualifications to serve as a Player agent. He/she shall also authorize the Committee to perform a background investigation.
- (f) Non-refundable Application fee and Annual Fee: Apart from the payment of a non-refundable Application Fee, in order to retain his or her registration, the Player Agent will have to pay to the BCCI an annual administrative fee which shall be determined by the Committee.
- (g) Maximum agent fee: The applicant shall furnish an undertaking that he shall charge no more than a maximum agent fee of 2% of the total annual revenue earned.



#### 4. ADHERENCE AND DISCIPLINARY ACTION

- (a) The agent shall strictly adhere to all provisions of the BCCI Regulations including the Code of Conduct and all other Regulations made by BCCI or IPL, as the case may be, with emphasis on:
- Conflict of Interest
  - No Dual Representation (Representing both an individual and a club/franchise)
  - No borrowing of money from Players
  - Failure to disclose Relevant Information
  - Breach of Confidentiality
- (b) The Committee shall have the authority to initiate disciplinary procedures against Player Agents who violate any of the relevant provisions and Regulations made by the BCCI or the IPL as the case may be. The principles of natural justice shall be followed before the registration of the agent is either suspended or cancelled.
- (c) Without reference to the Agent concerned, if reliable information is received from the ACSU or any other investigative body of the Government concerning the actions of an agent, the Committee may in its discretion take any action it deems fit.

#### 5. MAINTENANCE OF REGISTER

The Committee shall maintain an up to date register of all the registered agents, and also provide their contact details and Player list transparently. This shall also be uploaded on a distinct link on the website of the CPA.



**REPORT  
OF  
THE SUPREME COURT COMMITTEE  
ON  
REFORMS IN CRICKET  
[Volume Two - Appendices]**

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# THE APPENDICES



**Appendix-1****QUESTIONNAIRE – BCCI & IPL****I. *Organization, Structure and Relationship***

- 1.1 What are the compliances done and returns filed by the BCCI as per the Tamil Nadu Societies' Registration Act?
- 1.2 Is the BCCI for profit or not-for profit? If the latter, how is this reconciled with its commercial engagements?
- 1.3 What are the various constituents of the BCCI (State/Corporate/Individual) and is there any classification among them?
- 1.4 What is the relationship between the BCCI and its various constituents? Is there any specific incorporation structure for each of the State or Zonal bodies (company/Society)?
- 1.5 What are the arrangements between each constituent and the BCCI? Are there contracts/MoUs the terms of which are regularly renegotiated?
- 1.6 On what basis are additional constituents added to the BCCI? What are the parameters on which existing constituents are removed? How are competing claims from associations reconciled?
- 1.7 How is IPL constituted? Is it autonomous of the BCCI or is it a BCCI organ?
- 1.8 What was the basis of selecting IPL franchisees? Was there a public advertisement or were there personal invitations?
- 1.9 What are your views on the BCCI being constituted as – (i) Society under the Societies' Registration Act; (ii) Company under the Companies Act; (iii) Public Trust? Which is best suited and why?
- 1.10 Whether there is a consultation process for amending the Constitution and Bye-Laws? Are reports submitted explaining the basis and providing justification for such measures?
- 1.11 Is it mandatory to be explicitly in the agenda a minimum number of days in advance? Is there a provision for ex-post facto ratification of actions already done?
- 1.12 How many Rules/Bye-Laws have been amended by the BCCI to ratify past actions? What have been the objectives of the same?



- 1.13 What are the parameters on which annual allocations are made to the various constituent boards by the BCCI [of funds, of international matches, of domestic matches, of IPL fixtures, etc? Are these distributed equally across the domestic venues?

## **II. *Source and Extent of Jurisdiction***

- 2.1 What is the source of the power for BCCI to govern cricket in India?
- 2.2 What facets of Indian cricket are governed by the BCCI? Is any aspect of the game not covered by it?
- 2.3 What legal relationship does BCCI have with the ICC? What are the terms thereof, and what sanctions may be imposed on the BCCI for transgressions?
- 2.4 On what basis does BCCI nominate Indian representatives on the ICC and its various committees? Is there an electoral college and what are the parameters of selection?
- 2.5 Is there any recognition of the IPL by the ICC? How does ICC ensure compliance of the IPL with its norms and regulations? Is this predicated on action by the BCCI?

## **III. *Offices, Committees and Elections***

- 3.1 How many office bearers exist of the BCCI, IPL and their constituents? Which posts are elected and which are nominated?
- 3.2 Who are the eligible voters and what procedure exists for nomination and election? What structure exists hierarchically for elections?
- 3.3 What is the eligibility criterion to be an office bearer in the BCCI, IPL and their constituents? Is any prior engagement with cricket necessary? Is there a hierarchy of posts?
- 3.4 What are the disqualifications for holding posts within the BCCI, IPL and their constituents? Under what conditions can incumbents be removed, and what procedure is followed for the same? What are the terms of the office bearers and are any of these posts ex-officio or co-terminus across the BCCI/IPL/Constituents?



- 3.5 What is the basis for zonal rotation of the President? Would it not be appropriate to have open elections for the posts? Can a candidate contest from a Zone/region to which he does not belong?
- 3.6 On what basis are members selected for each of the various Committees of the BCCI?
- 3.7 Is there representation of players / coaches / umpires on the BCCI/IPL/Constituent boards and Committees? How many representatives of women and the differently-abled are on the Board?
- 3.8 Who conducts an oversight of the various elections? On what basis is the election committee selected and by whom?
- 3.9 What are the norms governing the entire electoral process and have these been constituted as rules or regulations?
- 3.10 What measures exist to avoid monopolies in the affairs of BCCI?
- 3.11 Does BCCI have a two-tier system of those who govern the board (owners) and those who are involved in day-to-day management (professionals)? If so, on what basis are the professionals appointed, how many are there, what are their tenures and pay packages, and how can they be removed?
- 3.12 How many are paid management posts at the BCCI / IPL and how many are honorary?
- 3.13 Is there an ombudsman to resolve issues concerning elections and is a dispute resolution mechanism in place?
- 3.14 What fees/honorarium/perquisites are granted to (i) Office Bearers and (ii) Committee Members for holding their posts, attending meetings, etc?

#### **IV. *Commercial engagements, Contracts and Services***

- 4.1 Are there tenders floated by BCCI/State organs/IPL for all contracts including those concerning advertising and media rights / construction and infrastructure / broadcast rights / refreshment and hospitality / transport and publicity / endorsements, etc.?
- 4.2 Are there notices for empanelling service providers like canteen operators, guards and security, advocates, accountants, public relations individuals, doctors, physio, trainers, coaches, etc.? What parameters are applied for selection?



- 4.3 On what basis are Tour Managers and Technical crew for the teams selected? Are there tests and interviews? Are these advertised? What is the remuneration for these and do these engagements have tenures or are they open-ended?
- 4.4 Are all the above uploaded on respective websites along with details of tests, interviews and the results declared? What procedures are followed?
- 4.5 What is the basis for free tickets / passes being given for games? What proportions of tickets are available to the general public and how is that transparently ensured? What is the policy for giving tickets / Passes to Governmental and statutory authorities?
- 4.6 What standards are maintained by BCCI for stadia across the country? How does it ensure that the stadia meet all safety and security regulations and who gives such a clearance?
- 4.7 In event of violations, what sanctions have been imposed by BCCI on the stadium/State body?
- 4.8 What is the basis for determining the pricing each of the commodities / assets of the BCCI and IPL? Are there separate valuations performed for each of these?

**V. *Audit, Accounts and Finances***

- 5.1 What are the assets of the BCCI and the IPL?
- 5.2 Who does the audit of the BCCI and the IPL?
- 5.3 On what basis are the auditors selected and are separate accounts maintained for BCCI and IPL?
- 5.4 Is the audit only limited to financial issues or does it involve general issues as well?
- 5.5 Who are the recipients of the audit report?
- 5.6 What norms are followed for approval and disbursal of BCCI& IPL expenditure?
- 5.7 What are the allocations made towards State and regional boards?
- 5.8 What salaries are received by the office bearers of BCCI and its constituents? In addition, what allowances, emoluments and other



- privileges are received by them? What are the fees paid for meetings and on what basis?
- 5.9 Do the members of the various BCCI Committees receive remunerations as well?
- 5.10 What is the annual outgo of the BCCI and the IPL towards meetings and towards its various representatives' expenses?
- 5.11 What is the financial oversight exercised by the BCCI over the income and expenditure of constituent bodies?
- 5.12 Does either the BCCI or the IPL have a whistleblower / immunity policy?
- 5.13 What are the reporting norms for permissible and impermissible expenditure by the BCCI and its constituents?
- 5.14 In your opinion, what steps can be taken to improve the financial structure of the BCCI?

#### **VI. *Player Welfare and Dispute Resolution***

- 6.1 To what extent are players represented on the Board and is there any channel for their grievances to be aired?
- 6.2 Who negotiates contracts on behalf of the players? Are the players consulted by the Board before team sponsorship and endorsement deals are entered into?
- 6.3 What are the norms, procedures and practices for release of Indian players to participate in domestic competitions in other countries?
- 6.4 Are there regular classes / interactions to make players aware of the Corruption Code / Player Regulations / Anti-Doping / etc.? Are younger players sensitized and made aware of reporting requirement and how they may be approached by bookies and other unsavoury elements?
- 6.5 Does the Board & IPL have counsellors / psychologists / mentors for players, especially when on tour?
- 6.6 How does the Board take financial and other responsibility for injuries sustained by players - expenses, counselling, fitness training and rehabilitation, etc.?



- 6.7 How many full-fledged cricket academies have been established by BCCI / States / IPL franchises? What do they contain and are they of the same standard as Australian and English facilities?
- 6.8 What programmes exist to train youngsters, including academies which will cater to their education and nurturing?
- 6.9 Is there any serious oversight or monitoring of the player selection process?
- 6.10 Is there transparency and disclosure of players who have relatives / associates who are in cricket management? How is this monitored and what is the objective criteria applied to ensure nepotism is avoided?
- 6.11 Whether any instances of nepotism and favouritism has been brought to the notice of the Board? What action has been taken in this regard?
- 6.12 What are the norms / rules that exist to prevent interference with the selection process?
- 6.13 What norms are in place for regulation/licensing of player agents and representatives in India? If a licensing mechanism exists, what qualifications must a person have to become a player agent and what training must he/she undergo?
- 6.14 What norms are in place for ensuring that endorsement payments made to players are properly accounted and *quid pro quo* endorsement services are received from the player in lieu thereof?
- 6.15 What programmes does the BCCI run for development and participation of (a) women, (b) the differently-abled, (c) residents of semi-urban and rural areas and (d) the economically weaker sections, in recreational and competitive cricket? What budgets do these programmes have, for how long have they been operated and with what success? How are these introduced and encouraged in schools and at the grassroots levels?
- 6.16 In your view, should there be a players' association?

## **VII. Conflict of Interest**

- 7.1 When a player/team official of an IPL team is the employee of the franchisee / owner of another team, does BCCI perceive a Conflict of Interest? What steps are taken prevent such situations?



- 7.2 What steps have been taken by BCCI / IPL and the constituents to ensure that there is no conflict of interest between those who govern each of these entities and those are involved in their professional management? What sanctions have been laid down for suppressing information regarding the above?
- 7.3 Have steps have been taken to ensure there are no conflict of interest issues and that Board/IPL representatives do not have relatives/associates selected for garnering these contracts?

### **VIII. *Oversight and Transparency***

- 8.1 What are the internal dispute resolution policies and procedures available to any BCCI or IPL stakeholder?
- 8.2 Is there an independent ombudsman for general oversight over the functioning of the BCCI and IPL and what powers are available to it?
- 8.3 What policies and procedures are in place to regulate management and stakeholder integrity?
- 8.4 What standards and norms in place to regulate the integrity of those representing, acting on behalf of or on the basis of authority derived from BCCI (including franchises, broadcasters, sponsors, etc.)?
- 8.5 What records and papers of the BCCI and IPL are available for inspection by its members/state associations as well as by the public? What are the costs and procedures for such inspection?
- 8.6 What records and papers of the state associations are available for inspection by BCCI and by the public? What are the costs and procedures for such inspection?
- 8.7 What material is not placed on the respective websites of BCCI / IPL / constituents and why?
- 8.8 What are the instances of betting and match fixing that have been brought to the notice of BCCI & IPL in the past? What action has been taken in this regards? Specifically, as far as owners / franchisees / players / team officials / board members, has any action been taken?



8.9 Do you have any suggestions to improve the accountability, elections, governance, transparency and general administration of the game, thereby improving overall integrity of cricket?

PLEASE FEEL FREE TO MAKE SUGGESTIONS CONCERNING ANY OF THE ABOVE HEADS.



**Appendix-2****LIST OF PERSONS INTERVIEWED**

<b>No.</b>	<b>Name</b>	<b>Background</b>	<b>Sitting</b>
1.	Abu Metha	Administrator	Kolkata
2.	Aditya Verma	Administrator	Kolkata
3.	Ajay Shirke	Businessman / Administrator	Mumbai
4.	Amitabh Chaudhary	Administrator	Mumbai
5.	Anil Kumble	Former Test Captain / Administrator	New Delhi
6.	Anirudh Chaudhry	Administrator	Mumbai
7.	Anurag Thakur	Former Selector / Administrator	New Delhi
8.	Arshad Ayub	Former Player/Administrator	Hyderabad
9.	Bharat Reddy	Former Player / Coach	Chennai
10.	Bir Mangal Singh	Administrator	Kolkata
11.	Bishen Singh Bedi	Former Test Captain / Coach	New Delhi
12.	C.V.Anand	Ex-First Class Player/ Administrator	Hyderabad
13.	Charu Sharma	Commentator	Bangalore
14.	Damodaran	Administrator	Hyderabad
15.	Diana Edulji	Former Test Captain	Mumbai
16.	Faisal Shariff	Former Administrator & Journalist	Mumbai



17.	Gautham Roy	Administrator	Kolkata
18.	Hemant Angle	Ex-First Class Player/ Coach	Hyderabad
19.	Jacob, Ram Mohan, Hari, Jose & Balaji	Administrators	Hyderabad
20.	Jagmohan Dalmiya	Ex-First Class Player / BCCI President	Kolkata
21.	Javagal Srinath	Former Player / Match Referee	Bangalore
22.	K.P.Khajaria	Administrator	Kolkata
23.	Kapil Dev	Former Test Captain	New Delhi
24.	Kirti Azad & Sameer Bahadur	Former Player / Administrators	New Delhi
25.	Kishore Bhimani	Commentator	Kolkata
26.	L.Sivaramakrishnan	Former Player / Commentator	Bangalore
27.	M.N.Nehru	Administrator	Mumbai
28.	M.Sanjay	Ex-First Class Player / Coach	Chennai
29.	Makarand Waingankar	Journalist / Talent scout	Mumbai
30.	Mohinder Amarnath	Former Player / National Selector	New Delhi
31.	Mukul Mudgal	Former Judge / Probe Committee	New Delhi
32.	N.Murali	Former Administrator / Journalist	Chennai



33.	N.Ram	Ex-First Class Player / Journalist	Chennai
34.	Nabha Bhattacharjee	Administrator	Kolkata
35.	Nandan Kamath	Talent scout / Sports Lawyer	Bangalore
36.	Nirmal Shekhar	Journalist	Chennai
37.	Noshir Mehta	Ex-First Class Player	Hyderabad
38.	P.R.Mansingh	Former Manager / Administrator	Hyderabad
39.	Pankaj Trivedi	Administrator	Hyderabad
40.	Pradeep Magazine	Journalist	New Delhi
41.	Prem Panicker	Journalist	Bangalore
42.	R.K.Raghavan	Former CBI officer / Club owner	Chennai
43.	R.Mohan	Journalist	Chennai
44.	Rahul Dravid	Former Test Captain / IPL Mentor	New Delhi
45.	Rajasekaran & Leela Kumar	Members, Madras Cricket Club	Chennai
46.	Raja Venkatraman	Ex-First Class Player/ National Selector	Kolkata
47.	Rajdeep Sardesai	Journalist	New Delhi
48.	Rajesh Verma	Administrator	Kolkata
49.	Rajeev Shukla	Administrator / Former IPL	New Delhi



		Chairman	
50.	Ramachandra Guha	Author	Bangalore
51.	Ranjib Biswal	Ex-First Class Player/ IPL Administrator	Kolkata
52.	Ratnakar Shetty	Administrator	Mumbai
53.	Sachin Tendulkar	Former Test Captain	New Delhi
54.	Sambit Bal	Journalist	Bangalore
55.	Sanjay Desai	Ex-First Class Player / Administrator	Bangalore
56.	Sanjay Jagdale	Ex-First Class Player / Administrator	Mumbai
57.	Sharda Ugra	Journalist	Bangalore
58.	Shashank Manohar	Administrator / BCCI President	New Delhi
59.	Shivlal Yadav	Former Player/Administrator/Selector	Hyderabad
60.	Snehashish Ganguly	Ex-First Class Player / Administrator	Kolkata
61.	Sourav Dasgupta	Administrator	Kolkata
62.	Sourav Ganguly	Former Test Captain / Administrator	Kolkata
63.	Subir Ganguly	Administrator	Kolkata
64.	Tika Subba	Administrator	Kolkata
65.	V.V.Kumar	Former Player	Chennai



66.	V.V.S.Laxman	Former Player/Coach/IPL Mentor	Hyderabad
67.	Venkatesh Mysore	IPL Team Principal	Bangalore
68.	Venkatesh Prasad	Former Player / Coach	Bangalore

NOTE: In all 74 individuals were met in 6 cities over 18 days.

### **Other Correspondents**

1. Atul Kumar, Author
2. Derek Abraham, Journalist
3. Dinesh Saini, Administrator
4. Manish Jain, Cricket Fan
5. Nagraj Gollapudi, Journalist
6. Naresh Makani, Administrator
7. Niraj Gunde, Journalist
8. Sambasiva Sarma, Club Administrator
9. Venkittu Sundaram, Former Player & Administrator

**Appendix-3****SUMMARY OF SUGGESTIONS RECEIVED IN RESPONSE  
TO QUESTIONNAIRE AND IN INTERACTIONS*****(i) Constitution***

(1) BCCI being a National Cricket Body, all State Cricket Associations should be its voting members. But several States are not represented by Cricket Associations with full membership – Bihar, Chattisgarh, Uttarkhand, Sikkim, Manipur, Meghalaya, Mizoram, Nagaland and Arunachal Pradesh;

(2) While most of the States are represented by one single member, some States are represented by more than one full member – Maharashtra has three full members, Gujarat has three full members.

(3) Two clubs which have no teams and which are not representing any State are full members (Cricket Club of India and National Cricket Club).

(4) It is well recognised that companies registered under the Companies Act have more statutory provisions to provide transparency, accountability, provisions against oppression of majority and checks and balances, when compared to Societies registered under the Central or State Societies Registration Act. BCCI is a Society registered under the Tamil Nadu Registration Act and not a non-profit company registered under the Companies Act.

(5) Provision for Affiliate Membership should be removed by deleting Sl. No. (c) of Rule 3(A)(i). Consequently, Rule 4(3) and



Rule 6(B) shall also be deleted.

(ii) Elections

(1) At present, Rules and Regulations of BCCI require that for the post of President, the candidate shall be nominated on the basis of zonal representation and the right of nomination of presidential candidate shall be with a specified zone for a period of five years, best person being at the helm of affairs. A candidate who can muster support of even two or three members from the eligible zone can therefore become President, even though he may not have support of the majority of the 31 members. Therefore, provision (Rule 15.3) providing for zonal representation requires to be deleted.

(2) There have been lot of complaints in regard to the manner of conduct of elections. There are murmurs about deals, negotiations, horse-trading, at the time of elections. To have transparency and fairness in elections, there is a need for an independent observer to oversee the elections, by amending Rules 23 and 15 appropriately.

(3) The present system gives as many as three votes to the President of BCCI - the first is as person representing a State Association which is a permanent Member of BCCI, the second as chairman of the meeting under Rule 5(i) and the third is a casting vote in the event of a tie, vide Rule 21. While his vote as representing a permanent member of BCCI and his vote in the event of a tie are fair and permissible, provision of additional vote as chairman of the meeting requires to be deleted.

(4) At present, there are 30 full members who have voting rights.



As many as nine members of these full members do not represent any State. They are -

<b>Sl. No.</b>	<b>Sl. No. in Rule 3(ii)</b>	<b>Name of Member</b>
1	3	Association of Indian Universities
2	23	Railways Sports Promotion Board
3	26	Services Sports Control Board
4	6	Cricket Club of India
5	20	National Cricket Club
6	18	Maharashtra Cricket Association
7	7	Vidarbha Cricket Association
8	4	Baroda Cricket Association
9	25	Saurashtra Cricket Association

At the same time, giving full membership to each of these members who do not represent a State Association is unfair in a democratic set up. Other than cricket associations representing the States, there shall be only by associate members without any voting rights.

(5) The present set up enables a person who has become Office Bearer to continue as Office Bearer in different capacities for any number of years. A healthy practice would be to restrict the total tenure of Office Bearers to two terms, in any capacity, not exceeding six years, out of which, tenure of President shall not be for more than three years.





(iv) Conflict of Interest

(1) Several players run cricket academies. Several players are associated with players' agencies who represent other players also. This results in players holding interest directly or indirectly in the form of acting as players' agents and trying to ensure a place in the team for players who are clients of such players' agents, even though such players may not be in the best of form or even better players may be available.

(2) Several selectors have their children aspiring to represent the Nation or the State. The minimum requirement is that if son or daughter of a selector or Office Bearer or representative of full member, is a cricketer who is considered for selection, such selector, Office Bearer or representative of full member should resign.

(3) Several former players wear different hats. Former players are selectors, coaches, managers, members of the Governing Council, commentators, sports writers, employees of franchisees, running cricket academies. This results in conflict of interest in so far as the players are concerned. All such conflicts of interest situations should be avoided by prescribing that no former players shall hold more than one post or position.

(vii) Relationship with State Cricket Associations

(1) State Associations do not have uniform constitution or Rules and Regulations. Some are associations, some are companies, some are trusts, in some States all members are from a few families or a single family, thereby perpetuating the control over cricket in the



hands of a few. Further, some of the constituencies do not encourage or permit transparency and accountability.

(2) BCCI gives huge grants to the full members every year, to the tune of Rs.20 to Rs.30 crores. While the purpose of these grants is development of the game and the infrastructure, there is no strict vigil or supervision/audit by BCCI in regard to the spending of funds. Under the present, it is sufficient if the member submits accounts or certifies the expenditure, which is not scrutinised or checked by any one from BCCI. This leads to large scale siphoning off funds for non-development or non-infrastructure activities. Further, granting the uniform amount irrespective of the size of the Association or the nature of activities, is also leading lot of irregularities. For example, huge states like Tamil Nadu and Karnataka are given the same grant as for a small state like Tripura or Goa. The existing system of making uniform grants should be changed and the grants should be based on need. Each Association shall have to prepare and submit budget to BCCI about its annual requirement and after assessing purpose of requirement, BCCI should make grants in proportion to the capacity of the Association to use such grants for development and infrastructure work.

(3) There are several eminent players who have represented the State or the Nation or even captained National Team who have no membership, while huge number of persons totally unconnected with cricket but are merely interested in club house facilities are given membership. This should be changed. All players from a State who have represented the Nation or the State (played in Ranji Trophy or other National/State level tournaments) shall be given automatic membership in the Cricket Associations of the respective



States.

(4) The increase in non-cricket members and the facilities for them by way of club house also grows, has a negative effect on the growth of cricket as the Office Bearers are elected by persons who are more interested in club house facilities than cricket and consequently persons with little or no experience or interest in cricket, and get elected to State Associations on the basis of their capacity to provide good club house facilities to the members. Club house management and the management of cricket should therefore be clearly bifurcated and separated in all State Associations.

(5) While BCCI may not be able to insist that all members should change their constitution, it can persuade them to do so by suggesting a Model Rules and Regulations and Uniform Constitution. It can also persuade the State Associations to have a uniform constitution by providing that the annual grants will be available, after one or two years, only if the Association falls in line by having the suggested constitution in place.

*(viii) Players Association*

Though the purpose of BCCI is development of Cricket, Cricketers have no voice in its management. They also do not have an Association which takes up players' causes like welfare of cricketers, life of cricketers after their cricket career and technical development of the game. Organising a Players' Association to espouse the cause of cricket players and provide them voice in the cricket administration by giving representation in the governance of the game, is a commonly felt necessity across the spectrum of



players.

(vii) Better management of BCCI and IPL

(1) There is need to distinguish between 'Governance' and 'Administration (management)'. Governance is exercise of legislative and policy making functions, which makes the Rules and Regulations, Guidelines and which fixed operating targets, performance indicators. Day-to-day management and implementation of the directions / policies of the Governing Body, that is performing executive functions, is Administration. The Board will be in-charge of Governance and a Chief Executive Officer appointed by the Board will be in-charge of Administration.

(2) BCCI should not give uniform grants. Grant should be proportionate to size and need, after examining the budget proposals submitted by the respective members. It is not sufficient to require the State Associations to furnish usage certificate and accounts (Balance Sheet). BCCI should appoint an independent Auditor to audit the accounts of State Associations to ensure that the grants are spent only for Cricket-associated activities. The grant amounts should not be used to maintain/run Club House for members or subsidise the expenditure.

(3) BCCI should use non-alterable (or alterations made being shown with reasons for alterations) accounting practice procedures (Examples: Microsoft Dynamics, Quickbooks), instead of Account Maintenance Programmes which provide easy accessibility and enable corrections and substitutions at any time. BCCI should get customized software to suit their requirements, for accounts.



(4) There is a complaint that the minutes drawn are sketchy and not circulated immediately. Minutes should be drawn up in a professional manner without delay and circulated among the members.

(5) Working Committee is large and unwieldy [4 Office Bearers + 5 (Mumbai, WB, TN, UP & Delhi) permanent full members + 5 Zonal Representatives + Test playing centres]. It should have much fewer members.

(6) There is a no need for five Vice-Presidents from five Zones. Only if a Zone is not represented by any of the Office Bearers, it should be given a Vice-President.

(7) Present system of having headquarters at Mumbai and books of accounts and accounting at Chennai is not conducive to efficient and transparent functioning. There should be a uniform unified Headquarters (Rules 14 & 25).

(8) IPL should be given greater autonomy and its Governing Council shall directly report to the General Body of BCCI.

*(viii) Other miscellaneous matters*

(1) Need for Sports Regulation Law and a Central Sports Regulator Authority.

(2) Betting should be distinguished from match fixing/spot fixing. Betting should be legalised, but players, team officials, employees and members should be barred from betting. Prohibition/ban of betting drives it underground and makes it difficult to regulate/monitor. Match fixing/spot fixing in any game including



cricket should be made a criminal offence.

(3) Anti-corruption wing of BCCI/ICC should work in co-ordination with police (for example, Sports Betting Intelligence Unit, UK).

(4) There is a widespread apprehension that domestic Cricket (Ranji Trophy, Irani Trophy, Duleep Trophy, Deodhar Trophy, Mushtaq Ali Tournaments, etc.) is suffering on account of undue attention to PIL. There is therefore a need to strictly restrict IPL to a two months' season.

(5) Favouritism/nepotism in allotment of international matches should be prevented. While main cities like Kolkata, Mumbai, Chennai, Delhi and Bengaluru may be automatic choices, there should be even/equitable allotment of matches to second tier cities – Ahmedabad, Rajkot, Hyderabad, Vizag, Dharmashala, Nagpur, Kanpur, Ranchi, Cuttack, Cochin, Pune, Indore, Bilaspur, Patna, Allahabad, Chandigarh, Jammu and Gauhati.



**Appendix-4**

**SELECT LIST OF MATERIAL**

**Books**

1. Beyond a boundary, C.L.R.JAMES
2. A corner of a foreign field, RAMACHANDRA GUHA
3. The Great Tamasha, JAMES ASTILL
4. Bookie Gambler Fixer Spy, ED HAWKINS
5. The Banjo Players, ANDRE OOSTHUIZEN & GAVIN TINKLER
6. Law & Sports in India, Development Issues and Challenges,  
MUKUL MUDGAL
7. Athletes Handbook 2013, GO SPORTS FOUNDATION

**Documentaries**

1. Death of a Gentleman by SAM COLLINS & JARROD KIMBER  
[2015]
2. Empire of Cricket by BBC [2009]

**Reports**

1. An independent governance review of the International Cricket Council, LORD WOOLF & PRICEWATERHOUSE COOPERS LLP  
[2012]
2. A Good Governance Structure for Australian Cricket, DAVID A CRAWFORD & COLIN B CARTER [2011]
3. A Report on the Allegations of Betting and Spot/Match Fixing in the Indian Premier League – Season 6, JUSTICE MUDGAL IPL PROBE COMMITTEE [2014]



**Appendix-5**

THE  
Sports  
Law & Policy  
CENTRE  
*Bengaluru, India*

# Comparative Governance Practices In Sports



R. Seshank Shekar & Abhinav Shrivastava | The Sports Law & Policy Centre, Bengaluru, December 2015





## The Report

This report aims to provide a comparative snapshot analysis of the rules, policies, procedures, mechanisms and international best practices adopted by various sports governing bodies, professional sports leagues and relevant regulatory authorities across the world with respect to the governance of sport.

## About the Centre

The Sports Law & Policy Centre, Bengaluru is an independent think-tank established with a vision to provide and disseminate high-quality interdisciplinary research, scholarship, education and institutional support for public and private enterprises in areas relating to sports law and policy. The Centre comprises a group of researchers with extensive knowledge of and experience working in the sports eco-system in India.

## Author Profiles

- **R. Seshank Shekar** is a Researcher at The Sports Law & Policy Centre, Bengaluru. Seshank graduated with a B.B.A. LL.B from Symbiosis Law School, Pune and has written several articles on topics such as the tax treatment of athletes, fair play, gender determination and issues related to drug testing in sport. His research at the Centre focuses primarily on sports business and commerce, and the interplay of these areas with sports law and policy.
- **Abhinav Shrivastava** is a Researcher at The Sports Law & Policy Centre, Bengaluru. He graduated with a B.A. LL.B (Hons) from NALSAR University of Law and received an LL.M in Regulation and Technology from King's College London. While at King's, he was awarded the 'Dickson Poon School of Law Prize for the Best Student on the 'LLM in Regulation and Technology 2011/12'. His research at the Centre focuses on sports regulation and governance, and the instance and influence of technology in sports.



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# GOVERNANCE STRUCTURES OF SPORTS GOVERNING BODIES

## 1. Introduction and Executive Summary

Sports governing bodies are meant to govern and promote their respective sport at an international or national level, and typically utilise a pyramidal structure, with the international governing body (IBs) situated at the apex and national associations or governing bodies (NGBs) being subordinate to the IBs. The IBs are engaged in organising international tournaments and sports events whereas the NGBs are engaged in managing and promoting the sport within nations. The NGBs are meant to represent the nation in the sport at the international level, and are engaged in selecting and managing the national team and overseeing leagues and tournaments for participation by athletes and players. For the purpose of administering the sport in their nations, NGBs typically constitute regional bodies for the purpose of organising regional competitions and supporting athletes or players in such regions.

Sports bodies typically comprise of recognised subsidiary governing bodies, with their operations and policy formulations overseen collectively by such subsidiary governing bodies. The day-to-day operations and execution of policy formulations of the governing body is assigned to an official elected by the members comprising of the sports bodies.

In order to provide a brief overview of the governance structures and ownership limitations in professional sports bodies, this section compares the rules and regulations applied by the following six (6) sports governing bodies:

- **England and Wales Cricket Board (ECB)** – The ECB’s Official Website (Memorandum of Association and Articles of Association Unavailable)
- **Cricket Australia** – Cricket Australia’s Official Website (Memorandum of Association and Articles of Association Unavailable)
- **The Football Association (The FA)** – The FA’s Memorandum of Association and Articles of Association
- **Fédération Internationale de Football Association (FIFA)** – The FIFA Statutes
- **Fédération Internationale de Hockey sur Gazon (FIH)** – FIH Statutes and By-Laws
- **Fédération Internationale de l'Automobile (FIA)** - FIA Statutes

A summary of the key findings and trends witnessed across the six (6) sports governing bodies compared for the purpose of this section is provided below:



- Each sports governing body comprises of the regional and subsidiary sports boards/governing bodies from the region that it administers.
- The day-to-day administration and governance of the body is undertaken by an elected board. The board composition apportions representatives to the different member classes, to ensure adequate representation of interest. This is particularly the case with the ECB and the FA as these governing bodies are composed of organisations engaged in different aspects of the sport. For example, the FA administers the national football league system and county leagues, and accordingly apportions board representation to the governing bodies of these league systems and the women’s football conference.
- Except in the case of the ECB and Cricket Australia, the legislative powers of the governing body are exercised collectively by all members, through the Congress or General Assembly, and the executive powers are exercised by a President elected by the members.



- With respect to ECB and Cricket Australia, the operations and policy formulation functions are carried out by the Board, which comprises of representatives of member boards as well as independent directors.
- In governing bodies where legislative authority is vested with the members’ assembly, voting is typically equally weighed across members. However, the FIA applies a different voting scheme to ensure representation of the different industries that its members are engaged in. For example, as the FIA has members from the automobile mobility and tourism industry and from professional motor sports, in case of resolutions concerned with either industry, the relevant bodies and councils of such industry are provided additional voting rights.
- Judicial authority and dispute resolution mechanisms are usually vested in an independent authority that is appointed through the members’ assembly.
- The President of each governing body is appointed by popular vote, requiring between 50% and 67% of the votes of members, and the President is assisted by an executive council that comprises of elected officials from amongst the members and includes representatives of regional confederations/conferences and sports professional bodies.
- Additional independently constituted bodies are concerned with sector specific matters and the review and recommendation of changes to the format of the game/sport. However, such changes must typically be approved by the members’ general assembly.

The following sub-sections provide more detailed comparisons of the governance structure adopted by each of the IBs and or NGBs.

## 2. Composition

Governing Body	Territory	Constitution	Body Composition	Governing Statute Available
	England and Wales	Private Company limited by Guarantee	- 41 members: <ul style="list-style-type: none"> <li>• Chairmen of 18 First-Class County cricket boards;</li> <li>• Chairmen of 21 County boards in Non-First Class Counties;</li> <li>• Chairman of the Marylebone Cricket Club (MCC); and</li> <li>• Chairman of the Minor Counties Cricket Association.</li> </ul>	✗
	Australia	Public Company, limited by Guarantee	- 6 member associations: <ul style="list-style-type: none"> <li>• Cricket New South Wales;</li> <li>• Queensland Cricket;</li> <li>• South Australian Cricket Association;</li> <li>• Tasmanian Cricket Association;</li> <li>• Cricket Victoria; and</li> <li>• Western Australian Cricket Association</li> </ul>	✗




Governing Body	Territory	Constitution	Body Composition	Governing Statute Available
	<p>England and the Crown dependencies of Jersey, Guernsey and the Isle of Man</p>	<p>Private Limited company, limited by shares</p>	<ul style="list-style-type: none"> <li>- 2000 shares, held as follows:               <ul style="list-style-type: none"> <li>• 1 share each by the FA Premier League Limited and The Football League Limited;</li> <li>• 1 share by each member of the Council of the Association;</li> <li>• 1 share by each Full Member Club'</li> <li>• 1 share by each County Association with less than 50 clubs;</li> <li>• 2 shares by each County Association with more than 50 but less than 100 clubs, and 1 share for every fifty clubs thereafter; and</li> <li>• 1 Special Share by the chairman of the National Game Board.</li> </ul> </li> <li>- Unissued shares are held by the Secretary, without any voting rights.</li> </ul>	<p style="text-align: center;">✓</p>
	<p>Worldwide</p>	<p>Association (Non-commercial) registered under the Swiss Civil Code</p>	<ul style="list-style-type: none"> <li>- All recognised national football associations and 4 British associations. All other countries are entitled to have one national football association.</li> </ul>	<p style="text-align: center;">✓</p>
	<p>Worldwide</p>	<p>Association (Non-commercial) registered under the Swiss Civil Code</p>	<ul style="list-style-type: none"> <li>- All recognised national associations. Each country is entitled to have one national hockey association.</li> </ul>	<p style="text-align: center;">✓</p>
	<p>Worldwide</p>	<p>International Association (Non-profit)</p>	<ul style="list-style-type: none"> <li>- All National Automobile Clubs/Associations (Type 1) and clubs, associations of federations which cover mobility assistance, tourism and an advocacy role in the interest of users in the entire nation or a part thereof (Type 2).</li> <li>- Each country is entitled to have</li> </ul>	<p style="text-align: center;">✓</p>





Governing Body	Territory	Constitution	Body Composition	Governing Statute Available
			<p>one national automobile club/association.</p> <ul style="list-style-type: none"> <li>- If Type 1 and Type 2 clubs from one country are already represented, another Type 2 member from such country may be included after consultations with these representative organisations.</li> </ul>	


### 3. Governance Structure

Governing Body	Governance Structure	Appointment of Governing Board	Operational Terms
	<ul style="list-style-type: none"> <li>- President and Board of Directors with 14 members.</li> <li>- Assisted by executive committee engaged in delivering ECB's strategic plan and engaged in day-to-day operations of the ECB.</li> <li>- Three committees concerned with cricket, commercial and financial affairs and an independent Discipline Standing Committee.</li> </ul>	<ul style="list-style-type: none"> <li>- Board positions of the Chairman, Deputy Chairman and Chairman of Cricket are elected by all 41 members.</li> <li>- Remaining directors: <ul style="list-style-type: none"> <li>• 2 independent directors;</li> <li>• 3 directors appointed from the first-class counties;</li> <li>• 2 directors from the recreational game;</li> <li>• 2 ECB executives;</li> <li>• 1 representative of the women's game; and</li> <li>• 1 MCC representative.</li> </ul> </li> <li>- Appointment process unclear, but appears to be by nomination/election amongst the associations concerned with the class of cricket.</li> <li>- President is nominated by the Board on the recommendation of the ECB Nomination</li> </ul>	<ul style="list-style-type: none"> <li>- Deputy Chairman shall be from amongst Board members appointed by the Chairmen of the First Class County boards.</li> <li>- Term of office for Directors is 4 years.</li> </ul>




Governing Body	Governance Structure	Appointment of Governing Board	Operational Terms
	<ul style="list-style-type: none"> <li>- Board of Directors with 7 independent directors as members.</li> </ul>	<p>Committee.</p> <ul style="list-style-type: none"> <li>- 7 independent directors. Unclear on the election/appointment mechanism of directors.</li> </ul>	<ul style="list-style-type: none"> <li>- Each director has one vote and the chairman has a casting vote.</li> </ul>
	<ul style="list-style-type: none"> <li>- General Meeting of shareholders oversees the business and undertaking of the Association and approves business proposals and plans of action. Each shareholder has one vote, and resolutions typically require 50% majority, unless otherwise specified.</li> <li>- Board of Directors engages in day-to-day management of the Association. Maximum board strength is 12.</li> <li>- The Council oversees the Football Regulatory Authority, the Judicial Panel, development of the sport, management of the National League System and criteria for membership of the Association.</li> <li>- The Council is the representative body of all domestic Football Competition Governing Bodies and Associations and comprises of the following</li> </ul>	<ul style="list-style-type: none"> <li>- Board of Directors comprises of: <ul style="list-style-type: none"> <li>• Chairman nominated by Nominations Committee, endorsed by Board and appointed by the Council;</li> <li>• upto 5 National Game Representatives (county associations and football conference representatives) elected by the National Game Representatives;</li> <li>• upto 3 Professional Game Representatives appointed by the FA Premier League Limited;</li> <li>• upto 2 Professional Game Representatives appointed by the Football League Limited.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Term of Chairman is 2 years and a person cannot be a chairman for more than 2 terms.</li> <li>- Term of National Game Representatives is 3 years, without limitations on re-election.</li> <li>- Term of Professional Game Representatives is 1 year, without limitations on re-election.</li> <li>- Chairman (at the time or appointment or during the term) cannot be a member of the Council, have any material business relationship with a football competition or its governing body, a county association, other football association, full or associate member club, FIFA/UEFA (or members, associations, confederations) or the Association.</li> <li>- Chairman can be removed by the Council through 66% of the votes of the Council members present and voting.</li> </ul>




Governing Body	Governance Structure	Appointment of Governing Board	Operational Terms
	members: <ul style="list-style-type: none"> <li>• 8 by FA Premier League;</li> <li>• 8 by Football League;</li> <li>• 2 by Football Conference;</li> <li>• 1 each by other league competitions and associations;</li> <li>• 2 by Women’s Football Conference.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Comprises of 3 principal governing bodies:               <ul style="list-style-type: none"> <li>• Congress - legislative body and oversees financial statements, approves budget and votes on amendments to the constitutive statute and regulations;</li> <li>• Executive Committee - executive body with 24 members engaged in compiling regulations and approving rules of internal governance; and</li> <li>• General Secretariat - administrative body engaged in day-to-day operations of FIFA.</li> </ul> </li> <li>- International</li> </ul>	<ul style="list-style-type: none"> <li>- Congress comprises of delegates from all Member associations.</li> <li>- FIFA President is elected by the members from nominees proposed by the member associations. Election requires 67% in the first ballot, or 50% in the second or other requisite ballot. In case first ballot fails, all candidates except for the top 2 polled are excluded.</li> <li>- Executive Committee comprises of:               <ul style="list-style-type: none"> <li>• 1 President;</li> <li>• 8 Vice Presidents; and</li> <li>• 15 members appointed by the Confederations.</li> </ul> </li> <li>- Membership is apportioned amongst the Confederations. British Associations are entitled to elect 1 Vice President, collectively.</li> </ul>	<ul style="list-style-type: none"> <li>- Each Member Association has 1 vote in Congress.</li> <li>- Expulsion of a member requires 75% of the votes of Member Associations present and voting, subject to a quorum of 50%.</li> <li>- Executive Committee members cannot be appointed as delegates of their Member Association during their term of office.</li> <li>- Amendments to the constitutive statute require 75% majority, while amendments to regulations require 50% majority.</li> </ul>





Governing Body	Governance Structure	Appointment of Governing Board	Operational Terms
	<p>Football Association Board oversees the laws of the Game. Comprises of 4 representatives of the British Boards and 4 representatives nominated by FIFA.</p> <ul style="list-style-type: none"> <li>- President implements Congress and Executive Committee decisions and supervises the work of the General Secretariat and represents FIFA.</li> <li>- Separate Judicial Bodies comprising of the Disciplinary Committee, Appeal Committee and Ethics Committee with CAS acting as the final appellate authority.</li> </ul>		
	<ul style="list-style-type: none"> <li>- Congress acts as the ultimate authority in respect of the affairs of the Federation, and may amend the constitutive statute, establish or amend regulations concerned with the game of Hockey and eligibility of Athletes to represent a national association.</li> <li>- Executive Board is engaged in the</li> </ul>	<ul style="list-style-type: none"> <li>- Congress comprises of delegates from each national association, with each association entitled to send 3 delegates, of which only the designated head of the delegation would be entitled to vote</li> <li>- Executive Board comprises of:               <ul style="list-style-type: none"> <li>• President and 8 members elected by Congress by 50% majority;</li> <li>• 1 athlete representative appointed by the Executive Board;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Full members are recognised as the sole governing body for hockey in the country of operation and are entitled to vote in Congress. Provisional members are entitled to attend and speak at Congress, but not vote. The nature of membership provided to a national association is as decided by Congress.</li> <li>- Quorum for meetings of Congress is 33% of all national members.</li> <li>- Resolutions of Congress typically require 50% majority of members present and voting. However, amendments to the constitutive statute require</li> </ul>



Governing Body	Governance Structure	Appointment of Governing Board	Operational Terms
	<p>implementation of rules and regulations, evaluation of applications, and overseeing the operations of the Federation.</p> <ul style="list-style-type: none"> <li>- Disciplinary Commissioner engages in investigation of allegations of misconduct, or breaches of regulations by athletes, members or any other concerned party, with appeals lying to the Judicial Commission and ultimately to CAS.</li> </ul>	<ul style="list-style-type: none"> <li>• Presidents of all Continental Federations; and</li> <li>• CEO appointed by the Executive Board.</li> </ul> <ul style="list-style-type: none"> <li>- The Executive Board may co-opt a member of the Olympic Movement into the Executive Board as a non-voting member.</li> <li>- Disciplinary Commissioner is appointed by the Executive Board and must be independent of the Executive Board.</li> <li>- Judicial Commission comprises of a President appointed by Congress and 9 or more members appointed by the Executive Board.</li> </ul>	<p>75% majority.</p> <ul style="list-style-type: none"> <li>- President and members of the Executive Board hold office for 4 year terms, and cannot hold office for more than 12 years.</li> <li>- Only the President or CEO has the authority to fine the Federation.</li> <li>- Decisions of the Executive Board require 50% majority. However amendments to regulations or suspension of a member require 75% majority.</li> </ul>
	<ul style="list-style-type: none"> <li>- General Assembly acts as the ultimate authority for motor sports, and is engaged in organising, directing and managing the sport, and accordingly approves the budget, proposals for amendment of regulations of the sport or the constitutive statute.</li> <li>- The General Assembly is headed by a President, and is assisted by the FIA World Council for Automobile Mobility and</li> </ul>	<ul style="list-style-type: none"> <li>- The General Assembly comprises of the Presidents of all member clubs and associations and the President of the FIA Drivers' Commission.</li> <li>- The President, the President of the Senate and certain other posts are elected by 50% majority of all members present.</li> <li>- Members of the World Council and the World Motor Sport Council are elected by the General Assembly, subject to region based apportionment.</li> <li>- Certain association presidents and</li> </ul>	<ul style="list-style-type: none"> <li>- Term of office for elected positions is 4 years.</li> <li>- Presidents, Deputy Presidents and Senate Presidents may be re-elected twice. Some posts, such as appointments to Sporting Commissions and International Tribunal are on a yearly basis.</li> <li>- The World Council and the World Motor Sport Council prepare proposals and recommendations for amendment of regulations or the constitutive statute in respect of their subject domains, for review and approval of the General Assembly.</li> <li>- Typically, a country is entitled to exercise 12 votes for any resolution of the General Assembly, with Type 2 clubs having sectorial competence</li> </ul>



Governing Body	Governance Structure	Appointment of Governing Board	Operational Terms
	<p>Tourism, the FIA World Motor Sport Council, Senate and sectorial committees, such as the Audit Committee, Ethics Committee, Nomination Committee and Manufacturers' Commission.</p> <ul style="list-style-type: none"> <li>- The World Council for Automobile Mobility and Tourism is concerned with the establishment of Automobile Mobility and Tourisms regions and overseeing and managing automobile mobility and tourism domains and may recommend admissions and expulsions of FIA members.</li> <li>- The World Motor Sport Council is concerned with administering and operating the sport.</li> <li>- Dispute resolution is handled by the International Tribunal and the International Court of Appeal.</li> </ul>	<p>representatives, such as the FIA Manufacturers' Commission President and International Karting Commission President are automatic members of the World Motor Sport Council.</p> <ul style="list-style-type: none"> <li>- Members of each sectorial/specialised Committee are elected by the General Assembly, with the Presidents of each Committee elected by the World Council or the World Motor Sport Council (as applicable).</li> </ul>	<p>being provided 12 votes each in case a question relevant to such sector arises.</p> <ul style="list-style-type: none"> <li>- For general resolutions, in case a country is represented by more than one association (Type 1 and Type 2 clubs), the vote entitlement is equally distributed amongst these associations.</li> </ul>

**Primary Resources:**

- England and Wales Cricket Board – The ECB’s Official Website
- Cricket Australia – Cricket Australia’s Official Website
- The FA’s Memorandum of Association and Articles of Association



- The FIFA Statutes
- FIH Statutes and Bye-Laws
- FIA Statutes



# GOVERNANCE STRUCTURES AND OWNERSHIP

## LIMITATIONS IN PROFESSIONAL SPORTS LEAGUES

### 1. Executive Summary

The administrative structures of professional sports leagues has evolved over the course of the development of the sports, and are typically the products of consultative efforts between the professional sports clubs and tournament/league organisers usually in response to particular issues faced by their sports or as professional undertakings. The leagues tend to favour centralisation of authority with certain checks and balances and some form of oversight by participating professional clubs or franchises. With respect to the governance structure, an interesting area of departure between professional sports leagues in the United States of America (USA) and Europe is the involvement of the national sports governing body (NGB). In the case of the American system, the NGB has no role to play in the administration of the professional sports body or the prescription of rules of the game for the professional sport. This is at variance with the European system, where the NGB is rendered a participating member of the league and is granted a veto in some matters, particularly on the rules of the game.

In order to provide a brief overview of the governance structures and ownership limitations in professional sports leagues, this section compares the rules and regulations applied by the following four (4) premier professional leagues:

- **Major League Baseball (MLB)** – Major League Constitution and Rules
- **National Football League (NFL)** – Constitution and By-laws of the National Football League
- **National Basketball Association (NBA)** – National Basketball Association - League By-laws
- **English Premier League (EPL)** – The EPL’s Memorandum of Association and Articles of Association

A summary of the key findings and trends witnesses across the four (4) professional sports leagues compared for the purpose of this section is provided below:



- The professional leagues render one person, appointed as a Commissioner or Chief Executive Officer, as the nodal officer concerned with administering the league and the day-to-day affairs of the league.
- The professional league comprises of all professional clubs/franchises that form part of the league. However, in the case of MLB, participation is limited to ‘Major League’ clubs alone and not clubs that are part of the lower leagues, i.e., Minor League Baseball.
- The EPL operates the top-tier league in England, and thus, the governing body comprises of all professional clubs that participate in the EPL in a particular year, with the Football Association (the national football administrator for England) granted membership with certain veto rights. Clubs that are relegated in any year to a lower league are required to transfer their instrument of membership (share) to the clubs that have been promoted to the EPL in that particular year.
- With the exception of the EPL, the professional leagues are closed organisations where new entrants must receive the affirmative consent of 75% of the clubs present at a meeting to become a part of the league. Such consent is required for any transfer of any control in the club/franchise.
- With the exception of the EPL, the Commissioner/Chief Executive Officer is assisted by an executive council or similar body that is composed of representatives of each participating professional body, and which body is meant to secure the interest of the professional clubs/franchises in the administration of the league.





- The EPL is administered by a Board comprising of 2 elected officials, and any major decisions concerning the operation of the EPL are taken by representatives of the clubs in a general meeting.
- The appointment and approval of the remunerative terms of the executive officers for the professional leagues requires the affirmative vote of 67% to 75% of the member clubs at a general meeting. With respect to the EPL specifically, the appointments to the Board need the affirmative approval of the Football Association.
- The executive council or the other representative body of the professional clubs/franchises in the professional leagues comprises of representatives nominated by the clubs/franchises. However the members of the executive council for MLB must be ratified by a simple majority of the clubs/franchises.
- With the exception of the EPL, resolutions and decisions that require the clubs' collective approval are passed by simple majority, while significant decisions that seek to alter the structure, entitlements and playing format of the professional game or league require 75% majority to pass at the general meeting of the clubs.
- In the EPL, all resolutions relating to the operation of the league, structure and entitlements of the professional clubs require 67% majority to pass at the general meeting of the clubs. In case of revisions to the playing format or composition of the governing board or organisational structure, the affirmative approval of the Football Association is also required.
- A member, shareholder, director, officer or employee of a professional club is barred from having any financial interest in or issuing any debt to any other professional club/franchise in the same sport (in the league's operating territory), holding any shares in such club/franchise (or its controlling entity) or in directing the management of any other club/franchise. However, MLB and the NFL permit a member club/franchise and its shareholders to have a financial or ownership interest in a minor league club/franchise engaged in the same sport.
- MLB and the EPL permit minor (non-controlling) shareholders (holding less than 5% and 10%, respectively, of the share capital) of a club/franchise to hold a minor non-controlling stake (5% or 10% respectively) in another professional club/franchise engaged in the same sport.
- The professional leagues require and mandate the independence of the Commissioner or Board members and other officers, and accordingly bar the Commission/Board members and other officers from having any financial or ownership interest in or receiving any financial benefit or debt from any club/franchise or officer, director or person in control of the club/franchise.

The following sub-sections provide more detailed comparisons of the governance structure and limitations on ownership adopted by each of the professional leagues.


## 2. League Governance, Constitution and Structure

League	Governing Body	Constitution	Structure
	Office of the Commissioner of Baseball	Unincorporated association comprising of all Major League Baseball Teams	- Commissioner of Baseball assisted by the Executive Council. Commissioner serves as Chairman of the Executive Council.
	Office of the Commissioner of the National Football League	Unincorporated association of member clubs/franchises	- Commissioner of the National Football League is assisted by the Executive Committee. Commissioner presides over all meetings of the Executive Committee.





League	Governing Body	Constitution	Structure
	Board of Governors of the National Basketball Association	Unincorporated association of professional basketball teams.	<ul style="list-style-type: none"> <li>- Board of Governors comprises of one representative of each team.</li> <li>- The Board of Governors elects:               <ul style="list-style-type: none"> <li>• the Commissioner, who serves as the Chief Executive Officer of the league and presiding officer of the Board of Governors;</li> <li>• the Deputy Commissioner (if required);</li> <li>• Secretary (keeps custody of official records and papers); and</li> <li>• Treasurer (oversees financial affairs of the league).</li> </ul> </li> </ul>
	The Football Association Premier League Limited	Private Limited company, limited by shares.  The Football Association holds a preference share and each Premier League club holds one share.	<ul style="list-style-type: none"> <li>- Board comprising of 2 Directors (Chairman and Chief Executive), with the Football Association retaining affirmative vote rights in respect of certain matters such as appointment of Board members, variation of voting rights, adoption, amendment or waiver of league rules or ownership limitation rules.</li> </ul>

### 3. Appointment, Term and Functions of League Officers


League	Appointment	Term	Functions
	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> Elected by 75% vote of the Major League Clubs at a meeting. Re-election requires 50% affirmative vote of the Major League Clubs at a meeting.</li> <li>- <b>Executive Council:</b> Commissioner and 8 club members (4 from American League + 4 from National League clubs) appointed by Commissioner and ratified by 50% of Major League Clubs.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> 3 years</li> <li>- <b>Executive Council:</b> 4 years, with 1 member from each league (American or National league) retiring each year.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> Serves as the Chief Executive Officer of Major League Baseball, and is in-charge of operations of leagues (American league and National league), determining rules of practice, and investigating and penalising infringements.</li> <li>- <b>Executive Council:</b> Serves as the representative body of the Major League Clubs. Investigates and submits recommendations for changes to any regulations and agreements concerning Major League Clubs, such as standard player agreement and contests/games in which Major League Clubs participate.</li> </ul>




League	Appointment	Term	Functions
	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> Elected by 67% or 18 votes of the member clubs/franchises at a meeting.</li> <li>- Commissioner is required to file and maintain a surety bond of USD 50,000 to warrant faithful performance of duties. Expenses of the bond are to be paid by the league.</li> <li>- <b>Executive Committee:</b> One representative from each member club/franchise, appointed by written notice to the Commissioner. Representatives must be owners or holders of an interest or officers of a member club/franchise.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> No term specified. Driven by the contract approved by member clubs/franchises.</li> <li>- <b>Executive Committee:</b> Until revoked by appointing member club/franchise.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> Authority for dispute resolution and maintenance of discipline in respect of the league, and engaged in operating the league and selling broadcast rights to the Conference Championship and Super Bowl games.</li> <li>- <b>Executive Committee:</b> <ul style="list-style-type: none"> <li>• Impose fines on owners, directors, players and personnel of clubs/franchises;</li> <li>• Investigate on any matter referred to it by the Commissioner;</li> <li>• Elect a temporary Commissioner in case the Commissioner is rendered unfit/incompetent;</li> <li>• Borrow in the name of the league, and/or audit and review the financial records of the league.</li> <li>• Except for investigations, and appointment of temporary Commissioners, all resolutions of the Executive Committee require 75% of the votes.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> Elected by the affirmative votes of 75% of all Governors.</li> <li>- <b>Board of Governors:</b> One representative of each member club/franchise nominated by the member club/franchise. Representative must be an owner, director, officer or authorised employee.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> No term specified. Driven by the contract approved by Board of Governors.</li> <li>- <b>Board of Governors:</b> Until revoked by appointing member club/franchise or removed with 75% of the votes of all Governors at a meeting.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>Commissioner:</b> Operates the league, oversees and directs the business and affairs of the league, and specifies minimum standards for operation of arenas and conditions under which NBA games and events are to be conducted. Commissioner serves as the dispute resolution authority for inter-member club/franchise disputes and disciplining authority.</li> <li>- <b>Board of Governors:</b> Representative body of the club/franchise owners, and engaged in evaluating, regulating and approving revisions to club/franchise ownership or location, or operational regulations and general supervision of the affairs of the NBA.</li> <li>- 75% of the votes of all Governors present is required for a termination of a member club/franchise, transfer of membership or more than 10% of the stock of any club/franchise or entity in effective control of a club/franchise, amendment of Constitution/By-laws, appointment of officials and other resolutions, unless otherwise specified.</li> <li>- 50% of the votes of all Governors present are required for approval of any relocation request.</li> </ul>








League	Appointment	Term	Functions
	<ul style="list-style-type: none"> <li>- Board members appointed by a resolution of the member clubs at a General Meeting.</li> </ul>	<ul style="list-style-type: none"> <li>- Terms of appointment and remuneration to be determined and approved by a resolution at a General Meeting.</li> <li>- A Director may be removed by a resolution at a General Meeting.</li> </ul>	<ul style="list-style-type: none"> <li>- The Board manages the affairs of the company and the operation of the Premier League and implementation of the league rules.</li> <li>- The Board also determines the eligibility of an association football club to become a member, and engages in approving share transfers by existing members of the Company.</li> </ul>

#### 4. Member Rights, Ownership Restrictions and Conflict of Interest Provisions

League	Member Rights	Ownership Restrictions and Conflict of Interest Provisions
	<ul style="list-style-type: none"> <li>- 50% of the votes of all Major League Clubs required for (amongst others):               <ul style="list-style-type: none"> <li>• Any action relating to the collective bargaining process with players or umpires association/representative;</li> <li>• Extension of Term of the Constitution; and</li> <li>• Action related to radio, television or internet rights.</li> </ul> </li> <li>- 75% of the votes of all Major League Clubs required for:               <ul style="list-style-type: none"> <li>• Addition or removal of clubs;</li> <li>• Sale or transfer of controlling interest in a club;</li> <li>• Relocation of a club;</li> <li>• Change in the play format of the league;</li> <li>• Change in the revenue share arrangement;</li> <li>• Amendment of the Constitution;</li> <li>• Termination of rights of a club for cause.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Officers, employees and umpires of a league (Major League/Minor League) are barred from having any financial interest in a club in such league, or loan money, become a surety or guarantor for any such club.</li> <li>- Cross ownership/financial interest by a club, or its shareholders, officers, directors or employees is barred, except in case of holding in both clubs is less than 5% and is non-controlling.</li> </ul>



League	Member Rights	Ownership Restrictions and Conflict of Interest Provisions
	<ul style="list-style-type: none"> <li>- Other than Conference Championship and Super Bowl games, telecast of home games in the home territory requires agreement of the participating clubs/franchises and the visiting club/franchise is provided the exclusive license to telecast the game in its home territory.</li> <li>- 75% of the votes of all member clubs/franchises required for:               <ul style="list-style-type: none"> <li>• Admission of new member clubs/franchises;</li> <li>• Transfer of membership;</li> <li>• Amendment of playing rules; and</li> <li>• Amendment of Constitution or By-laws.</li> </ul> </li> <li>- All regular and pre-season television income (from any source) must be divided and shared equally amongst all member clubs/franchises. Unanimous agreement of member clubs/franchises is required for revision to television revenue share arrangement.</li> </ul>	<ul style="list-style-type: none"> <li>- The Commissioner is barred from having any financial interest (direct or indirect) in any professional sport.</li> <li>- No member or its stockholder, officer, director, partner or employee, or officer/employee of the league can own or have any financial interest (direct or indirect) in any other member club/franchises or minor league club/franchise or in a professional football club/franchise, team, league not a member of the National Football League, other than an Arena Football League playing in the club's/franchise's home territory.</li> <li>- Public criticism, issue of free tickets to visiting clubs/franchises and gifts/rewards to opposing team players/coaches or provision of game outcome bonus to players/coaches is strictly prohibited.</li> </ul>
	<ul style="list-style-type: none"> <li>- A team operated by a member club/franchise requires the consent of a resident member club/franchise to play in such resident's home territory.</li> <li>- No separate requirement of meeting of member clubs/franchise or requirement of approval on matters concerned with the operation of the league/association.</li> <li>- The Board of Governors acts as the representative body of all clubs/franchises and acts on their behalf in overseeing the affairs of the league and the NBA.</li> </ul>	<ul style="list-style-type: none"> <li>- An owner, director, officer, manager, coach, employee, agent or representative of a club/franchise is barred from exercising control or managerial authority over any other club or having any financial interest in any other club/franchise.</li> <li>- No club/franchise or entity in control of a club/franchise is permitted to lend money, or become a surety/guarantor for any other member club/franchise, referee, Commissioner or employee of the NBA.</li> <li>- The Commissioner, referees and employees of the NBA are barred from holding any stock or having any financial interest in any club/franchise or entity that exercises effective control of a club/franchise.</li> <li>- The Commissioner is barred from any having any financial interest in any professional sport.</li> </ul>
	<ul style="list-style-type: none"> <li>- General Meeting: 67% votes of all member clubs present and voting at a General Meeting is required for the passage of any resolutions. Quorum: 67% of the member clubs.</li> <li>- Only a director or secretary of a member club is permitted to act as a representative of such club at a</li> </ul>	<ul style="list-style-type: none"> <li>- The Board is barred from appointing an official of a Club as a representative of the Board.</li> <li>- A Director must disclose and obtain the approval of the member clubs by a resolution at a General Meeting for any transaction in which he is interested or with a company/entity in which he is a director/officer.</li> <li>- No Member club is permitted to have any</li> </ul>



League	Member Rights	Ownership Restrictions and Conflict of Interest Provisions
	<p>general meeting.</p> <ul style="list-style-type: none"><li>- Member clubs are entitled to supervise and direct the policy of the Board through resolutions at General Meetings.</li><li>- A resolution of the member clubs at a General Meeting is required for any borrowing by the Board and any dealings relating to television, broadcasting, sponsorship or other matters affecting the commercial interest of the member clubs.</li><li>- Expulsion of a club from the Premier League requires 75% of the vote of the member clubs at a General Meeting.</li></ul>	<p>shareholding in another FA registered club, influence the management of such other club or lend/borrow money or guarantee debts of such club.</p> <ul style="list-style-type: none"><li>- Director/officers or shareholders of 10% of a club are barred from being directly or indirectly involved in the management or administration of the affairs of another football club or owning more than 10% of the voting rights in another FA registered club.</li></ul>

### Primary Resources:

- Major League Constitution and Rules
- Constitution and By-laws of the National Football League
- National Basketball Association - League By-laws
- The EPL's Memorandum of Association and Articles of Association



# REGULATION AND OVERSIGHT MODELS FOR NATIONAL SPORTS BODIES

## 1. Executive Summary

The traditional view around the world when it comes to national sports federations or sports governing bodies (“NGB”s), has been to consider such entities as private enterprises to be governed by the principles of autonomy and independence. Such principles of autonomy, which are incorporated in the statutes and regulations of various international governing bodies (“IB”s)<sup>1</sup>, require that NGBs should be free from interference in the administration of their affairs by the state or by the wider public, in order for NGBs to be included in the sporting ecosystem created by these IBs. This in turn has meant that NGBs are traditionally controlled by their members, which usually consist of smaller, localised provincial or state federations that are responsible for administering the sport in their respective regions.

While the intentions behind such autonomous principles were no doubt noble, i.e. to protect the integrity of sport, such a structure has enabled NGBs to function and conduct their affairs indiscriminately without being accountable towards most stakeholders, including the wider public. This has led to a situation where the officials and persons in charge of such NGBs are not subject to any meaningful consequences due to any acts of mismanagement or incompetence. Further, this system of non-interference has encouraged a thriving culture of institutional nepotism and corruption that remains unchecked in NGBs around the world, which has a negative impact on all aspects of the sports they represent including, governance, funding, maintenance and upgradation of infrastructure, organisation of sports events, training and player selection.

In order to combat this trend, several countries including India have attempted to introduce legislation and regulatory mechanisms that attempt to exert a certain level of control on the NGBs as well sport in general. However such legislations have often been denounced by the sporting fraternity<sup>2</sup> for being in contravention of the non-interference principles stipulated by the IBs in their regulations. Indeed, organisations such as the IOC<sup>3</sup> and FIFA<sup>4</sup> have, in multiple cases, suspended or terminated the membership of NGBs as result of governments making attempts to regulate their functioning. Further, in certain instances, the IBs have managed to convince governments and the state to exclude the national association of the governing body’s sport from the purview of any sports regulations adopted in such countries, even in demonstrable cases of failure in private governance.<sup>5</sup>

In spite of the challenges faced previously, efforts have to be made to ensure that sports bodies are subject to some level of regulation and oversight, if only to limit the negative impact arising out of granting total

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<sup>1</sup> FIFA Statutes (April 2015), art 17, Olympic Charter (August 2015), rule 27 par 9

<sup>2</sup> ‘Terming it draconian, NSFs reject policy draft’ *The Indian Express* (2 May, 2011) <<http://indianexpress.com/article/news-archive/print/terming-it-draconian-nsfs-reject-policy-draft/>> accessed 6 June, 2015

<sup>3</sup> Jacquelin Magnay, ‘International Olympic Committee suspends Indian Association following government interference in IOA elections’ *The Telegraph* (4 December, 2012) < <http://www.telegraph.co.uk/sport/olympics/9721519/International-Olympic-Committee-suspends-Indian-Association-following-government-interference-in-IOA-elections.html>> accessed 6 June, 2015

<sup>4</sup> Borja García, ‘Keeping private governance private: Is FIFA blackmailing national governments?’ (2013) <[http://www.sportandeu.com/wp-content/uploads/2013/06/Keeping-private-governance-private\\_submitted-for-sportandeuconference.pdf](http://www.sportandeu.com/wp-content/uploads/2013/06/Keeping-private-governance-private_submitted-for-sportandeuconference.pdf)> accessed 6 June, 2015

<sup>5</sup> *ibid*



autonomy, and to protect the interests of the shareholder. This section attempts to discuss three (3) models of regulation adopted across different jurisdictions, including state backed models that attempt to regulate sport and provide differing levels of oversight on their NGBs as well as other sports, in order to ensure that such bodies are accountable to their members as well as athletes and the general public. These three (3) models of regulation are discussed in detail in the following sub-sections.

## 2. Model 1 – Oversight Based on Funding and Recognition

This model is followed by several countries in the commonwealth, including Australia, New Zealand and the United Kingdom. It involves the establishment of non-departmental, state backed public bodies<sup>6</sup> (“**Sports Councils**”), usually established by federal legislations. With respect to Australia, the relevant Sports Council is the Australia Sports Commission<sup>7</sup>. For New Zealand and the United Kingdom, the relevant Sports Councils are Sport New Zealand<sup>8</sup> and UK Sport<sup>9</sup>.

These bodies are responsible for, *inter alia*, developing sports at a grass root level, creating new sporting opportunities and for developing and cultivating a sporting culture among the wider public.<sup>10</sup> These objectives are achieved by Sports Councils by partnering with NGBs as well as other sporting and non-sporting organisations. Significantly, these sports bodies also have the exclusive authority to recognise sporting organisations as NGBs<sup>11</sup> and for distributing government funding to such recognised NGBs.<sup>12</sup>

In granting such recognition, these Sports Councils require prospective NGB’s to meet a minimum set of criteria. For example UK Sport and the four sister Sports Councils in the United Kingdom (Sport England, Sport Wales, Sport Northern Ireland and Sport Scotland), assess applications for recognition based on the following criteria:

- The structure of the NGB;
- Governing body jurisdiction and Influence;
- Sporting activity, disciplines and rules;
- Competition structure;
- The uniqueness of the sport;
- Membership numbers;
- Sporting vision and development;
- Governing body vision and development;
- Affiliation to the relevant international federation;
- Governance structure; and
- Ethical and legal considerations.<sup>13</sup>

<sup>6</sup> ‘About Us’ <<http://www.uk sport.gov.uk/about-us>> accessed 6 June, 2015

<sup>7</sup> ‘Australian Sports Commission’ <<http://www.ausport.gov.au/>> accessed 6 June, 2015

<sup>8</sup> ‘Sport New Zealand’ <<http://www.sportnz.org.nz/>> accessed 6 June, 2015

<sup>9</sup> ‘UK Sport’ <<http://www.uk sport.gov.uk/>> accessed 6 June, 2015

<sup>10</sup> ‘About Us’ <<http://www.uk sport.gov.uk/about-us>> accessed 6 June, 2015

<sup>11</sup> ‘Sports that we recognise’ <<https://www.sportengland.org/our-work/national-work/national-governing-bodies/sports-that-we-recognise/>> accessed 6 June, 2015

<sup>12</sup> ‘Sport England’ <<https://www.sportengland.org/>> accessed 6 June, 2015

<sup>13</sup> UK Recognition Panel, ‘Sports councils’ policy for the recognition of sporting activities and associated national governing bodies of sport’ (October 2010) <[http://archive.sportengland.org/about\\_us/idoc.ashx?docid=dbc0c7d9-ecc6-4e79-97e7-0ef8754aba24&version=1](http://archive.sportengland.org/about_us/idoc.ashx?docid=dbc0c7d9-ecc6-4e79-97e7-0ef8754aba24&version=1)> accessed 6 June, 2015



Once a sporting organisation is granted recognition as an NGB, such NGB becomes the sole principle authority responsible for administering sport in that country and for disseminating the funding received from the Sports Council for the development of its sport at the grass roots as well as elite level. In some cases, recognition also enables such NGBs to use official national emblems and marks (such as the Commonwealth Coat of Arms for Australian NGBs) on the uniforms and playing apparel of their athletes.<sup>14</sup> In the event that such NGBs do not possess such recognition or such recognition is withdrawn or suspended by their respective Sports Councils, these aforementioned benefits are usually unavailable to the NGBs.

The Sports Councils generally do not seek to regulate the elections of members to such NGBs, the day to day governance or finances of the NGBs or matters relating to national team/delegate selection etc. Most of the NGB's duties and obligations towards the Sports Council relate to the allocation and use of funding provided by the Sports Councils. Further Sports Councils generally take limited cognizance of any complaints or grievances made against the NGBs by encouraging affected parties such as athletes, sporting organisations or the general public to approach the relevant NGB at the first instance. A few Sports Councils, such as Sport England provide an additional mechanism of resolution in the event such complaint has not been resolved by the relevant NGB,<sup>15</sup> with the aggrieved party being permitted to submit such complaints to Sport England directly. However, the types of complaints that can be made by aggrieved persons are substantially restricted; whether such complaints are made with respect to NGBs or Sport England themselves.<sup>16</sup> It is pertinent to note that aggrieved parties not only have the right to complain to Sport England itself but also escalate such complaints to the UK's Parliamentary and Health Service Ombudsman<sup>17</sup>, which investigates complaints by members of the public. However, this mechanism is also not very effective as the Ombudsman is authorised to investigate complaints made by persons who have suffered injustice because of maladministration by public organisations<sup>18</sup>, including Sport England, but not necessarily NGBs, which are generally structured as private, non-state enterprises.

Based on the above, it would appear that a model based primarily on recognition and funding is non-intrusive and therefore exerts limited influence or oversight over the NGBs, which are granted with substantial autonomy.

### 3. Model 2 – Legislative Sanction

This model, which has been adopted in countries such as Spain and Mauritius, involves the enactment of a sports specific legislation or statute by the government with the aim of creating a nationwide regulatory framework for the governance of sport. Such legislations also provide for the establishment of administrative sports bodies under the relevant ministries, similar in a few aspects to the Sports Councils discussed in the previous sub-section but with powers and responsibilities that extend beyond just funding and recognition. Spain's legislation, the Sports Act 10/1990<sup>19</sup>, (the "**Spain Sports Act**") serves as an instructive example in this regard. The Spain Sports Act was enacted in the year 1990 with an aim of establishing a suitable regulatory framework for professional sport and the objective to 'establish a model of legal and financial responsibility'.<sup>20</sup> The framework established by the Spain Sports Act is complemented with subsequent regional sports legislation, as well as with reasoned decisions, ministerial orders or royal decrees.<sup>21</sup> The Spain Sports Act

<sup>14</sup> 'ASC Recognition' <[http://www.ausport.gov.au/supporting/nso/asc\\_recognition](http://www.ausport.gov.au/supporting/nso/asc_recognition)> accessed 6 June, 2015

<sup>15</sup> 'Sport England Complaints Procedure' (April 2014) <<https://www.sportengland.org/media/319357/complaints-procedure-april-2014.pdf>> accessed 6 June, 2015

<sup>16</sup> *ibid*

<sup>17</sup> *ibid*

<sup>18</sup> 'About Us' <<http://www.ombudsman.org.uk/about-us>> accessed 6 June, 2015

<sup>19</sup> Sports Act 10/1990

<sup>20</sup> Borja García, 'Keeping private governance private: Is FIFA blackmailing national governments?' (2013) <[http://www.sportandeu.com/wp-content/uploads/2013/06/Keeping-private-governance-private\\_submitted-for-sportandeuconference.pdf](http://www.sportandeu.com/wp-content/uploads/2013/06/Keeping-private-governance-private_submitted-for-sportandeuconference.pdf)> accessed 6 June, 2015

<sup>21</sup> *ibid*



requires that the statutes, composition of internal bodies and other governance structures of NGBs are to be in compliance with the provisions established in the Spain Sports Act and any future regulations.<sup>22</sup> It describes NGBs as private entities that act by delegation of the state and allows only one NGB to be recognised per sport<sup>23</sup>. Further, it provides that it is the Spanish government's prerogative to regulate the conditions and criteria upon which NGBs can be recognised.<sup>24</sup> In addition, the Spain Sports Act provides very specific rules on the following aspects of NGBs:

- The roles and responsibilities of NGBs;
- The functioning and structures of NGBs;
- The functions and responsibilities attributed to NGBs; and
- The implementation of good governance principles in NGBs.

The Spain Sports Act also established Spain's National Sports Agency (Consejo Superior de Deportes) ("**CSD**") in the year 1990. The CSD is an autonomous administrative body, attached to the Ministry of Education and Science, through which the state administration operates in the field of sport.<sup>25</sup> The CSD is vested with wide ranging powers, under the Spain Sports Act, including, *inter alia*, the power to:

- authorise or revoke the constitution and approve the statutes and regulations of Spanish NGBs;
- recognise the existence of sporting disciplines, classify official, professional, state competitions;
- establish, the objectives, sports programmes (especially in high-level sport), budgets and organic/functional structures of NGBs;
- grant economic subsidies due to NGBs and other sporting bodies and associations, carrying out inspections and verifying that they comply with the aims set out in the Spain Sports Act;
- control the grants that awarded to NGBs and to authorise the taxing and disposal of their assets when the NGBs have been fully or partially financed by public state funds;
- determine the allocation of NGBs' assets, in case of their liquidation;
- authorise the inscription of the Spanish NGBs in the corresponding IBs;
- Oversee electoral processes to the NGB's boards and other governing committees; and
- Employ any other faculty attributed by law or through the regulations that contributes to achieving the goals and objectives set out in the Spain Sports Act.

The Spain Sports Act was further supplemented with a Royal Decree in 1991<sup>26</sup> which laid down certain rules regarding the registration of NGBs and with a Ministerial Order in 2007<sup>27</sup> that required all NGBs to seek final approval of Spain's Ministry for Sport when devising their electoral processes<sup>28</sup>. Significantly, the Ministerial Order provides very specific guidelines regarding the timing of elections to the presidency of NGBs.<sup>29</sup> Such invasive involvement has invariably resulted in conflicts with NGBs as well as IBs, whose regulations require their member NGBs to function with full autonomy. The most famous example in this respect is the dispute between the Spanish Government and FIFA regarding the timing of presidential elections for the presidency of

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<sup>22</sup> *ibid*

<sup>23</sup> *ibid*

<sup>24</sup> *ibid*

<sup>25</sup> 'Definition and areas of competence' <<http://www.csd.gob.es/csd/informacion-en/02structure-of-the-csd/01definition-and-areas-of-competence/>> accessed 6 June, 2015

<sup>26</sup> Royal Decree 1,835 (December 20, 1991)

<sup>27</sup> Ministerial Order ECI/3567/2007 (December 4, 2007)

<sup>28</sup> Borja García, 'Keeping private governance private: Is FIFA blackmailing national governments?' (2013) <[http://www.sportandeu.com/wp-content/uploads/2013/06/Keeping-private-governance-private\\_submitted-for-sportandeuconference.pdf](http://www.sportandeu.com/wp-content/uploads/2013/06/Keeping-private-governance-private_submitted-for-sportandeuconference.pdf)> accessed 6 June, 2015

<sup>29</sup> *ibid*



the Royal Spanish Football Federation (“RSFF”) in 2008.<sup>30</sup> The dispute sparked off as a result of the RSFF scheduling its presidency elections for a time that was in contravention with the rules stipulated in the Ministerial Order of 2007.<sup>31</sup> After protracted negotiations and discussions, the Spanish government backed down,<sup>32</sup> to avoid the risk of the RSFF being suspended by FIFA. The conditions stipulated under the Ministerial Order of 2007 were relaxed and the RSFF was permitted to conduct its elections at the time favoured by its members.<sup>33</sup>

Thus the Spanish Government and the CSD, exercise a substantial amount of control and oversight over the functioning of NGBs in Spain. Although the CSD is provided with several important powers, it is unclear whether the Spain Sports Act or any other legislations or regulations in Spain provide for the CSD or the Spanish Government to take cognizance of any complaints relating to sports administration that are filed by or on behalf of members of the general public. Further it is also unclear whether there is any body or institution above the CSD, such as an independent ombudsman which investigates complaints or grievances relating to NGBs or the CSD as well.

With respect to Mauritius, the Sports Act of 2013<sup>34</sup> (“**Mauritius Sports Act**”) enacted by the Mauritius government is similar to the Spain Sports Act in several aspects. Like the Sports Act, the Mauritius Sports Act lays down certain guidelines relating to the statutes, composition of internal bodies and other governance structures that NGBs must adhere to.<sup>35</sup> The Mauritius Sports Act permits NGBs to adopt their own rules and statutes in compliance with these guidelines<sup>36</sup>. For NGBs that do not have any such rules, the Mauritius Sports Act provides for model rules under Schedule IV, which may be adopted by such bodies.<sup>37</sup> While the Mauritius Sports Act contemplates the establishment of a Sports Development Council<sup>38</sup>, the powers granted to it are very limited when compared to the CSD. A majority of the powers relating recognition and disciplinary measures have been reserved to the Ministry of Youth and Sports.<sup>39</sup>

However, the most significant aspect in which the Mauritius Sports Act differs from the Spanish Sports Act is that it supplements this regulatory framework with the establishment of a Sports Arbitration Tribunal<sup>40</sup> and an Ombudsperson for sport.<sup>41</sup>

- The Sports Arbitration Tribunal has jurisdiction to adjudicate on any dispute relating to sports referred to it by any person who feels aggrieved by a decision of the Mauritius Olympic Committee, an NGB, a

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<sup>30</sup> *ibid*

<sup>31</sup> *ibid*

<sup>32</sup> *ibid*

<sup>33</sup> *ibid*

<sup>34</sup> The Sports Act 2013

<sup>35</sup> *ibid*, section 6

<sup>36</sup> *ibid*

<sup>37</sup> *ibid*

<sup>38</sup> The Sports Act 2013, section 43

<sup>39</sup> The Sports Act 2013, sections 12, 13

<sup>40</sup> The Sports Act 2013, section 41

<sup>41</sup> The Sports Act 2013, section 42





multisport organisation, a regional sports committee, a sports club, a licensee, any member, referee, coach or other official of a sports organisation.<sup>42</sup>

- The Ombudsperson for Sports can hear appeals relating to any decision of the Mauritius Olympic Committee, an NGB, a multisport organisation, a regional sports committee, a sports club, a licensee, any member, referee, coach or other official of a sports organisation. The Ombudsperson for Sports may initiate an enquiry into the matter or invite disputing parties for an amicable settlement of the matter in dispute. In case no amicable settlement is reached, any of the aggrieved parties may have recourse to the Sports Arbitration Tribunal.<sup>43</sup>

The Mauritius Sports Act lays down specific rules regarding the composition and functioning of the tribunal<sup>44</sup> but leaves the appointment of the Ombudsperson to the discretion of the Minister for Youth and Sport, who may appoint such Ombudsperson in consultation with the Mauritius Olympic Committee.<sup>45</sup> Further, in contrast with the Ombudsman in England, the Mauritius Sports Act does not seek to restrict the types of disputes or the persons that may bring disputes or complaints to the Sports Arbitration Tribunal or the Ombudsperson. Therefore the Sports Act 2013 appears to go one step further than the other regulation and oversight models adopted around the world, at least with respect to dispute resolution or complaint redressed forums relating to sport that are available to the stakeholders of sport.

#### 4. Model 3 – Self Regulation by NGBs

This model involves the adoption of ‘best practices’ and internationally recognised standards relating to governance and administration by the NGBs, without the need for government or state mandated regulation, which ensures that such NGBs retain functional autonomy and independence in their workings. The adoption of such practices may be undertaken by the NGBs with the aim of bringing about transparency and accountability while simultaneously protecting the rights of the stakeholders of their sport, including member associations, players and the general public. A recent example of this model is the changes in administrative and governance structure adopted by Cricket Australia, the governing body for Cricket in Australia, pursuant to the recommendations made in the 2011 Crawford-Carter report<sup>46</sup>. By way of background, the Crawford-Carter report was drafted pursuant to an independent review into the governance structure of Australian cricket, conducted by a two (2) member committee consisting of David A. Crawford and Colin B. Carter.<sup>47</sup> After conducting a thorough review of the Australian cricket system, the committee provided a wide range of recommendations relating to administration and governance of cricket in Australia and also specified transitional arrangements that may be put in place to facilitate the gradual implementation of the recommendations<sup>48</sup>, that would result in an "independent and well-skilled" board of directors (the “**Board**”) that would clearly be accountable to the owners of Cricket Australia and would not confuse its own role with that of management.<sup>49</sup>

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<sup>42</sup> The Sports Act 2013, section 41 (2)

<sup>43</sup> The Sports Act 2013, section 42 (1)

<sup>44</sup> The Sports Act 2013, section 41 (1)

<sup>45</sup> The Sports Act 2013, section 42 (2)

<sup>46</sup> David A Crawford, John B Carter ‘Good Governance Structure for Australian Cricket’ <<http://www.cricketaustralia.com.au/~media/cricketaustraliacomau/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015

<sup>47</sup> *ibid*

<sup>48</sup> *ibid* 2

<sup>49</sup> David A Crawford, John B Carter ‘Good Governance Structure for Australian Cricket’ <<http://www.cricketaustralia.com.au/~media/cricketaustraliacomau/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 6



A few of the significant changes recommend for Cricket Australia by the two member committee in the Crawford-Carter report included:

- To acknowledge the state associations (SAs), which are the members of Cricket Australia, as shareholders, with responsibility as custodians for Cricket in their own State and throughout Australia<sup>50</sup>.
- That the SAs be responsible for the appointment of directors to the Cricket Australia Board, with such directors to be appointed following a unanimous recommendation of a Nominating Committee and a two-thirds vote among the SAs. The SAs to retain the right to dismiss any, or all, of the CA Directors based on a two-thirds vote among all SAs<sup>51</sup>.
- The Cricket Australia Board to refer to the SAs for approval only those matters that involve a fundamental change to the structure of cricket such as the addition of new teams and competition formats, with a two-thirds vote among all SAs being required to approve such changes.<sup>52</sup>
- To reduce the size of the board to a maximum of nine (9) directors<sup>53</sup> from the then existing structure of fourteen (14) directors and ensure that each SA is vested with an equal number of votes.<sup>54</sup>
- To remove any conflict of interest by ensuring that a director of Cricket Australia is not permitted to hold office in any SA (or other related entity such as a Big Bash venture) for the duration that he is a director of Cricket Australia<sup>55</sup>.
- The directors should not be appointed or nominated by individual SAs but rather that candidates be voted on collectively by all SAs and only candidates who have the support of at least two-thirds of SAs be appointed to the Cricket Australia Board<sup>56</sup>.
- To adopt the practice of appointing a 'skills-based' Board<sup>57</sup> and that a nomination process be established as follows:
  - To form a 'Nomination Committee' each year that consists of four persons – including two SA Presidents plus the Chairman of Cricket Australia and one other Cricket Australia director nominated by the Board.
  - The SAs would have to agree and choose the two Presidents to represent them in this process.
  - The Nomination Committee would start with an assessment of needs of the Board and then canvass suggestions as to future Board members.

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<sup>50</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustraliacomau/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 10

<sup>51</sup> *ibid*

<sup>52</sup> *ibid*

<sup>53</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustraliacomau/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 11

<sup>54</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustraliacomau/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 16

<sup>55</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustraliacomau/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 13

<sup>56</sup> *ibid*

<sup>57</sup> *ibid*



- The committee may commission a firm of specialists to ensure that the search looks beyond the usual pool of candidates.
  - The Nomination Committee would then reach unanimous agreement about which candidate would be put to the SAs for approval.
  - Any nomination to the Board would then have to receive support from at least two-thirds of the SAs.<sup>58</sup>
- The Cricket Australia committee structures to be reviewed with the intention of closing down most of them as Board committees as a number of then existing committees were not appropriately committees of the Board and should have been the primary responsibility of the management team. The report stated that to continue to view such committees as Board committees would undermine the accountability of the management.<sup>59</sup>
  - To encourage Board members to participate in management committees where the director has expertise and where the CEO wishes them to participate as it is healthy and useful for Directors with special skills and experience to contribute to the organization.<sup>60</sup>
  - To ensure that Board and management work together, the Chief Executive Officer of Cricket Australia is to be appointed to the Cricket Australia Board as an executive Director.<sup>61</sup>
  - To regularly review the Board performance and periodically have 'whole of Board' performance reviews as well as robust performance feedback to individual Directors.
  - To eliminate the system of equal funding for SAs and ensure that the Board should be free to allocate resources in accordance with the strategy approved by the Board by taking into account the viability of the SA operations and existing stadium commitments.<sup>62</sup>
  - There should be no pre-conditions regarding financing or other than ensuring that each SA should be provided with an agreed level of funding that will enable them to fulfil their role.<sup>63</sup>

Pursuant to the Crawford-Carter report, Cricket Australia replaced its state based Board of fourteen (14) directors with a smaller, nine-person Board that consisted of three (3) independent directors and one (1) director each appointed by the six SAs.<sup>64</sup> This has gradually morphed into a seven (7) member board consisting of only independent directors.<sup>65</sup> Further, each director of the Board now has one vote except in the case of a deadlock in which case the Cricket Australia Chairman will have a casting vote.<sup>66</sup> It is unclear whether the other

<sup>58</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustralia.com.au/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 14

<sup>59</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustralia.com.au/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 19

<sup>60</sup> ibid

<sup>61</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustralia.com.au/Files/CA-Governance-Review-Part-1>> accessed 6 June, 2015 21

<sup>62</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustralia.com.au/Files/CA-Governance-Review-Part-2>> accessed 6 June, 2015 24

<sup>63</sup> David A Crawford, John B Carter 'Good Governance Structure for Australian Cricket' <<http://www.cricketaustralia.com.au/~media/cricketaustralia.com.au/Files/CA-Governance-Review-Part-2>> accessed 6 June, 2015 23

<sup>64</sup> 'Member Associations' <<http://www.cricketaustralia.com.au/about/member-associations>> accessed 6 June, 2015

<sup>65</sup> 'Our Board' <<http://www.cricketaustralia.com.au/about/our-board>> accessed 7 December, 2015

<sup>66</sup> 'Member Associations' <<http://www.cricketaustralia.com.au/about/member-associations>> accessed 6 June, 2015



recommendations included in the report with respect to funding, committees, performance reviews etc. have been implemented in whole or in part by Cricket Australia.

It must be stressed that a self-regulation mechanism is not always adopted with the interests of the wider public in mind. Indeed, some of the changes recommended by the Crawford-Carter report may only serve the interests of Cricket Australia or its SA members. However, any positive effects or impact felt as a result of implementation of such changes and other good governance practices may trickle down to other stakeholders of the Australian cricket system and benefit the public. This net result may eliminate the need for an extra layer regulation or oversight by the state or any other entity.

## 5. Conclusion

There is no definite answer when it comes to determining which of the three (3) models elucidated in this subsection is the best approach for regulating and providing oversight of NGBs. The two non-intervention models (recognition and funding and self-regulation) may provide adequate supervision in mature sporting systems such as the UK and Australia, where good governance practices appear to be already ingrained intimately into sporting organisations. However, such models are clearly not sufficient in countries such as India and other developing sports systems which are afflicted with a whole host of challenges such as nepotism and corruption. As previous attempts to regulate the sports system in India have failed, the current situation calls for a two pronged approach wherein sports legislation is supplemented with an education and awareness campaign that encourages, motivates and perhaps provides NGBs and other sporting organisations with incentives to modify their governance and administrative practices to bring them in line with international standards, in order to bring about some much needed accountability and transparency. The legislation should specify broad binding obligations according to which such sports organisations should conduct their affairs with any breaches or violations being punishable by meaningful sanction. The legislation should also provide for the establishment of multi-level arbitration tribunals as well as independent ombudsmen which should be equipped with the power to deal with any disputes relating to sport at the national as well as state level. If implemented properly, such an approach could ensure that the interests of all stakeholders in sport, including those of athletes and the general public are safeguarded.



# RECOGNITION AND OVERSIGHT OF SUB-ORDINATE BODIES

## 1. Executive Summary

Throughout modern history, the administration of sports has traditionally been a private enterprise, with the mantle for organisation and growth of such sports being taken up by international governing bodies over the past few decades. The international governing bodies are the guardians and gate keepers of the sport they represent and are therefore responsible for promoting, growing, regulating and safeguarding such sport for the benefit of its fans, supporters and the wider public. These international governing bodies are often supplemented and assisted by federations and associations at the continental, national, provincial and even local level that are representative organisations for the athletes, clubs, teams and organisations playing such sports in their respective geographical regions. In order to achieve these aims, international governing bodies have established and adopted a broad framework for their sport within which their affiliated associations, federations, clubs, teams and athletes operate. This has resulted in the existence of a multi-tiered ecosystem for each sport, with rules, practices and guidelines being standardised across all levels and geographical regions. To preserve such standardisation and facilitate uniformity across the world, governing bodies have adopted the concept of recognition and membership, wherein associations or federations wishing to govern a particular sport in their respective region are required to adhere to a minimum set of criteria, in order to be recognised. Such recognition not only grants the association and federation an entry into the eco-system established by the governing bodies, but also ensures that the athletes, clubs and teams represented by such associations are granted access to and allowed to participate in events, competitions, leagues and matches related to their sport across the world. Most international sports bodies specify the criteria for recognition of prospective members in their principal statutes. In the event that such criteria is not met or adhered to by an association or federation, such organisations as well as any sub-ordinate organisations, athletes, teams or clubs they represent are locked out of the international framework and all the benefits that are afforded within such framework. Therefore, the recognition system has emerged as the primary tool by which international governing bodies exert a level of control and oversight over sub-ordinate bodies in their sport. In order to provide a brief overview of the recognition/membership systems adopted across the world and the oversight mechanisms incorporated therein, this section compares the rules and regulations adopted by the following five (5) premier international governing bodies:

- **International Olympic Committee (IOC)** – The Olympic Charter
- **Fédération Internationale de Football Association (FIFA)** – The FIFA Statutes
- **World Rugby** – World Rugby Bye-Laws
- **Fédération Internationale de Hockey sur Gazon (FIH)** – FIH Statutes and Bye-Laws
- **International Cricket Council** – Constitution of the ICC

A summary of the key findings and trends witnessed across the five (5) international governing bodies compared for the purpose of this section is provided below:

- With the exception of the IOC, all other international governing bodies grant recognised sub-ordinate bodies or associations with the status of ‘members’ of such governing bodies. The IOC does not consider recognised associations as members.




- The IOC is unique amongst all the international governing bodies compared, by granting recognition to different types of sub-ordinate bodies, i.e., International Federations (that are themselves international governing bodies for their respective sports) and National Olympic Committees, which are the national bodies responsible for implementing the Olympic Movement in their home countries. The other international governing bodies all grant recognition to national associations/governing bodies of their respective sports.
- World Rugby and the ICC both implement a multi-tiered system of membership and recognition, with different sets of criteria and rights specified for each class of membership. This is in contrast to the system adopted by FIFA and FIH where all members are on an equal footing (with respect to rights and obligations), once they are granted recognition.
- All the bodies grant members with rights of participation and voting in the legislative and executive organs of the bodies, with such rights being limited based on the class of membership or type of recognition.
- When compared to the other international bodies, the IOC has the most detailed and stringent rules and obligations relating to governance that must be adhered to by sub-ordinate bodies. The IOC exerts a greater level of control over the activities of the National Olympic Committees rather than the International Federations. International Federations are granted a greater level of autonomy with respect to their functioning and governance.
- The IOC and FIFA also require recognised members to adhere to their respective Code of Ethics and the rules therein which provide additional rules and obligations relating to the governance and administration of such members.
- The regulations adopted by World Rugby, FIH and the ICC provide very limited guidance with respect to governance of their members. The FIH defers to its Continental Federations in this regard, which are recognised associations formed by FIH members from a particular continent or geographic region.
- All the governing bodies require their respective members to comply with the governing bodies' rules and regulations as one of the chief pre requisites for recognition and continued membership.
- The regulations and statutes of all governing bodies incorporate explicit provisions that require sub-ordinate bodies to be free from government or state interference.
- The primary and most common tool used by the governing bodies to discourage members from breaching their obligations or duties, is the withdrawal or suspension of recognition/membership on an interim or permanent basis, based on the circumstances. The regulations of IOC and World Rugby incorporate explicit measures for withdrawal or suspension of membership in the event of state or government interference in certain activities of their members, such as internal elections.
- FIFA and World Rugby's regulations incorporate unique sanctions that are not present in the statutes adopted by the other governing bodies. In the case of FIFA, the chief executive body of a member may be replaced by a normalising committee appointed by FIFA in exceptional circumstances. In the case of World Rugby, membership of the breaching member may be reverted to a lower class.
- In exceptional circumstances, executive bodies of Members may be removed from office by the Executive Committee in consultation with the relevant Confederation and replaced by a normalisation committee for a specific period of time.
- The regulations of the FIH, World Rugby and the ICC contemplate an internal dispute resolution mechanism in the first instance, in case of any disputes between members or members and the governing body. The regulations of IOC and FIFA on the other hand, refer any such disputes to the Court of Arbitration for Sport (CAS) directly.

The following sub-sections provide more detailed comparisons of the regulations adopted by each of the governing bodies, based on certain key parameters and criteria that may be important in determining the level of oversight and supervision exercised by the governing bodies over their members or recognised organisations.



## 2. Recognition and Rules Regarding Recognition


Governing Body	Empowering Document	Recognition/Membership System	General Rules Regarding Recognition/Membership
	<p>Olympic Charter</p>	<ul style="list-style-type: none"> <li>- The Olympic Charter contemplates two distinct types of sports associations/federations that are granted recognition by IOC, with such recognition permitting such sports associations/federations to participate in the Olympic Movement. These sports associations/federations include:               <ul style="list-style-type: none"> <li>• <b>International Federations (IFs):</b> Which are the international or global governing bodies for their respective sports and disciplines; and</li> <li>• <b>National Olympic Committees (NOCs):</b> Which are principal national level sports organisations vested with the exclusive authority for the representation of their respective countries at the Olympic Games as well as any regional, continental or world multi-sports competitions patronised by the IOC and for sending the country's athletes to such competitions.</li> </ul> </li> </ul>	<p><b>IFs</b></p> <ul style="list-style-type: none"> <li>- The IFs are required to be international, non-governmental organisations administering one or several sports at the world level and encompassing organisations administering such sports at the national level.</li> <li>- The statutes, practice and activities of the IFs are required to be in conformity with the Olympic Charter, including the adoption and implementation of the World Anti-Doping Code.</li> </ul> <p><b>NOCs</b></p> <ul style="list-style-type: none"> <li>- National sports organisations applying for NOC recognition are required to file an application with the IOC demonstrating that the applicants fulfil all conditions prescribed by the Olympic Charter.</li> <li>- The application for recognition is to be accompanied by proof that the national sports federations, which are the members of each prospective NOC exercise a specific and real on-going sports activity in their country and internationally, in particular by organising and participating in competitions and implementing training programmes for athletes, in their respective sports and disciplines.</li> <li>- The approval of an applicant's statutes by the IOC Executive Board is a condition for recognition. The same condition applies to any subsequent change or amendment to the statutes of an NOC.</li> </ul>




Governing Body	Empowering Document	Recognition/Membership System	General Rules Regarding Recognition/Membership
	<p>FIFA Statutes</p>	<ul style="list-style-type: none"> <li>- FIFA's single-tiered membership system currently consists of 209 members, which are the national associations responsible for governing the sport of 'Association Football' in their respective countries.</li> <li>- FIFA also recognises the 'Confederations' that are formed by Members that belong to the same continent/geographical regions in the world. The Confederations that are recognised by FIFA include:               <ul style="list-style-type: none"> <li>• Confederación Sudamericana de Fútbol (CONMEBOL);</li> <li>• Asian Football Confederation (AFC);</li> <li>• Union des Associations Européennes de Football (UEFA);</li> <li>• Confédération Africaine de Football (CAF);</li> <li>• Confederation of North, Central American and Caribbean Association Football (CONCACAF); and</li> <li>• Oceania Football Confederation (OFC).</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Only associations which are responsible for organising and supervising football in all of its forms in its country may become 'Members' of FIFA. Further, only one association in each country shall be recognised as a Member by FIFA.</li> <li>- Membership is only permitted if an association is also a member of a Confederation.</li> <li>- FIFA may, in exceptional circumstances, authorise a Confederation to grant membership to an association that belongs geographically to another continent and is not affiliated to the Confederation on that continent, provided that the opinion and consent of the Confederation geographically concerned is obtained.</li> <li>- An association in a region which has not yet gained independence may, with the authorisation of the association in the country on which it is dependent, also apply for admission to FIFA.</li> <li>- A Member is entitled to resign from FIFA with effect from the end of a calendar year provided that the notice of resignation is sent to the FIFA general secretariat no later than six months before the end of the calendar year by registered letter.</li> <li>- The resignation is not valid until the Member wishing to resign has fulfilled its financial obligations (if any) towards FIFA and its other Members.</li> </ul>
	<p>World Rugby Bye-Laws</p>	<ul style="list-style-type: none"> <li>- World Rugby's members are national rugby 'Unions' or 'Associations' that are responsible for governing and administering the sport of Rugby in their respective countries.</li> <li>- World Rugby has a two tiered membership system which consists of the following classes of Members:               <ul style="list-style-type: none"> <li>• <b>Full Members:</b> Which can participate in all events and tournaments organised or</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Membership to World Rugby may be granted to Unions or Associations based in countries where such entities are solely responsible for governing Rugby's sporting, technical and general organisation and implementation of all Rugby related matters.</li> <li>- The Executive Committee of World Rugby is granted the power to consider applications for membership made by Unions or</li> </ul>






Governing Body	Empowering Document	Recognition/Membership System	General Rules Regarding Recognition/Membership
		<p>funded by World Rugby; and</p> <ul style="list-style-type: none"> <li>• <b>Associate Members:</b> Which can participate in all World Rugby funded tournaments except the Rugby World Cup.</li> </ul>	<p>Associations. However the World Rugby Council has the ultimate authority to admit a Union and/or Association to membership of World Rugby and to determine whether such Union and/or Association shall be a Full Member or Associate Member.</p> <ul style="list-style-type: none"> <li>- Unions or Associations that wish to be considered for membership of World Rugby are required to demonstrate compliance with the criteria established by the World Rugby Council from time to time. Such criteria may change from time to time as and without notice to non-Members.</li> </ul>
	<p>FIH Statutes</p>	<ul style="list-style-type: none"> <li>- FIH's members consist of National Associations or Federations (NAs) that are responsible for the administration, organisation and playing of Hockey in that country.</li> <li>- FIH also recognises the Continental Federations that are formed by the NAs that belong to the same continent. The Continental Federations that are recognised by FIH include: <ul style="list-style-type: none"> <li>• African Hockey Federation;</li> <li>• Asian Hockey Federation;</li> <li>• European Hockey Federation;</li> <li>• Oceania Hockey Federation; and</li> <li>• Pan American Hockey Federation.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- A NA of a country may remain affiliated to the FIH only if it governs Hockey for both men and women in that country.</li> <li>- The activities of such NA shall be solely and exclusively concerned with the Hockey in their own country but the FIH's Executive Board may make special and temporary allowance in this regard in respect of new or smaller NAs.</li> <li>- In the case of a country where the creation of a NA is impractical the FIH may admit an organisation of that country as an 'Adherent Member'.</li> <li>- Adherent Members have no voting rights but are regarded as Members in all other aspects.</li> <li>- Membership of the FIH is conditional upon the applicant for membership being accepted as a member of their respective Continental Federations.</li> <li>- Transfer of membership is forbidden. In the event a Member ceases to be qualified to remain a member or is dissolved, ceases to exist or suspends operations and another body or NA is created or comes into existence in place of that member which satisfies the aforementioned eligibility criteria, this other body may make an</li> </ul>



Governing Body	Empowering Document	Recognition/Membership System	General Rules Regarding Recognition/Membership
	ICC Constitution	<p>- The ICC has a three tiered membership system that consists of national cricket boards/authorities that are responsible for the administration, management and development of the sport of Cricket in their respective countries. These Members are divided into the following 3 classes:</p> <ul style="list-style-type: none"> <li>• <b>Full Members:</b> Which are national cricket boards of countries from which representative teams are qualified to play Test Matches officially recognised by the ICC;</li> <li>• <b>Associate Members:</b> Which are national cricket boards from countries that do not qualify as Full Members but are from countries where cricket is recognised by the ICC as being firmly established and organised; and</li> <li>• <b>Affiliate Members:</b> Which are national cricket boards from countries that do not qualify as Full Members or Associate Members, but are from countries where the ICC recognises that cricket is played in accordance with the Laws of Cricket.</li> </ul>	<p>application to the FIH to become a Member. Such NA may be granted the status of a Member, in accordance with the rules specified in the FIH Statutes.</p> <p>- Any governing body for cricket of any cricket playing country which seeks election as a Member of the ICC is required to make a written application to the Chief Executive of the ICC for election of itself (if incorporated) or its representative (if it is an unincorporated body or association) to the appropriate class of membership prior to 31st December in any year for consideration at the ICC's Conference in the immediately following year.</p> <p>- Any application to be a Full Member must be proposed and seconded in writing by two other Full Members. Any application to be an Associate Member must be proposed and seconded in writing by either two Full Members or a Full Member and an Associate Member. Any application to be an Affiliate Member must be proposed in writing by a Full Member or an Associate Member.</p> <p>- Any application or proposal for upgradation of class of membership is also required to follow the rules specified above.</p>

### 3. Roles, Obligations and Rules on Governance

Governing Body	Roles, Obligations and Rules on Governance
	<p><i>General Roles and Obligations</i></p> <p><u>IFs</u></p>



Governing Body	Roles, Obligations and Rules on Governance
	<p>The roles of recognised IFs as specified under the Olympic Charter are as follows:</p> <ul style="list-style-type: none"><li>- To establish and enforce, in accordance with the Olympic spirit, the rules concerning the practice of their respective sports and to ensure their application.</li><li>- To ensure the development of their respective sports throughout the world and to contribute to the achievement of the goals set out in the Olympic Charter.</li><li>- To express their opinions on the candidatures for organising the Olympic Games and in particular as far as the technical aspects of venues for their respective sports are concerned.</li><li>- To establish criteria of eligibility for the competitions of the Olympic Games in conformity with the Olympic Charter, and to submit these to the IOC for approval.</li><li>- To assume the responsibility for the technical control and direction of their respective sports at the Olympic Games and, if they agree, at the Games held under the patronage of the IOC.</li><li>- To provide technical assistance in the practical implementation of the Olympic Solidarity programmes.</li><li>- To encourage and support measures relating to the medical care and health of athletes.</li></ul> <p><b><u>NOCs</u></b></p> <p>The roles of recognised NOCs as specified under the Olympic Charter are as follows:</p> <ul style="list-style-type: none"><li>- To decide upon the entry of athletes proposed by their respective national federations with such selections being based not only on sporting performances but also on the athletes' ability to serve as an example to the country's youth.</li><li>- To ensure that the entries proposed by the national federations comply with the provisions of the Olympic Charter.</li><li>- To provide for the equipment, transport and accommodation of their delegations and for obtaining the appropriate insurance for their athletes.</li><li>- To prescribe and determine the clothing and uniforms to be worn, and the equipment to be used, by the members of their delegations on the occasion of the Olympic Games and in sports competitions and ceremonies related thereto.</li><li>- To assist the IOC with respect to the protection of Olympic intellectual properties in their respective territories.</li><li>- To promote the fundamental principles and values of Olympism in their countries in the fields of sport and education at all levels and the creation of institutions dedicated to Olympic education.</li><li>- To ensure the observance of the Olympic Charter in their countries.</li><li>- To encourage the development of high performance sport as well as sport for all.</li><li>- To help in the training of sports administrators by organising courses that contribute to the propagation of the Fundamental Principles of Olympism.</li><li>- To take action against any form of discrimination and violence in sport.</li><li>- To adopt and implement the World Anti-Doping Code.</li></ul>




Governing Body	Roles, Obligations and Rules on Governance
	<p>- To encourage and support measures relating to the medical care and health of athletes.</p> <p><b><i>Rules on Governance</i></b></p> <p><b><u>IFs</u></b></p> <p>The Olympic Charter grants IFs with a large degree of autonomy and independence in the running of their organisations and administration of their respective sports, provided that the statutes, practices and activities of the IFs within the Olympic Movement are in conformity with the Olympic Charter, including the adoption and implementation of the World Anti-Doping Code.</p> <p><b><u>NOCs</u></b></p> <p>NOCs are required to comply with the following obligations and guidelines relating to their governance and administration or risk facing disciplinary measures or losing recognition:</p> <p><b><u>General</u></b></p> <ul style="list-style-type: none"><li>- The statutes of the NOC should comply with the Olympic Charter at all times and if there is a contradiction or significant difference between such statutes and the Olympic Charter, the Olympic Charter takes precedence.</li><li>- An NOC is forbidden from recognising more than one national federation for each sport governed by an IF. Such national federations or the representatives chosen by them must constitute the voting majority of the NOC and of its executive organ.</li><li>- At least five national federations included in an NOC must be affiliated to the IFs governing sports included in the programme of the Olympic Games.</li><li>- The area of jurisdiction of an NOC must coincide with the limits of the country in which it is established and has its headquarters.</li><li>- Each NOC is required to hold a General Assembly or equivalent of its members at least once a year, in accordance with the NOC's statutes. The agenda of these yearly assemblies shall include the presentation of annual reports and audited financial statements and, as the case may be, the election of officers and members of the executive body of the NOC.</li></ul> <p><b><u>Composition and Membership</u></b></p>



Governing Body	Roles, Obligations and Rules on Governance
	<ul style="list-style-type: none"><li>- Whatever their composition, NOCs must include:<ul style="list-style-type: none"><li>• All elected IOC members in their country, if any. Such members have the right to vote in the general assemblies of the NOC and are considered to be ex-officio members of the NOC executive body, where they have right to vote.</li><li>• All national federations affiliated to the IFs governing sports included in the programme of the Olympic Games or their representatives;</li><li>• Elected representatives of athletes and such representatives must have taken part in the Olympic Games.</li><li>• These athlete representatives must retire from their posts at the latest by the end of the third Olympiad after the last Olympic Games in which they took part. However, the requirement of taking part in the Olympic Games may be relaxed by the IOC on the NOC's request.</li></ul></li> <li>- The NOCs may include as members:<ul style="list-style-type: none"><li>• National federations affiliated to IFs recognised by the IOC, the sports of which are not included in the programme of the Olympic Games.</li><li>• Multi sports groups and other sports-oriented organisations or their representatives, as well as nationals of the country who have rendered distinguished services to the cause of sport and Olympism.</li></ul></li> <li>- Governments or other public authorities are forbidden from designating any members of an NOC. However, an NOC may decide, at its discretion, to elect as members, representatives of such authorities.</li></ul> <p><u>Voting and Elections</u></p> <ul style="list-style-type: none"><li>- The voting majority of an NOC and of its executive body shall consist of the votes cast by the national federations or their representatives.</li><li>- When dealing with matters related to Olympic Games, only the votes cast by such federations and by the members of the executive body of the NOC are to be taken into consideration.</li><li>- Subject to the approval of the IOC Executive Board, an NOC may also consider the votes casted by ex-officio members or athlete representatives.</li><li>- The officers and members of the executive body of an NOC shall be elected in accordance with the NOC's statutes, for a term of office not exceeding four years. However such officers may be eligible for re-election.</li><li>- The members of an NOC, except for professional sports administrators, shall not accept any compensation or bonus of any kind in consideration for their services or for the performance of their duties.</li></ul> <p><u>Code of Ethics</u></p> <p>All recognised NOCs are also required to comply with the provisions of the IOC Code of Ethics and rules therein.</p>




Governing Body	Roles, Obligations and Rules on Governance
	<p data-bbox="491 271 831 297"><b>General Roles and Obligations</b></p> <p data-bbox="491 398 1406 461">The general roles and obligations of recognised Members under the FIFA Statutes are as follows:</p> <ul data-bbox="491 539 1406 757" style="list-style-type: none"><li>- To play/administer Association Football in compliance with the Laws of the Game issued by the International Football Association Board (IFAB), as only the IFAB may lay down and alter the Laws of the Game.</li><li>- To take part in competitions organised by FIFA.</li><li>- To pay their membership subscriptions.</li><li>- To create a referees committee that is directly subordinate to the Member.</li><li>- To ensure respect for the Laws of the Game.</li></ul> <p data-bbox="491 824 727 851"><b>Rules on Governance</b></p> <p data-bbox="491 952 1406 1059">Members of FIFA and their officials are required to comply with the following obligations and guidelines relating to their governance and administration or risk facing disciplinary measures or losing recognition.</p> <p data-bbox="491 1155 580 1182"><u>General</u></p> <ul data-bbox="491 1283 1406 1697" style="list-style-type: none"><li>- To observe and comply with the FIFA Statutes, regulations, decisions and the FIFA Code of Ethics in all their activities.</li><li>- To comply fully with the Statutes, regulations, directives and decisions of FIFA bodies at any time as well as the decisions of the Court of Arbitration for Sport (CAS).</li><li>- To convene their supreme and legislative body at regular intervals and at least once every two years.</li><li>- To enact and ratify statutes that are in accordance with the requirements of the FIFA Statutes.</li><li>- To manage their affairs independently and ensure that their own affairs are not influenced by any third parties.</li><li>- To comply fully with all other duties arising from the FIFA Statutes and other regulations.</li></ul> <p data-bbox="491 1771 651 1798"><u>Independence</u></p> <ul data-bbox="491 1899 1406 2018" style="list-style-type: none"><li>- To manage their respective affairs independently and with no influence from third parties.</li><li>- To ensure that all governing/administration bodies of the Members are either elected or appointed and that the Members provide for a procedure that</li></ul>




Governing Body	Roles, Obligations and Rules on Governance
	<p>guarantees the complete independence of the election or appointment. Any Member's bodies that have not been elected or appointed in compliance with the FIFA Statutes and the decisions passed by such bodies will not be recognised by FIFA.</p> <p><u>Member Leagues and Clubs</u></p> <ul style="list-style-type: none"> <li>- Leagues or any other groups affiliated to a Member have to be subordinate to, and recognised by, that Member.</li> <li>- The Member's statutes have to define the scope of authority and the rights and duties of these groups. Further, the statutes and regulations of these groups shall be approved by the Member.</li> <li>- Every Member is required to ensure that its affiliated clubs, regardless of such club's corporate structure, can take all decisions on any matters regarding membership independently of any external body.</li> <li>- Each Member is required to ensure that neither a natural nor a legal person (including holding companies and subsidiaries) exercises control over more than one club in instances where the integrity of any match or competition could be jeopardised.</li> </ul>
	<p>The World Rugby By-Laws provide limited guidance on the roles and obligations of Members and governance related rules and procedures to be followed by their Members and their officials. The only rules specified explicitly in the By-Laws are as follows:</p> <ul style="list-style-type: none"> <li>- To abide by the Bye-Laws, Regulations and Laws of the Game and to accept and enforce all the decisions of World Rugby Council and the Executive Committee in respect of the playing and/or administration of the sport of Rugby throughout the country or countries within the jurisdiction of such member Union or Association.</li> <li>- To ensure that elections to their governing body(ies) take place pursuant to a free and independent democratic process which conforms with applicable national legislation and the requirements of the Common Association Constitution. The Common Association Constitution is the Constitution approved by World Rugby Council pursuant to which Associations/Unions are required to administer and govern their affairs, management and governance. However the scope of the obligations contained in the Common Association Constitution is unclear as the document is not available in the public domain.</li> </ul>
	<p>Similar to the World Rugby By-Laws, the FIH Statutes provide limited guidance on the roles and obligations of Members and governance related rules and procedures to be followed by their Members and their officials. The only rules specified explicitly in the FIH Statutes are as follows:</p> <ul style="list-style-type: none"> <li>- To pay such subscriptions as are decided by the Congress.</li> <li>- To abide by the Statutes, Bye-laws, Rules, Regulations and decisions of the FIH, the Executive Board and any duly appointed Committees of the FIH, which are binding upon all Members.</li> </ul>



Governing Body	Roles, Obligations and Rules on Governance
	<p>In this regard, it should be noted that the FIH defers to the members' Continental Federations (such as the Asian Hockey Federation), each of which specify their own provisions regarding governance and other aspects of the administration of the sport of Hockey in the Members' home countries.</p>
	<p>The Constitution of the ICC provides very limited information on the roles and obligations of its Members or any governance related rules and procedures to be followed by their Members and officials. However, the Constitution does place the following obligations on the ICC Members:</p> <ul style="list-style-type: none"> <li>- Members to provide for (a) free elections and/or (b) appointments from amongst their members for their executive body or nominees from outside their members appointed by their executive body. This obligation shall be included in their statutes.</li> <li>- Members are also required to avoid any government interference in the administration of cricket by a Member, including but not limited to interference in operational matters, the selection and management of teams, the appointment of coaches or support personnel or the activities of a Member.</li> </ul>

#### 4. Rights, Disciplinary Measures and Dispute Resolution.


Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
	<p><b>IFs</b></p> <p>IFs are afforded the following benefits under the Olympic Charter consequent to them being recognised by the IOC:</p> <ul style="list-style-type: none"> <li>- Formulate proposals addressed to the IOC concerning the Olympic Charter and the Olympic Movement;</li> <li>- Collaborate in the preparation of Olympic Congresses;</li> <li>- Participate, on request from the IOC, in the activities of the IOC commissions.</li> </ul>	<p>In case of any violation of the Olympic Charter, the World Anti-Doping Code, or any other regulations that are applicable to the IFs or NOCs, the Olympic Charter specifies the following sanctions that may be taken by a IOC Session, the IOC Executive Board or the IOC Disciplinary Commission (as applicable):</p> <p><b>IFs</b></p> <ul style="list-style-type: none"> <li>- Withdrawal from the programme of the Olympic Games of:             <ul style="list-style-type: none"> <li>• a sport (Session); or</li> <li>• a discipline (IOC</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- The IOC does not attempt to mediate or resolve disputes between its member associations, including NOCs or IFs.</li> <li>- Any dispute arising on the occasion of, or in connection with, the Olympic Games, including disputes between IFs or NOCs are to be submitted exclusively to the Court of</li> </ul>






Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
	<p><b>NOCs</b></p> <p>NOCs are afforded the following benefits under the Olympic Charter consequent to them being recognised by the IOC:</p> <ul style="list-style-type: none"> <li>- The right to designate, identify or refer to themselves as “National Olympic Committees”;</li> <li>- Send competitors, team officials and other team personnel to the Olympic Games in compliance with the Olympic Charter;</li> <li>- Benefit from the assistance of other Olympic Parties;</li> <li>- Use certain Olympic intellectual properties as authorised by the IOC and in compliance with the Olympic Charter;</li> <li>- Take part in competitions/activities led or patronised by the IOC, including regional games;</li> <li>- Belong to associations of NOCs recognised by the IOC;</li> <li>- Formulate proposals to the IOC concerning the Olympic Charter and the Olympic Movement, including the organisation of the Olympic Games;</li> <li>- Provide their opinions concerning the candidatures for the organisation of the Olympic Games;</li> <li>- Participate, on request from the IOC, in the activities of the IOC Commissions;</li> <li>- Collaborate in the preparation of Olympic</li> </ul>	<p>Executive Board); or</p> <ul style="list-style-type: none"> <li>• an event (IOC Executive Board).</li> <li>- Withdrawal of provisional recognition;</li> <li>- Withdrawal of full recognition.</li> </ul> <p><b>NOCs</b></p> <ul style="list-style-type: none"> <li>- Suspension of the NOC. In such event, the IOC Executive Board determines in each case the consequences for the NOC concerned and its athletes;</li> <li>- Withdrawal of provisional recognition;</li> <li>- Withdrawal of full recognition, In such a case, the NOC forfeits all rights conferred upon it in accordance with the Olympic Charter;</li> <li>- Withdrawal of the right to organise a Session or an Olympic Congress.</li> <li>- Significantly, the IOC Executive Board may also enforce the above sanctions if the constitution, law or other regulations in force or any act by any governmental or other body in the in the country of an NOC causes the activity of the NOC or the making or expression of its will to be hampered. This essentially means that the IOC can enforce sanctions if there is any government or state interference in the governance of the NOCs.</li> <li>- However, the IOC Executive Board shall offer such NOC an opportunity to be heard before any</li> </ul>	<p>Arbitration for Sport (CAS), in accordance with the Code of Sports-Related Arbitration.</p>




Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
	<p>Congresses;</p> <ul style="list-style-type: none"> <li>- Exercise other rights as granted to them by the Olympic Charter or by the IOC, including sending delegates to Olympic Congresses.</li> </ul>	<p>such decision is taken.</p>	
	<p>Members are afforded the following benefits under the FIFA Statutes consequent to them being recognised and granted membership by FIFA:</p> <ul style="list-style-type: none"> <li>- To send delegates, take part and vote in the proceedings of the FIFA Congress;</li> <li>- To draw up proposals for inclusion in the agenda of the FIFA Congress;</li> <li>- To nominate candidates for the FIFA presidency;</li> <li>- To take part in competitions organised by FIFA;</li> <li>- To take part in FIFA's assistance and development programmes; and</li> <li>- To exercise all other rights arising from the FIFA Statutes and other FIFA regulations.</li> </ul>	<ul style="list-style-type: none"> <li>- In the event of any breaches of the FIFA Statutes or any violations of the obligations contained therein by a Member, the following sanctions may be ordered by the FIFA Congress or the Executive Committee on such Member: <ul style="list-style-type: none"> <li>• Suspension of the Member, to be confirmed at the next FIFA Congress by a three-quarter majority of the Members present and eligible to vote.</li> <li>• In exceptional circumstances, executive bodies of Members may be removed from office by the Executive Committee in consultation with the relevant Confederation and replaced by a normalisation committee for a specific period of time.</li> </ul> </li> <li>- The FIFA Congress may also choose to expel a Member: <ul style="list-style-type: none"> <li>• If it fails to fulfil its financial obligations towards FIFA; or</li> <li>• If it seriously violates the Statutes, regulations or decisions of FIFA; or</li> <li>• If it loses the status of a nationally recognised association representing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- FIFA does not have an internal dispute resolution mechanism to arbitrate disputes between Members. Instead, FIFA recognises the independent CAS to resolve disputes between and among FIFA and Members, Confederations, Leagues, Clubs, Players, Officials, intermediaries and licensed match agents.</li> </ul>



Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
		<p>Association Football in its Country.</p> <ul style="list-style-type: none"> <li>- The presence of an absolute majority (more than 50%) of the Members eligible to vote at the Congress is necessary for an expulsion to be valid, and the motion for expulsion must be adopted by a three-quarter majority of the valid votes cast.</li> </ul>	
	<p>Members are afforded the following benefits under the Rugby By-Laws consequent to them being recognised and granted membership by World Rugby:</p> <ul style="list-style-type: none"> <li>- For Full Members, the right to participate in all World Rugby funded or organized tournaments, including the Rugby World Cup.</li> <li>- For Associate Members, the right to participate in tournaments funded by World Rugby, except the Rugby World Cup.</li> <li>- Each Member also has the right to send its representatives to attend and take part in the proceedings of the World Rugby Council.</li> </ul>	<ul style="list-style-type: none"> <li>- Any breach of the World Rugby agreement or any conduct which may be prejudicial to the interests of World Rugby or of the sport of Rugby renders such Union or Association liable to disciplinary action in accordance with the World Rugby's rules and regulations. Such disciplinary measures include:               <ul style="list-style-type: none"> <li>• Suspension (but not expulsion) from World Rugby membership;</li> <li>• Reversion to associate membership status permanently or as an interim measure pending the next meeting and decision of the World Rugby Council for any reason that the Executive Committee determines is appropriate.</li> <li>• Such measures require the affirmation of a majority of at least three quarters of the Representatives present at the Council meeting.</li> </ul> </li> <li>- In addition, Unions or Associations that do not meet membership criteria and/or other conditions</li> </ul>	<ul style="list-style-type: none"> <li>- In the event of a dispute between Unions and/or Associations, the Unions and/or Associations concerned may request the CEO of World Rugby to appoint a mediator to assist in settling the differences between the parties.</li> </ul>



Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
		<p>governing their membership of World Rugby may have their membership provisionally suspended by the Executive Committee pending a meeting of the Council.</p> <ul style="list-style-type: none"> <li>- Further, a Union may be suspended or expelled from World Rugby membership pursuant to World Rugby By-Laws and/or Regulations if state authorities interfere in its affairs in such a manner that:               <ul style="list-style-type: none"> <li>• it may no longer be considered as fully responsible for the organisation of rugby related matters in its territory; or</li> <li>• in the opinion of Council or the Executive Committee it is no longer in a position to perform its constitutional and regulatory tasks in an appropriate manner.</li> </ul> </li> </ul>	
	<ul style="list-style-type: none"> <li>- Each Member has the right to send its representatives to attend and take part in the proceedings of the FIH Congress. Other than this right, the FIH Statutes and By-Laws do not specify any substantive benefits or rights that are conferred on its members. As is the case with members' duties and obligations, the FIH defers to the members' Continental Federations in this aspect as well.</li> </ul>	<p>The FIH Statutes contemplates the following sanctions for Members breaching its Statutes, By-Laws, Rules and Regulations depending on the circumstances and nature of violation:</p> <ul style="list-style-type: none"> <li>- Upon the proposal of the Executive Board, the Congress may suspend or expel any Member owing more than two annual subscriptions. Any Member which has been expelled and which is readmitted to membership must pay all arrears up to</li> </ul>	<ul style="list-style-type: none"> <li>- Except when the Statutes, By-Law, Rules and Regulations vest jurisdiction in another body or person, the Judicial Commission (JC) of the FIH is the body vested with the full power and authority to hear and determine all complaints, protests, claims and disputes</li> </ul>



Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
		<p>the date of expulsion.</p> <ul style="list-style-type: none"> <li>- Unless it settles its outstanding debts at least three (3) months beforehand, no team representing that Member may participate in any Event without the approval of the Executive Board.</li> <li>- The Executive Board can also suspend a Member for conduct which is inconsistent with its responsibilities as a Member subject to such suspension being ratified by a special majority of the Members voting at the next FIH Congress, which may also decide to expel the Member. The Member shall be given the opportunity to be heard by the FIH Congress.</li> <li>- Further, when a NOC is suspended by the IOC, the FIH undertakes on a request by the IOC to suspend its corresponding NA as a Member and to forbid all other NAs from having any contact with the suspended NA.</li> <li>- If the running or the composition of a NA is arbitrarily modified by the decision of a body from outside the Olympic Movement, such NA may be suspended from the FIH which in turn may request the IOC to suspend the corresponding NOC.</li> <li>- The suspension from the FIH referred to above shall be decided by the Executive Board subject to ratification by the next Congress.</li> <li>- Expulsion, withdrawal or suspension of any Member from the FIH will mean simultaneous expulsion,</li> </ul>	<p>between Members.</p> <ul style="list-style-type: none"> <li>- The JC also has jurisdiction in respect of appeals against decisions of other bodies or persons that are authorized under the Statutes, By-Laws, Rules and Regulations to exercise jurisdiction, unless such appeal is thereby excluded.</li> <li>- Any Member which is subject to a decision of the JC may appeal to the CAS, to the exclusion of any other jurisdiction, whether ordinary or arbitral, in accordance with the Code of Sports-Related Arbitration, within fourteen (14) days of the notification of the decision by the JC.</li> <li>- Pending the decision of the CAS, any sanction imposed by the JC on a member shall be suspended.</li> </ul>



Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
	<p>Members are afforded the following benefits under the ICC Constitution consequent to them being recognised and granted membership by the ICC:</p> <ul style="list-style-type: none"> <li>- Each Full Member is entitled to appoint an individual as a member of the ICC Executive Board and any individual so appointed shall be a Director and designated as a "Full Member Director".</li> <li>- Each Full Member Director has one vote at meetings of the Executive Board.</li> <li>- The Associate Members and Affiliate Members' shall be entitled to appoint, between them, three individuals each of whom is required to be a representative of a different Associate Member or Affiliate Member (as the case may be) as members of the Executive Board and any individual so appointed shall be a Director and shall be designated "Associate Member Director". Each Full Member Director has one vote at meetings of the Executive Board.</li> </ul>	<p>withdrawal or suspension from the corresponding Continental Federation and vice versa.</p> <ul style="list-style-type: none"> <li>- The Executive Board shall be entitled, by notice in writing to such Member, to suspend that Member with immediate effect from membership of the ICC for such fixed or indefinite period as the Executive Board may decide, in the following circumstances:               <ul style="list-style-type: none"> <li>• The Member fails to comply with any provision of the ICC Constitution;</li> <li>• The Member fails to fulfil any of its financial obligations from time to time to the ICC;</li> <li>• The Member fails to comply with any of its membership obligations or loses its status as the governing body responsible for the administration, management and development of cricket in its country.</li> <li>• The Member acts in such a way as shall be deemed by the Executive Board to bring the game of cricket or the ICC into disrepute or otherwise in contrary to the best interests of cricket or the ICC.</li> <li>• In case the above instances are brought to the Member's notice and the Member fails to take steps to remedy such failure within the timeframe notified by and to the satisfaction of the Executive Board.</li> </ul> </li> <li>- For so long as a Member is</li> </ul>	<ul style="list-style-type: none"> <li>- In the event of any dispute arising between the Members or between any Member and the ICC or any director or officer thereof, the parties are required submit to such dispute resolution process as may be provided in the Committee Manual drafted by the ICC or such dispute resolution process as the Members may from time to time agree and set down in a Members' Agreement.</li> </ul>



Governing Body	Benefits/Rights of Recognition/Membership	Disciplinary Measures	Dispute Resolution
		suspended, it is deprived of all of its rights as a Member.	

**Primary Resources:**

- The Olympic Charter
- The FIFA Statutes
- World Rugby By-Laws
- FIH Statutes and By-Laws
- Constitution of the ICC



# ETHICS CODES ACROSS SPORTS BODIES

## 1. Executive Summary

Over the last decade there has been a demonstrable increase in attention and scrutiny aimed towards the functioning and organisation of sports governing bodies around the world. This is partly due to the numerous scandals, controversies and allegations relating to illegal, immoral or unethical methods and practices that have engulfed some of the world's premier governing bodies, across sports. As the guardians of their respective sports and disciplines, these governing bodies have a responsibility to safeguard the interests, image, integrity and reputation of not only the sports/disciplines they represent but also the bodies themselves. A governing body with an untarnished reputation has a strong image in the public's eye and helps to build trust and a greater following for the sport. In order to counter accusations and inferences regarding their functioning and practices, several of these sports bodies have begun to introduce codes and regulations relating to ethics which provide the core beliefs and values according to which such organisations and their members as well as all related parties conduct their activities and govern their respective sport. These codes also provide ethical frameworks to combat the pressures and externalities affecting these sports bodies in the 21<sup>st</sup> century that, directly or indirectly, undermine the traditional beliefs and core foundations of sport, such as fair play and sportsmanship. In order to provide a greater understanding of such ethics codes adopted across the sporting spectrum, this section attempts to compare and provide an overview of the codes adopted by five (5) premier international governing bodies, which govern a wide range of sporting disciplines. The five (5) governing bodies and their respective ethics codes that have been reviewed and compared for the purposes of this section are listed below:

- **Fédération Internationale de Football Association (FIFA)** – FIFA Code of Ethics;
- **International Olympic Committee (IOC)** – IOC Code of Ethics;
- **Fédération Internationale de Hockey sur Gazon (FIH)** – FIH Code of Ethics & FIH Conflict of Interest/Confidentiality Policy and Guidelines;
- **International Cricket Council (ICC)** – Code of Ethics for the ICC;
- **Asian Football Confederation (AFC)** – AFC Code of Ethics.

A summary of the key takeaways and trends observed across these five (5) ethics related codes adopted by these governing bodies is discussed below:

- In terms of scope and breadth of application, the IOC Code of Ethics appears to be the most comprehensive code, when compared to the other ethics codes. The ethics codes adopted by FIFA and the AFC (which are substantively similar) are next in line with respect to the scope of obligations covered, followed by the codes adopted by the ICC and FIH. In this context, it should be noted that the FIH Code of Ethics, is supplemented with a separate document (FIH Conflict of Interest/Confidentiality Policy and Guidelines) that specifically deals with obligations relating to conflict of interest.
- The IOC Code of Ethics has the unique distinction of providing detailed policies and guidelines relating to the governance of sub-ordinate bodies under its 'Basic Universal Principles of Good Governance of the Olympic and Sports Movement', which are incorporated under the Implementing Provisions of the IOC Code. None of the other ethics codes reviewed appear to have incorporated similar policies with respect to their sub-ordinate bodies or members.
- The ethics codes adopted by the IOC, FIFA, FIH and the AFC are applicable not only on persons that are associated with the governing bodies themselves, but also on persons involved with sub-ordinate bodies, such as National Olympic Committees, International Federations, Member Associations etc. In contrast, the ethics code adopted by the ICC is very limited and is applicable only to persons who 'direct and support' the ICC, which includes, Member Directors, members or any ICC Committees, ICC executives and ICC staff.







- Only the ethics codes of FIFA and AFC specify explicit ethical obligations on the part of players, match officials and agents, whereas the ethics codes adopted by the IOC, FIH and the ICC are largely limited to non-playing personnel, members and staff.
- The IOC appears to have the most detailed and strict provisions regarding conflict of interest, which are specified under the “Rules Concerning Conflicts of Interest Affecting the Behaviour of Olympic Parties” that are incorporated under the Implementing Provisions of the IOC Code of Ethics. Further, the FIH’s Conflict Of Interest/Confidentiality Policy and Guidelines have attempted to capture the IOC’s rules and guidelines relating to conflict of interest.
- The Code of Ethics for the ICC appears to have the most detailed provisions regarding activities relating to betting, gaming, gambling, impropriety, match fixing and game integrity, which is understandable, considering the slew of match fixing claims and allegations that have been raised in the sport of Cricket in recent years.
- All of the codes reviewed, with varying levels of strictness, forbid persons bound by such codes from accepting gifts, commissions and from engaging in corrupt conduct when undertaking their responsibilities or conducting their activities.
- The ethics codes of the IOC, FIFA and AFC provide for the establishment of formal ethics bodies that have the powers to investigate any breaches of the codes and recommend sanctions/disciplinary action. On the other hand, the ICC’s code contemplates the appointment of a single ‘Ethics Officer’ (assisted by the ICC’s in-house legal team) who also has the power to investigate alleged breaches/violations and recommend disciplinary measures in case of confirmation. With respect to the FIH, any breaches are to be reported to and investigated by the IOC’s Ethics Commission.

The following sub-sections provide more detailed comparisons of each of the ethics codes, based on certain key parameters and criteria that are important in determining the scope, coverage and intended effectiveness of the regulations. A more detailed discussion on the ethical obligations included in each of the codes examined in this section is provided under sub-section 4.

## 2. Applicability and Scope

Association/League	Relevant Regulations	Applicability	Scope of Code
	FIFA Code of Ethics	- All officials and players as well as match and players’ agents who are bound by the FIFA Code of Ethics on the day on which the infringement is committed.	<p>The FIFA Code of Ethics specifies ethical obligations for persons bound by the code under the following broad topics:</p> <ul style="list-style-type: none"> <li>- General rules of conduct;</li> <li>- Political neutrality;</li> <li>- Confidentiality;</li> <li>- Forgery and falsification;</li> <li>- Duty of disclosure, cooperation and reporting;</li> <li>- Conflict of interest;</li> <li>- Offering and accepting gifts and other benefits;</li> <li>- Bribery and Corruption;</li> <li>- Commissions;</li> <li>- Non-discrimination;</li> <li>- Protection of physical and mental integrity; and</li> </ul>





Association/League	Relevant Regulations	Applicability	Scope of Code
	<p>IOC Code of Ethics</p>	<p>All 'Olympic Parties' which include the following:</p> <ul style="list-style-type: none"> <li>- The International Olympic Committee (IOC);</li> <li>- Each IOC Member;</li> <li>- International Federations;</li> <li>- The National Olympic Committees;</li> <li>- Each Host City hosting/organising or wishing to host/organise the Olympic Games;</li> <li>- The Organising Committees of the Olympic Games;</li> <li>- The Olympic Games participants; and</li> <li>- Recognised Organisations.</li> </ul>	<p>- Integrity of matches and competitions.</p> <p>The IOC Code of Ethics specifies ethical obligations for 'Olympic Parties' under the following broad headings:</p> <ul style="list-style-type: none"> <li>- Fundamental Principles</li> <li>- Integrity of Conduct;</li> <li>- Integrity of Competitions;</li> <li>- Relations with states;</li> <li>- Good Governance and resources;</li> <li>- Candidatures; and</li> <li>- Confidentiality.</li> </ul> <p>Further, the Code provides extremely detailed supplementary rules and guidelines on good governance (Basic Universal Principles of Good Governance of the Olympic and Sports Movement) and conflicts of interests (Rules Concerning Conflicts of Interests Affecting the Behaviour of Olympic Parties) as well as the following specific situations:</p> <ul style="list-style-type: none"> <li>- Directions Concerning the Election of the IOC President;</li> <li>- Rules of Conduct for the Candidature Process (Olympic Games 2024);</li> <li>- Rules of Conduct for the Candidature Process (Youth Olympic Games); and</li> <li>- Rules of Conduct for the International Federations Seeking Inclusion in the Olympic Programme.</li> </ul>
	<p>FIH Code of Ethics &amp; FIH Conflict Of Interest/Confidentiality Policy And Guidelines</p>	<ul style="list-style-type: none"> <li>- Members of the FIH;</li> <li>- The FIH Executive Board;</li> <li>- Members of any other committee or body appointed by the FIH; and</li> <li>- Staff employed by the FIH.</li> </ul>	<p>The FIH Code of Ethics Specifies ethical obligations for all persons bound by the Code, under the following broad topics:</p> <ul style="list-style-type: none"> <li>- Dignity;</li> <li>- Integrity;</li> <li>- Relations with states;</li> <li>- Confidentiality; and</li> <li>- Good Governance and resources.</li> </ul> <p>The above obligations are broadly in line with</p>



Association/League	Relevant Regulations	Applicability	Scope of Code
			those specified in the IOC Code of Ethics. However, obligations relating to Conflict of Interest are incorporated under a separate document which complements the FIH Code, i.e., the FIH Conflict of Interest/Confidentiality Policy and Guidelines.
 <p>International Cricket Council</p>	Code of Ethics for the ICC	<p>Persons directing and supporting the ICC, including, without limitation:</p> <ul style="list-style-type: none"> <li>- Members of all ICC Committees, Full Member Directors and Associate Member Directors;</li> <li>- the President, the Chairman and the Chief Executives;</li> <li>- All alternate directors; and</li> <li>- All ICC staff (whether employees or consultants).</li> </ul>	<p>The Code of Ethics for the ICC specifies ethical obligations under the following broad topics:</p> <ul style="list-style-type: none"> <li>- General conduct;</li> <li>- Fiduciary duties;</li> <li>- Conflicts of interest;</li> <li>- Confidentiality;</li> <li>- Integrity (bribery, gifts and hospitality);</li> <li>- Relationships with Betting Organisations and Match Related Integrity.</li> </ul>
 <p>Asian Football Confederation The Future is Asia</p>	AFC Code of Ethics	<ul style="list-style-type: none"> <li>- All officials and players as well as match and players' agents.</li> </ul>	<p>The AFC Code of Ethics is substantively similar to the FIFA Code of Ethics and specifies ethical obligations under the following broad topics:</p> <ul style="list-style-type: none"> <li>- General rules of conduct;</li> <li>- Political neutrality;</li> <li>- Confidentiality;</li> <li>- Forgery and falsification;</li> <li>- Duty of disclosure, cooperation and reporting;</li> <li>- Conflicts of interest:</li> <li>- Offering and accepting gifts and other benefits;</li> <li>- Bribery and corruption;</li> <li>- Commissions;</li> <li>- Non-discrimination;</li> <li>- Protection of physical and mental integrity; and</li> <li>- Integrity of matches and competitions.</li> </ul>










### 3. Formal Ethics Body/Officer and Enforcement Measures

Association/League	Formal Ethics Body/Officer	Powers of Ethics Body	Procedural Rules Specified	Disciplinary Measures /Sanctions	Provision for Appeals
 <p>FIFA For the Good of the Game</p>	<p>✓</p> <p>(Ethics Committee)</p>	<p>The powers of the Ethics Committee for any breaches of the FIFA Code of Ethics include:</p> <ul style="list-style-type: none"> <li>- Initiate investigative proceedings for any breaches;</li> <li>- Initiate adjudicatory proceedings based on the report provided after investigation;</li> <li>- Specify sanctions and disciplinary measures;</li> <li>- Consider appeals; and</li> <li>- Review closed cases.</li> </ul>	<p>✓</p>	<p>Breaches of the FIFA Code of Ethics are punishable by one or more of the following sanctions depending on whether the person breaching the code is an individual or an entity:</p> <ul style="list-style-type: none"> <li>- Warnings;</li> <li>- Reprimands;</li> <li>- Fines;</li> <li>- Return of awards;</li> <li>- Match suspensions;</li> <li>- Bans from dressing rooms and/or substitutes' bench;</li> <li>- Bans on entering a stadium;</li> <li>- Bans on taking part in any football-related activity; or</li> <li>- Social development work.</li> </ul>	<p>✓</p>
	<p>✓</p> <p>(Ethics Commission)</p>	<p>The powers of the Ethics Commission include:</p> <ul style="list-style-type: none"> <li>- To define and update a framework of ethical principles, including a Code of Ethics, based upon the values and principles enshrined in the Olympic Charter, of which the Code forms an integral part.</li> <li>- To initiate investigative proceedings and an inquiry (as appropriate) in case of any breach of</li> </ul>	<p>✓</p>	<p>Breaches of the IOC Code of Ethics are punishable by one or more of the sanctions specified under Rule 59 of the Olympic Charter, which specifies different sanctions for individuals, Member Associations, International Federations, National Olympic Committees, Host Cities etc.</p>	<p>✓</p>



Association/League	Formal Ethics Body/Officer	Powers of Ethics Body	Procedural Rules Specified	Disciplinary Measures /Sanctions	Provision for Appeals
		<p>the IOC Code of Ethics;</p> <ul style="list-style-type: none"> <li>- Conduct hearings and request written submissions from affected parties and witnesses if necessary; and</li> <li>- Propose appropriate sanctions or disciplinary measures.</li> </ul>		<p>The sanctions for individuals include:</p> <ul style="list-style-type: none"> <li>- Reprimands; or</li> <li>- Suspensions.</li> </ul> <p>The sanctions for associations, Internal Federations and National Olympic Committees include:</p> <ul style="list-style-type: none"> <li>- Withdrawal of a sport, discipline or event from the Olympic programme;</li> <li>- Withdrawal of provisional or full recognition by the IOC;</li> <li>- Withdrawal of rights to host a Session or an Olympic Congress; or</li> <li>- Suspension of representatives from the IOC Executive Board.</li> </ul> <p>The sanctions for Host Cities or prospective Host Cities include:</p> <ul style="list-style-type: none"> <li>- Withdrawal of the right to host the Olympic Games; or</li> <li>- Withdrawal of the</li> </ul>	




Association/League	Formal Ethics Body/Officer	Powers of Ethics Body	Procedural Rules Specified	Disciplinary Measures /Sanctions	Provision for Appeals
				right to be an applicant or a candidate city to host the Olympic Games.	
	×	×	×	×	×
	 (Ethics Officer)	The powers of the Ethics Officer for any breaches of the Code of Ethics for the ICC include the power to: <ul style="list-style-type: none"> <li>- Review an alleged violation;</li> <li>- Conduct an investigation;</li> <li>- Hold a formal hearing; and</li> <li>- Recommend sanctions or disciplinary measures.</li> </ul>	×	<ul style="list-style-type: none"> <li>- Sanctions/disciplinary measures are to be recommended by the Ethics Officer, which are then referred to the ICC Board for ultimate determination.</li> </ul>	×
	 (Ethics Committee)	The powers of the Ethics Committee for any breaches of the AFC Code of Ethics are substantively in line with the powers granted to FIFA's Ethics Committee. These powers include: <ul style="list-style-type: none"> <li>- Initiate investigative proceedings for any breaches;</li> <li>- Initiate adjudicatory proceedings based on the report provided after investigation;</li> <li>- Specify sanctions and disciplinary measures;</li> <li>- Consider appeals; and</li> <li>- Review closed cases.</li> </ul>		Breaches of the AFC Code of Ethics are punishable by one or more of the following sanctions depending on whether the person breaching the code is an individual or an entity: <ul style="list-style-type: none"> <li>- Warnings;</li> <li>- Reprimands;</li> <li>- Fines;</li> <li>- Return of awards;</li> <li>- Match suspensions;</li> <li>- Bans from dressing rooms and/or substitutes' bench;</li> <li>- Bans on entering a stadium;</li> <li>- Bans on taking part</li> </ul>	



Association/League	Formal Ethics Body/Officer	Powers of Ethics Body	Procedural Rules Specified	Disciplinary Measures /Sanctions	Provision for Appeals
				in any football-related activity; or - Social development work	

#### 4. Scope of Ethical Obligations Under Each Code of Ethics



### FIFA CODE OF ETHICS

The FIFA Code of Ethics (the “**FIFA Code**”) places the following ethical obligations on all persons that are bound by the FIFA Code:

- **General rules of conduct:** To respect all applicable laws and regulations and FIFA’s regulatory framework, show a commitment to an ethical attitude, not abuse or take advantage of their position, behave in a dignified manner and act with credibility and integrity.
- **Political neutrality:** To remain neutral in their dealings with governments and institutions, national and international organisations, associations and groupings.
- **Fiduciary Loyalty:** To have a fiduciary duty towards FIFA and their respective Confederations, associations, leagues and clubs.
- **Confidentiality:** To treat information of a confidential nature as confidential or secret if such information is consistent with FIFA principles.
- **Forgery and falsification:** To not engage in the forging of a document, falsifying of an authentic document or using forged or falsified documents.
- **Duty of disclosure, cooperation and reporting:** To report any potential breaches of the FIFA Code to the Ethics Committee or clarify the facts of any cases or possible breaches, and, in particular, declare details of their income and provide relevant evidence for inspection.
- **Conflict of interests:**
  - To disclose any personal interests that could be linked with their prospective activities;
  - To avoid any situation that could lead to conflict of interest;
  - To not perform their duties in case of an existing or potential conflict of interest;
  - To immediately disclose any conflict and notify the organisation for which the person performs his/its duties;
  - If an objection is made concerning an existing or potential conflict of interest with respect to a person bound by the FIFA Code, to immediately report such objection to the organisation for which the person performs his duties for appropriate action.
- **Offering and accepting gifts and other benefits:** To only offer or accept gifts or other benefits to and from persons within or outside FIFA, or in conjunction with intermediaries or related parties which:
  - Have symbolic or trivial value; and



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- Exclude any influence for the execution or omission of any official act; and
  - Are not contrary to their duties; and
  - Do not create any undue pecuniary or other advantage; and
  - Do not create a conflict of interest.
- Any gifts or other benefits that do not meet all of the above criteria, especially cash, in any amount or form, are forbidden under the FIFA Code.
- **Bribery and Corruption:**
- To not offer, promise, give or accept any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside FIFA. All such acts are prohibited under the FIFA Code, whether carried out directly or indirectly with the help of other persons;
  - To not offer, promise, give or accept any undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities or contrary to their duties or falls within their discretion.
  - To report any such offer to the Ethics Committee. Any failure to do so is sanctionable in accordance with the FIFA Code.
  - Persons bound by the FIFA Code are prohibited from misappropriating FIFA assets, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties, as defined in the FIFA Code.
- **Commissions:** Persons bound by the FIFA Code are forbidden from accepting commission or promises of such commission for negotiating deals or performing their duties unless the applicable entity, i.e., a FIFA Member Association has expressly permitted them to do so.
- **Non-discrimination:** To not offend the dignity or integrity of a country, private person or group of people through contemptuous, discriminatory or denigratory words or actions on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.
- **Protection of physical and mental integrity:** To respect the integrity of others involved and ensure that the personal rights of every individual whom they contact and who is affected by their actions are protected, respected and safeguarded. The FIFA Code also forbids any form of harassment, including sexual harassment.
- **Integrity of matches and competitions:** Persons bound by the FIFA Code are forbidden from taking part in, either directly or indirectly, or otherwise being associated with, betting, gambling, lotteries and similar events or transactions connected with football matches and forbidden from having stakes, either actively or passively, in companies, concerns, organisations, etc. that promote, broker, arrange or conduct such events or transactions.



## IOC CODE OF ETHICS

The IOC Code of Ethics (the “**IOC Code**”) places several ethical obligations on all Olympic Parties, some of which





## IOC CODE OF ETHICS

are universal in nature and some of which are to be adhered to depending on the circumstances and nature of the Olympic Parties. These universal ethical obligations, which are to be followed by all Olympic Parties, are discussed in brief, below:

### **Fundamental Principles**

- Respect for the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play;
- Respect for the principles of the universality and political neutrality of the Olympic Movement;
- Maintaining harmonious relations with state authorities, while respecting the principle of autonomy as set out in the Olympic Charter;
- Respect for international conventions on protecting human rights insofar as they apply to the Olympic Games' activities and which ensure in particular:
  - respect for human dignity;
  - rejection of discrimination of any kind on whatever grounds, (whether race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status);
  - rejection of all forms of harassment (whether physical, professional or sexual), and any physical or mental injuries;
- Ensuring the participants' conditions of safety, well-being and medical care favourable to their physical and mental equilibrium.

### **Integrity of Conduct**

- To act with due care and diligence in fulfilling their mission.
- To act with the highest degree of integrity, and particularly when taking decisions, and to act with impartiality, objectivity, independence and professionalism.
- To refrain from any act involving fraud or corruption and to act in a manner likely to tarnish the reputation of the Olympic Movement.
- To not, directly or indirectly, through their representatives or otherwise, solicit, accept or offer any form of remuneration or commission nor any concealed benefit or service of any nature, connected with the organisation of the Olympic Games.
- To provide or receive only such tokens of consideration or friendship of nominal value, provided that such tokens do not result in the impartiality and integrity of the Olympic Parties being called into question. Any other gift is required to be passed on to the organisation of which the beneficiary is a member.
- To show hospitality with a sense of measure for Olympic Parties as well as those accompanying them.
- To refrain from placing themselves in any conflict of interests and respect the 'Rules Concerning Conflicts of Interests Affecting the Behaviour of Olympic Parties'.

### **Integrity of Competitions**



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- To combat all forms of cheating and continue to undertake all the necessary measures to ensure the integrity of sports competitions.
- To respect the provisions of the World Anti-Doping Code.
- All forms of participation in, or support for, or promotion of, betting related to the Olympic Games, are prohibited.
- To not, in any manner whatsoever, manipulate the course or result of a competition, or any part thereof, in a manner contrary to sporting ethics, infringe the principle of fair play or show unsporting conduct.
- To not involve themselves or their agents with firms or persons whose activity or reputation is inconsistent with the principles set out in the Olympic Charter and the IOC Code.
- To neither give nor accept instructions to vote or intervene in a given manner within the organs of the IOC.

### **Candidatures**

- To respect the integrity of any candidature procedure initiated by the IOC, in order to allow equal access to the promotion of each candidature and to refuse of any risk of conflict of interests.
- To not make any public declaration appearing to give a favourable opinion of one of the candidatures.
- To respect the various manuals and procedures published by the IOC linked to the selection of Host Cities of the Olympic Games, in particular the 'Rules of Conduct Applicable to All Cities Wishing to Organise the Olympic Games.'

### **Confidentiality**

- The IOC Ethics Commission and any person concerned by the activities of the IOC Ethics Commission should strictly respect the principle of confidentiality in all their activities.

### **Good Governance and Resources**

- To respect the basic universal principles of good governance, in particular transparency, responsibility and accountability.
- To use Olympic resources only for Olympic purposes.
- To record all income and expenditure appropriately in their respective accounts, which accounts must be maintained in accordance with generally accepted accounting principles and should be checked by any independent auditor.
- In cases where the IOC gives financial support:
  - the use of these resources for Olympic purposes must be clearly demonstrated in the accounts of Olympic Parties;
  - the accounts of the Olympic Parties may be subjected to auditing by an expert designated by the IOC Executive Board.



## IOC CODE OF ETHICS

- To ensure that broadcasters, sponsors, partners and other supporters of sports events do not interfere in the running of sporting institutions and the organisation of sports competitions and should refrain from supporting or promoting a candidature within any of the candidature procedures.

The IOC provides more detailed guidance on good governance practices in the 'Basic Universal Principles of Good Governance of the Olympic and Sports Movement', which are incorporated under the Implementing Provisions of the IOC Code. The principles included therein, which are to be followed by certain Olympic Parties, are discussed in brief below:

### **Vision, mission and strategy**

- Clearly defining the vision and overall goals of the organisations.
- Defining a mission that includes:
  - development and promotion of sport through non-profit organisations;
  - promotion of the values of sport;
  - organisation of competitions;
  - ensuring a fair sporting contest at all times;
  - protection of the members and particularly the athletes;
  - solidarity;
  - respect for the environment.
- Aligning strategy with the vision and adapting it to the current environment. Such strategy should also be elaborated at the highest level of the organisation.

### **Structures, regulations and democratic process**

- All sports organisations should be based on the concept of membership within entities established in accordance with applicable law with such sport organisations being permitted to include legal or physical persons as members.
- The stakeholders of the organisation should encompass all members as well as all external entities that are involved and have a link, relation with or interest in the organisation.
- All regulations of each organisation, including but not limited to, statutes and other procedural regulations, should be clear, transparent, disclosed, publicised and made readily available in order to facilitate understanding, predictability and good governance. The procedure to modify or amend such regulations should also be clear and transparent.
- Democratic processes, such as elections, should be governed by clear, transparent and fair rules.
- The size of the governing bodies should be adequate and consistent with the size of the sports organisations.
- The tasks and responsibilities of the governing bodies should be clearly defined in the applicable regulations and should be adapted and reviewed as necessary.
- Governing bodies should be entitled to create standing or ad hoc committees with specific responsibilities, in order to help them in their tasks.



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- The organisation should set out and adopt reliable and appropriate criteria for the election or appointment of members in governing bodies so as to ensure a high level of competence, quality and good governance.
- Members of the organisation should be represented within the governing bodies, particularly women and athletes, with special care to be taken for protection and representation of minority groups.
- A clear allocation of responsibilities between the different bodies such as general assembly, executive body, committees or disciplinary bodies, should be determined.
- There should be a balance of power between the bodies responsible for the management, supervision and control of the sports organisations by following the principle of checks and balances.
- All members of the governing body should have the right to express their opinion through appropriate channels as well as the right to vote and exercise such vote in appropriate form as defined in the regulations of the organisation.
- Decision-making bodies should be fully aware of all relevant information before taking a decision and should meet on a regular basis taking into consideration their specific duties and obligations.
- Members of any decision-making body should be independent in their decisions. No-one with a personal or business interest in the issue under discussion should be involved in the decision. Adequate procedures should be established in order to avoid any conflicts of interests.
- The duration of the terms of office should be pre-determined in order to allow election / renewal of office-bearers on a regular basis. However access for new candidates should be encouraged.
- Any member affected by a decision of a disciplinary nature taken by any sports organisation should be offered the possibility to submit an appeal to an independent body within the sport's jurisdictions. When taking decisions, special attention should be paid to the appropriate balance between transparency and protection of privacy.

### **Highest level of competence, integrity and ethical standards**

- Members of the executive body should be chosen on the basis of their ability, competence, quality, leadership capacity, integrity and experience and the use of outside experts in specific fields should be considered when necessary.
- As a general rule, individual signature should be avoided for binding obligations of an organisation. Further, in order to avoid any abuse of powers of representation (in particular signing), adequate rules should be set up, approved and monitored at the highest level and precise, clear and transparent regulations should be established and applied, which should be complemented with effective controlling systems and checks and balances.
- Good information flow should be facilitated in order to ensure good understanding of activities undertaken and allow managers/executives to make timely and informed decisions.
- A clear and adequate risk-management process should be put in place, which shall include:
  - identification of potential risks for the sports organisations;
  - evaluation of risks;
  - control of risks;
  - monitoring of risks;
  - disclosure / transparency.
- The majority of the members of management should be professional with candidates having professional competency and an impeccable professional history.
- The selection process should be based on objective criteria and should be set out clearly.
- Sports organisations should develop, adapt and implement ethical principles and rules. Ethical rules should refer to and be inspired by the IOC Code. The organisation should ensure monitoring and the



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implementation of ethical principles and rules.

### **Accountability, transparency and control**

- All bodies, whether elected or appointed, should be accountable to the members of the organisation and, in certain cases, to their stakeholders. In particular, the executive body should be accountable to the principle decision making body of the organisation, with management being accountable to the executive body and employees being accountable to management.
- Adequate standards and processes for accountability should be in place and available to all organisations and consistently applied and monitored. Clear and measurable objectives and targets should be specified for the organisation, its boards, management and staff, including also appropriate tools for assessment.
- Financial information should be disclosed gradually and in appropriate form to members, stakeholders and the public.
- Disclosure of financial information should be done on an annual basis with financial statements being presented in a consistent manner in order to be easily understood.
- Accounting and recording standards should be established in accordance with the applicable laws and “true and fair view” principle.
- The application of internationally recognised standards should be strongly encouraged and/or mandated, as appropriate.
- Annual financial statements should be audited by independent and qualified auditors, with information about remuneration and financial arrangements of the governing bodies’ members included in the annual accounts.
- Financial revenues should be distributed in a fair and efficient manner which would contribute to having balanced and attractive competitions. A clear and transparent policy for the allocation of the financial revenues is essential.
- Resources should be distributed equitably.
- Further, the right to participate in competitions should be encouraged and secured for those at an appropriate level.
- The opportunity to organise large sports events should be open with the criteria for choosing venues for events being fair and transparent.
- The development of partnership relations between different sports organisations and the expansion of sports facilities in developing countries should be encouraged and promoted.

### **Athletes’ involvement, participation and care**

- The right of athletes to participate in sports competitions at an appropriate level should be protected and efforts should be taken to ensure that the voices of the athletes are heard in sporting organisations.
- Measures should be taken to prohibit exploitation of young athletes and to protect them from unscrupulous recruiters and agents. Further, cooperation with the government of the countries concerned should be developed and uniform codes of conduct should be signed by all sport organisations.
- Sports organisations should adopt rules for the protection of the athletes and to limit the risk of endangering the athletes’ health
- Sports organisations should fight doping and uphold anti-doping policy. Further, zero tolerance in the fight



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against doping should be encouraged in all sports organisations at all levels.

- Sports organisations should protect the athletes from doping in particular through prevention and education.
- Insurance in case of death or serious injury is to be recommended for all athletes and should be mandatory for junior athletes.
- Efforts should be made to provide athletes with social security coverage and facilitate the availability of insurance policies. The organisers of sports events should obtain adequate insurance coverage for their events.
- Sports organisations should promote fair play and promote the values of sport and friendship.
- Sports organisations should encourage educational programmes and career management programmes for athletes and promote training for new professional opportunities after the athletes finish their careers.

### **Harmonious relations with governments while preserving autonomy**

- Sporting organisations should coordinate their actions with governments, as it is an essential element in the framework of sporting activities.
- Governments, constituents of the Olympic Movement, other sports organisations and stakeholders have a complementary mission and should work together towards the same goals. However, the right balance between governments, the Olympic Movement and sporting organisations should be ensured.

### **Conflict of Interest**

The IOC Code also specifies certain obligations pertaining to conflict of interest which is applicable not only to the Olympic Parties, but also all members or staff with actual decision-making power within them. Each such legal person is also permitted to define other categories of persons for whom such rules can be applicable, while informing the IOC Ethics Commission. These obligations are specified under the “Rules Concerning Conflicts of Interest Affecting the Behaviour of Olympic Parties” (“**Rules**”) that are incorporated under the Implementing Provisions of the IOC Code. A summary of these Rules is provided below:

### **Definition and Scope of Conflict of Interest**

- The Rules draw a distinction between “potential conflict of interests” and actual “conflict of interests”. The Rules prohibit any form of actual conflict of interests but not potential conflict of interests.
- The Rules specify that a potential conflict of interests arises when the opinion or decision of a person, acting alone or within an organisation, in the framework of the activities of the Olympic Parties and legal persons covered under the Rules, may be reasonably considered as liable to be influenced by relations that the aforementioned person has had or is on the point of having with another person or organisation that would be affected by the person’s opinion or decision.
- Further, the Rules specify that an actual case of conflict of interests arise when any person who, having abstained from declaring a situation of a potential conflict of interests, expresses an opinion or takes a decision in the circumstances described above.
- In assessing whether a situation is an actual or potential conflict of interest, the Rules require that direct as well as indirect interests must be taken into account. These include the interests of a third person (such as



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parents, spouses, relatives or dependents).

- The Rules also provide an indicative, non-exhaustive list of situations which could constitute conflict of interest. These include:
  - personal and / or material involvement (salary, shareholding, various benefits) with suppliers of the Olympic Party concerned;
  - personal and / or material involvement with sponsors, broadcasters, various contracting parties;
  - personal and / or material involvement with an organisation liable to benefit from the assistance of the Olympic Party concerned (including subsidy, approval clause or election).

### **Resolution of Conflict of Interests**

- The Rules place a personal responsibility on each party bound by the Rules to avoid any case of conflict of interests.
- If a party bound by the Rules is faced with a situation of a potential conflict of interest, the person concerned is required to refrain from expressing an opinion, from making or participating in making a decision or accepting any form of benefit whatsoever.
- In the event such party wishes to continue to act or is uncertain as to the steps to be undertaken, he/she must inform the IOC Ethics Commission of the situation, which shall be dealt with the IOC Ethics Commission in accordance with the Rules.

### **Role of IOC Ethics Commission and IOC Executive Board**

- The IOC Ethics Commission is responsible for advising persons, at their request, in a situation of a potential conflict of interests.
- The Commission may, in addition to any complementary measures, propose a solution to the person concerned from the following options:
  - registering the declaration without any particular measure;
  - removal of the person involved from part or all of the action or from the decision of the Olympic party at the root of the conflict;
  - relinquishment of the management of the external interest causing the conflict.
- The person concerned is then permitted to take steps that he / she considers appropriate.
- In the event that a person neglects to declare a situation of a potential conflict of interests, the IOC President or one of the IOC Vice-Presidents may refer the case to the IOC Ethics Commission in accordance with the conditions set out in its Rules of Procedure.
- Consequently, the IOC Ethics Commission is required to recommend a course of action to the IOC Executive Board a decision that may include the options specified above.
- Any case of conflict of interest is dealt with in accordance with the provisions of the Olympic Charter and the 'Rules of Procedure' of the IOC Ethics Commission. However, the IOC Executive Board is responsible, in the final instance, for taking decisions concerning conflicts of interests.

In addition to the general ethical obligations and specific rules relating to conflict of interest elucidated above, the Code of Ethics also specifies certain rules and guidelines on conduct which are to be observed by Olympic Parties based on their circumstances and nature. These situation specific rules and guidelines include:



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- Directions Concerning the Election of the IOC President;
- Rules of Conduct for the Candidature Process (Olympic Games 2024);
- Rules of Conduct for the Candidature Process (Youth Olympic Games); and
- Rules of Conduct for the International Federations Seeking Inclusion in the Olympic Programme.



## AFC CODE OF ETHICS

The AFC Code of Ethics (the “**AFC Code**”) is substantively similar in scope and subject matter to the FIFA Code. Therefore, many of the ethical obligations recorded in the FIFA Code are also included in the AFC Code. These obligations on persons bound by the AFC Code include:

- **General rules of conduct:** To respect all applicable laws and regulations and AFC’s as well as FIFA’s regulatory framework, to show a commitment to an ethical attitude, to not abuse or take advantage of their position and to behave in a dignified manner and act with credibility and integrity.
- **Political neutrality:** To remain neutral in their dealings with governments and institutions, national and international organisations, associations and groupings.
- **Fiduciary Loyalty:** To have a fiduciary duty towards the AFC, FIFA and their respective associations, leagues and clubs.
- **Confidentiality:** To treat information of a confidential nature as confidential or secret if such information is consistent with AFC or FIFA principles.
- **Forgery and falsification:** To not engage in the forging of a document, falsifying of an authentic document or using forged or falsified documents.
- **Duty of disclosure, cooperation and reporting:** To report any potential breaches of the AFC Code to the Ethics Committee or clarify the facts of any cases or possible breaches, and, in particular, declare details of their income and provide relevant evidence for inspection.
  
- **Conflict of interests:**
  - To disclose any personal interests that could be linked with their prospective activities;
  - To avoid any situation that could lead to conflicts of interest;
  - To not perform their duties in case of an existing or potential conflict of interest;
  - To immediately disclose any conflict and notify the organisation for which the person performs his/its duties;
  - If an objection is made concerning an existing or potential conflict of interest with respect to a person bound by the AFC Code, to immediately report such objection to the organisation for which the person performs his duties for appropriate action.
  
- **Offering and accepting gifts and other benefits:** To only offer or accept gifts or other benefits to and from persons within or outside the AFC, or in conjunction with intermediaries or related parties which:





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- Have symbolic or trivial value; and
  - Exclude any influence for the execution or omission of any official act; and
  - Are not contrary to their duties; and
  - Do not create any undue pecuniary or other advantage; and
  - Do not create a conflict of interest.
- Any gifts or other benefits that do not meet all of the above criteria, especially cash, in any amount or form, are forbidden under the AFC Code.
- **Bribery and Corruption:**
- To not offer, promise, give or accept any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside the AFC or FIFA. All such acts are prohibited under the AFC Code, whether carried out directly or indirectly with the help of other persons;
  - To not offer, promise, give or accept any undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities or contrary to their duties or falls within their discretion.
  - To report any such officer to the Ethics Committee. Any failure to do so is sanctionable in accordance with the AFC Code.
  - Persons bound by the Code are prohibited from misappropriating AFC assets, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties, as defined in the AFC Code.
- **Commissions:** Persons bound by the AFC Code are forbidden from accepting commission or promises of such commission for negotiating deals or performing their duties unless the applicable entity, i.e., an AFC Member Association has expressly permitted them to do so.
- **Non-discrimination:** To not offend the dignity or integrity of a country, private person or group of people through contemptuous, discriminatory or denigratory words or actions on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.
- **Protection of physical and mental integrity:** To respect the integrity of others involved and ensure that the personal rights of every individual whom they contact and who is affected by their actions is protected, respected and safeguarded. The AFC Code also forbids any form of harassment or sexual harassment.
- **Integrity of matches and competitions:** Persons bound by the AFC Code are forbidden from taking part in, either directly or indirectly, or otherwise being associated with, betting, gambling, lotteries and similar events or transactions connected with football matches and forbidden from having stakes, either actively or passively, in companies, concerns, organisations, etc. that promote, broker, arrange or conduct such events or transactions.



**FIH CODE OF ETHICS**  
**AND**  
**FIH CONFLICT OF INTEREST/CONFIDENTIALITY**  
**POLICY AND GUIDELINES**

**FIH CODE OF ETHICS**

The FIH Code of Ethics (“**FIH Code**”) borrows heavily from the IOC Code of Ethics with respect to general ethical obligations relating to dignity, integrity, relations with states, confidentiality, good governance and candidatures. However, unlike the IOC Code of Ethics, there are no detailed rules or regulations regarding good governance and conflict of interest. Instead, rules relating to conflict of interest are included in the FIH Conflict of Interest/Confidentiality Policy and Guidelines (“**Policy**”). Furthermore, the FIH Code is applicable only to the FIH and its officials/members whereas the IOC Code is applicable to all Olympic Parties, such as national federations, which includes the FIH. The general ethical obligations included in the FIH Code, which are applicable to the FIH and its members/officials, volunteers and staff are discussed in brief, below:

**Dignity**

- To safeguard the dignity of each individual and ensure that there is no discrimination on the basis of race, gender, ethnic origin, religion, philosophical or political opinion, marital status or other grounds.
- Prohibition of doping practices at all levels and the World Anti-Doping Code to be scrupulously observed.
- Prohibition of all forms of harassment of participants be it physical, professional or sexual, and any physical or mental injuries.
- Prohibition of all forms of participation in, or support for betting related to the Olympic Games or FIH sanctioned events, and all forms of promotion of betting related to the Olympic Games or FIH sanctioned events.
- To not infringe the principle of fair play, show non-sporting conduct, or attempt to influence the course or result of a competition, or any part thereof, in a manner contrary to sporting ethics.
- To guarantee the safety and wellbeing of athletes and provide medical care favourable to the participant’s physical and mental equilibrium.

**Integrity**

- To not, directly or indirectly, through their representatives or otherwise, solicit, accept or offer any form of remuneration or commission nor any concealed benefit or service of any nature, connected with the organisation of the Olympic Games or of FIH sanctioned events.
- To only accept or give gifts of nominal value, in accordance with local customs and as a mark of respect or friendship. Any other gift to be passed on to the FIH.
- Hospitality shown to the members and staff of the FIH and persons accompanying them to not exceed the standards prevailing in the host country.
- To respect the conflict of interest rules incorporated in the Policy.



## FIH CODE OF ETHICS

AND

## FIH CONFLICT OF INTEREST/CONFIDENTIALITY

### POLICY AND GUIDELINES

- To not involve themselves or their agents/ not be involved with firms or persons whose activity or reputation is inconsistent with the principles set out in the Olympic Charter and the FIH Code.

#### **Good Governance and Resources**

- To respect the basic universal principles of good governance, in particular, transparency, responsibility and accountability.
- To record all income and expenditure appropriately in the FIH's accounts. These accounts must be maintained in accordance with generally accepted accounting principles and verified by any independent auditor.
- To ensure that broadcasters, sponsors, partners and other supporters of sports events do not interfere in the running of sporting institutions and organising competitions.

#### **Relations with states**

- To maintain harmonious relations with state authorities, in accordance with the principle of universality and political neutrality.
- To not engage in any activity or follow any ideology inconsistent with the principles and rules defined in the Olympic Charter and as set out in the FIH Code.
- To endeavour to protect the environment on the occasion of any events they organise and undertake to uphold generally accepted standards for environmental protection.

#### **Confidentiality**

- To not disclose information entrusted to them in confidence.
- Disclosure of other information to not be for personal gain or benefit, nor be undertaken maliciously to damage the reputation of any person or organisation.

### **FIH CONFLICT OF INTEREST/CONFIDENTIALITY POLICY AND GUIDELINES**

The FIH has very strict rules relating to conflict of interest that are ingrained in the Policy. The Policy, which is applicable to FIH's Executive Board and to members of any other committee or body appointed by FIH and to staff employed by the FIH, is discussed in brief below:



**FIH CODE OF ETHICS  
AND  
FIH CONFLICT OF INTEREST/CONFIDENTIALITY  
POLICY AND GUIDELINES**

**Prohibition of Conflict of Interest**

- Any person covered by the Policy may not participate in any discussion on any subject brought before the Board or a committee, panel, group or other body for consideration and decision if that member has or may have, directly or indirectly, an interest in the outcome of the consideration and decision of that subject without first declaring the conflict of interest and may not vote on any such subject.
- Members of staff employed by the FIH are to avoid actual or potential, present or future conflicts between personal interests and official duty or work related activities.

**Definition and Scope of Conflict of Interest**

- The Policy provides that a conflict of interest is considered to exist in the following instances:
  - In any situation where the personal or business interests of a person covered by the policy may influence his/her ability to put the interest and welfare of the FIH before personal or business interests or where someone is likely to perceive that such person could be influenced.
  - Whenever an individual can benefit directly/indirectly from information received by, or a decision of the FIH Executive Board, committee or body or where someone might reasonably perceive there to be such a benefit.
  - When an individual has two separate and competing interests and it may be unclear as to which interest he/she is acting for.
- The Policy also provides the following real world examples as situations where a conflict of interest may arise:
  - Where a person has personal interests in business transactions or contracts that the FIH may enter into.
  - Where a person has an interest in other organizations that have dealings or relationships with the FIH and when matters involving the interest of both the FIH and the other organization are being considered.
  - Where a person has interests in any joint ventures with external parties which the FIH may enter into.
  - In recruiting staff with close relationships (i.e. those who are more than acquaintances) with those persons covered by this policy.
  - Any employment or income received from work undertaken within sport.
  - Any income received from sport as a partner, director or employee within a firm or company.
  - Any sponsorship personally received.
  - Any contracts with a sport for the provision of services or goods for profit.

**Declaration of Conflict of Interest**

- Immediately following their election, appointment or commencement of employment, as the case may be, every person covered by the policy is required to declare in writing: all business, sport or other personal interests of theirs which might result in a conflict of interest, actual or potential, in the discharge of their responsibilities, vide a declaration form prescribed in the Policy.
- If, at any time following the filing of his/her declaration there occurs any material change in the information

**FIH CODE OF ETHICS****AND****FIH CONFLICT OF INTEREST/CONFIDENTIALITY****POLICY AND GUIDELINES**

contained in the declaration given, he/she is required to file a supplementary declaration describing such change, as soon as reasonably possible.

- A record of the business, sport and other personal interests as declared by all persons covered by the Policy, which may conflict with the discharge of their responsibilities, is to be maintained by the FIH CEO, and updated if a supplementary declaration is filed.
- Further, such records are to be made available at the FIH Office for inspection by any member of the board of FIH or any other person authorized by the President or the CEO of the FIH.



International  
Cricket Council

**Code of Ethics for the ICC**

The Code of Ethics for the ICC (the “**ICC Code**”) is applicable to persons ‘directing and supporting’ the ICC, including, without limitation, members of all ICC Committees, Full Member Directors, Associate Member Directors, the President, the Chairman, the Chief Executive, all alternate directors and all ICC staff (defined as ‘Officials’ under the ICC Code). A brief overview of the ethical obligations placed on Officials under the ICC Code is provided below:

**General Statement**

- Officials should act in an honest and ethical manner.
- In order to facilitate the transparent operation of the ICC, conduct that gives the appearance of impropriety is forbidden.
- Officials should not engage in any conduct that in any way denigrates the ICC or harms its public image.
- Officials must avoid any conduct that is inconsistent with the objectives of the Code.
- No Official should engage in unlawful conduct and no funds or assets of the ICC should be used for any unlawful purpose.

**Fiduciary Duties**

- Each Official owes to the ICC a duty of care and loyalty and is required to discharge his duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner that the Official reasonably believes to be in the best interests of the ICC and the promotion of its objectives.
- Directors to ensure that all the ICC’s assets and services are applied only in furtherance of, and in accordance with, the ICC’s objectives and that they are not used other than for official ICC business.



## Code of Ethics for the ICC

### Conflict of Interest

- Officials not permitted to have an undisclosed conflict of interest.
- Officials are required to be free from any influence which might interfere or appear to interfere with the proper and efficient discharge of their duties, or which might be inconsistent with their duty of loyalty to the ICC.
- It is also the duty of Officials not to use their position with the ICC for personal advantage or gain (whether arising directly or through a related third party).
- The ICC Code specifies the following indicative circumstances in which a potential conflict of interest would arise:
  - Material and direct personal involvement with sponsors, suppliers, vendors, contractors, venues, broadcasters, customers, such as, ownership of a material interest in such an entity; acting in any material capacity in such an entity, or acceptance of material payments, services or loans from such an entity.
  - Ownership of property affected by ICC action or acquired as a result of confidential information obtained from ICC.
  - Outside employment by a full time employee or full time consultant of the ICC.
- In cases where an Official, either directly or indirectly, has such a conflict of interest or there is a potential for such a conflict of interest to arise, he is required to:
  - Disclose the interest to the chairperson of the relevant meeting (if applicable) or, in all other cases, the ICC Chairman, who shall have the authority to either (a) approve the conflict, or (b) refer the matter to the Ethics Officer for further consideration; and
  - Excuse himself from any formal discussions related to the conflict of interest; and
  - Abstain from voting and from seeking to influence the vote on any matter related to the conflict of interest.
- Further, if the Ethics Officer himself has any conflicts or potential conflicts then he is required to make a declaration about those conflicts to the ICC Chairman.
- The Code acknowledges that each director of the ICC Board (including Full Member Directors and Associate Member directors) are elected to their position by their respective Member Boards or groups of Member Boards (in the case of Associate Member directors) and that such directors may also hold positions in committees, organizations or companies established to facilitate and assist the delivery of ICC events within the jurisdiction of the Member Boards which they represent. The Code recognizes that an apparent or potential conflict of interest could exist in such situations but states that such instances need not require formal approval and will not be considered as violations of the Code.

### Confidentiality

- Officials are prohibited from disclosing (whether for personal gain or otherwise) any facts, data or other information entrusted to them in confidence by virtue of their position of the ICC. This duty extends to agendas and accompanying papers, discussions during meeting or minutes of relevant meetings. However, Officials are permitted to disclose such information to the representatives of Member Boards who have



## Code of Ethics for the ICC

appointed them or to professional advisors for the purpose of receiving advice, provided that the Officials notify such persons that the information is confidential and use their best endeavours to ensure that information is not distributed to any parties that are not part of their respective Member Boards.

- Disclosure of any such information must not be for personal gain or benefit, nor should it be undertaken maliciously to damage the reputation of the ICC or any other person individually involved.
- These duties of confidentiality continue indefinitely or until such time that such information comes into the public domain through other sources or until an Official is required, by law, to disclose such information or until ICC agrees to such disclosure in writing, in advance.

### **Integrity (bribery, gifts and hospitality)**

- Officials are prohibited from offering or accepting any bribe, payment, commission, gift, donation, kick-back, facilitation payment or other inducement or incentive (whether monetary or otherwise) in order to influence decision-making in relation to any matter involving the ICC.
- Any individual gifts, benefits, hospitality (other than that provided/received at cricket matches) or other advantages which are received by Officials, either directly or indirectly, which anyway relates to or arose as a result of, their positions, could be seen to potentially influence the judgment of the Officials in the discharge of their duties should be disclosed to the Ethics Officer who has the power to determine whether the gift may be accepted.
- Cash gifts (in any form) are forbidden and Officials are prohibited from accepting cash payments from any third party in consideration for any services provided by the ICC.
- Officials are prohibited from accepting any gift, payment or other benefit (whether of a monetary value or otherwise) in circumstances where such offer or acceptance brings the ICC into disrepute.
- Gifts or hospitality, which the recipient reasonably, and in good faith, believes to have a nominal value (worth US \$100 or less in aggregate, or equivalent amount in other currency), may be accepted without disclosure. However such gift should not influence or appear to influence the recipient in the discharge of his official duties. All other gifts or hospitality in excess of US \$100 are required to be disclosed to the Ethics Officer upon receipt or in advance, and any failure to do so is considered a breach of the Code.

### **Betting, Gaming or Gambling.**

- An Official is prohibited from having any business association or entering into any formal or informal business arrangement with any person or company who has interests in any form of financial speculation on the outcome of cricket matches or events anywhere in the world if such association or arrangement involves the payment of any monies to or by, or the conferring of any benefits or advantages upon or by, the Official either directly or indirectly for entering into such association or arrangement.
- An Official is prohibited, from being engaged in the following activities:
  - match-fixing;
  - spot-fixing;
  - betting on cricket matches;
  - disclosing information relating to cricket matches which the Official knows could be used in relation to betting;
  - approaching players, player support personnel or match officials to get involved in match-fixing or spot-fixing; and



### **Code of Ethics for the ICC**

- soliciting, inducing, encouraging, enticing, persuading, or facilitating any other person to engage in any of the foregoing conduct.
  
- The Code clarifies that the receipt of winnings by Officials as a result of successful gambling on any matter unconnected would not constitute a breach of the ICC Code.
- However, an Official shall not be in breach of the ICC Code if he is employed by, or has a business association with, a parent company which has a betting business as a subsidiary company (or is a business interest of any subsidiary company), provided that the Official can demonstrate to the Ethics Officer that he has no direct involvement with the betting business and also that he derives no direct or indirect benefit from the betting business, save that a fee payable to the Official referable to his being an officer of the parent company.

### **Primary Resources:**

- FIFA Code of Ethics
- IOC Code of Ethics
- FIH Code of Ethics & FIH Conflict of Interest/Confidentiality Policy and Guidelines
- Code of Ethics for the ICC
- AFC Code of Ethics





# AGENT REGULATIONS ACROSS SPORTS BODIES AND PROFESSIONAL LEAGUES

## 1. Executive Summary

Several sports bodies and leagues in the sphere of professional sports have introduced and implemented formal codes and regulations in order to regulate the activities and conduct of player agents. Such regulations attempt to protect not only the interests of players and athletes across sports, but also the teams, clubs and franchisees that engage such players from time to time. In order to capture a wide understanding of the rules followed across the world, this section attempts to compare and provide an overview of the regulations followed by one (1) international sports governing body, three (3) national sports governing bodies and three (3) major sports leagues that together encompass five (5) major sports played around the world. The seven (7) sports bodies/leagues and their respective player agent regulations that have been reviewed and compared for the purposes of this section are listed below:

- **Fédération Internationale de Football Association (FIFA)** – FIFA Regulations on Working with Intermediaries;
- **The Football Association (The FA)** - The FA Regulations on Working with Intermediaries;
- **Major League Baseball (MLB)** – MLBPA Regulations Governing Player Agents;
- **National Football League (NFL)** - NFLPA Regulations Governing Contract Advisors;
- **National Basketball Association (NBA)** - NBPA Regulations Governing Player Agents;
- **Cricket Australia** - ACA Player Agent Accreditation Scheme Regulations; and
- **England and Wales Cricket Board (ECB)** - ECB Players' Agents Registration Regulations.

A summary of the key findings and trends witnessed across these seven (7) regulations reviewed is provided below:

- While regulations adopted by different bodies and leagues vary in scope and detail, primarily due to the varied nature of the sports they are intended to govern, the ultimate trend witnessed across the regulations is that the rules aim to harmonise the relationships between players and their employers.
- The regulations adopted by FIFA and consequently, the FA, perhaps have the least stringent rules when it comes to agent regulation. Unlike the other regulations reviewed for this section, there is no compulsory certification.
- The regulations implemented for all three (3) major American sports leagues (MLB, NFL and NBA) have been drafted and are enforced by the player associations for such league. Further, the regulations adopted by Cricket Australia and the ECB have been drafted in consultation with the cricket players associations based in their jurisdictions.
- The regulations adopted by FIFA and the FA, permit natural persons as well as legal persons (i.e. entities and corporations) to act as agents or intermediaries, whereas all the other regulations reviewed permit only natural persons to act as agents for players.
- Five (5) of the regulations reviewed restrict their scope to activities relating to playing contracts. However, the regulations adopted by FIFA and the FA also contemplate the services provided by intermediaries during transfers of players.
- None of the regulations reviewed aim to regulate or provide guidance on agent activity for commercial/economic/non-playing contracts entered into by players, such as endorsement agreements.
- All of the regulations reviewed require agents/intermediaries to register themselves in accordance with the regulations, before they are permitted to represent players in any activities relating to their player



contracts. However, only the regulations adopted by the ECB exempt certain individuals from this requirement.

- The regulations adopted in all three (3) major American sports leagues (MLB, NFL and NBA) and those adopted by the ECB contemplate the provision of a standard form representation agreement or contract that is to be used by the players and their agents. The regulations adopted by FIFA, the FA and Cricket Australia make no mention of standard form player agreements.
- With the exception of the MLB, all the other regulations reviewed, in varying levels of detail, specify some form of eligibility criteria that has to be adhered to by agents in order for them to be certified or registered.
- The regulations adopted by the MLB, NFL, Cricket Australia and ECB require agents to undergo a written examination before they are granted certification. However, the regulations adopted by FIFA, the FA and the NBA have no such requirement.
- With the exception of FIFA and the FA, all other regulations reviewed require agents to furnish a one-time registration fee to obtain certification/registration and an annual license fee to maintain such certification/registration.
- With the exception of regulations adopted by Cricket Australia and the ECB, all other regulations reviewed attempt to restrict the amount of compensation that may be paid to an agent by the player or the club/team that he signs up with.
- All of the regulations reviewed, in varying levels of detail, specify standards of conduct that have to be adhered to by agents in their dealings with players, clubs and other persons. The standards of conduct specified in regulations adopted by the three (3) major American sports leagues are far more detailed, when compared to the regulations adopted by FIFA, the FA, Cricket Australia and the ECB.
- All the regulations reviewed, in varying levels of detail, specify certain reporting obligations that have to be adhered to by agents in order to retain their certification. The reporting obligations included in the regulations adopted by the NFL and the NBA appear to be the most stringent, when compared to the other regulations reviewed.
- Only the regulations adopted by the FA, the three (3) major American sports leagues (MLB, NFL and NBA) and Cricket Australia specify the sanctions/disciplinary measures that may be implemented in cases where agents breach such regulations. In contrast, FIFA's regulations leave such measures to the discretion of their relevant member associations, the FA's regulations specify that disciplinary measures will be determined by a Regulatory Commission appointed by the FA and the ECB's regulations state that disciplinary measures will be determined by the ECB's Cricket Discipline Commission.
- With the exception of the regulations adopted by FIFA, six (6) of the seven (7) regulations reviewed provide agents with the right to appeal in case they are subject to any sanctions or are denied certification or registration.
- Only the regulations adopted by the three (3) major American sports leagues specifically provide for an arbitration/dispute resolution mechanism in the event of any disputes among agents, players and teams.

The following sub-sections provide more detailed comparisons of each of the regulations, based on certain key parameters and criteria that are important in determining the scope, coverage and intended effectiveness of the regulations.


## 2. Scope

Association/	Name	Drafted By	Permitted	Scope of Transactions	Standard Form Representation
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League		Registrants	Regulated	Agreement	
	FIFA Regulations on Working with Intermediaries	Governing Body (FIFA)	Natural Persons & Legal Persons	Playing Contracts and Transfers	✗
	The FA Regulations on Working with Intermediaries	Governing Body (The FA)	Natural Persons & Legal Persons	Playing Contracts and Transfers	✗
	MLBPA Regulations Governing Player Agents	Players Association (Major League Baseball Players Association (MLBPA))	Natural Persons only	Playing Contracts only	✓
	NFLPA Regulations Governing Contract Advisors	Players Association (National Football League Players Association (NFLPA))	Natural Persons only	Playing Contracts only	✓
	NBPA Regulations Governing Player Agents	Players Association (National Basketball Players Association (NBPA))	Natural Persons only	Playing Contracts only	✓
	ACA Player Agent Accreditation Scheme Regulations	Players Association (Australian Cricketer's Association (ACA), in consultation with Cricket Australia)	Natural Persons only	Playing Contracts only	✗









	<p>ECB Players' Agents Registration Regulations</p>	<p>Governing Body  (ECB, in consultation with the Professional Cricketer's Association (PCA))</p>	<p>Natural Persons only</p>	<p>Playing Contracts only</p>	<p>✓</p>
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### 3. Rules Relating to Eligibility and Certification

Association/ League	Compulsory Registration/ Certification (Whether Required)	Eligibility Criteria	Exempted Persons	Pre-Certification Requirements	Application Fee & Annual Fee (if any)
	<p>✓  (With Relevant Association)</p>	<ul style="list-style-type: none"> <li>- Impeccable reputation;</li> <li>- No conflict of interest.</li> </ul>	<p>✗</p>	<ul style="list-style-type: none"> <li>- 'Intermediary Declaration' to be submitted to the relevant association.</li> </ul>	<p>✗</p>
	<p>✓</p>	<ul style="list-style-type: none"> <li>- Impeccable reputation; and</li> <li>- Legal persons can only be registered by natural persons who are already registered.</li> </ul>	<p>✗</p>	<ul style="list-style-type: none"> <li>- 'Intermediary Declaration' to be submitted to the FA.</li> </ul>	<p>✗</p>
	<p>✓</p>	<p>✗</p>	<p>✗</p>	<ul style="list-style-type: none"> <li>- Application form;</li> <li>- Background check;</li> <li>- Written examination.</li> </ul>	<ul style="list-style-type: none"> <li>- \$2000 (USD) as application fee;</li> <li>- \$3000 (USD) as annual registration fee.</li> </ul>
	<p>✓</p>	<ul style="list-style-type: none"> <li>- Undergraduate degree from an accredited four year college/univers</li> </ul>	<p>✗</p>	<ul style="list-style-type: none"> <li>- Application form;</li> <li>- Authorisation for background</li> </ul>	<ul style="list-style-type: none"> <li>- \$2500 (USD) as non-refundable application</li> </ul>



Association/ League	Compulsory Registration/ Certification (Whether Required)	Eligibility Criteria	Exempted Persons	Pre- Certification Requirements	Application Fee & Annual Fee (if any)
		<ul style="list-style-type: none"> <li>ity and a post-graduate degree from an accredited college/ university;</li> <li>- Above criteria may be relaxed if applicant has at least seven (7) years 'sufficient negotiating experience', as determined by the NFLPA.</li> </ul>		<ul style="list-style-type: none"> <li>check;</li> <li>- Signed 'Authority and Consent' to procure and release information including 'Personal Consumer Credit Reports';</li> <li>- Written examination.</li> </ul>	<ul style="list-style-type: none"> <li>fee;</li> <li>- Annual fee of \$1500 (USD) if agent represents less than ten (10) active players and \$2000 USD if agent represents ten (10) or more active players.</li> </ul>
		<ul style="list-style-type: none"> <li>- A degree from an accredited four year college/university;</li> <li>- NBPA has the authority to determine whether relevant negotiating experience can substitute for any year(s) of education.</li> </ul>		<ul style="list-style-type: none"> <li>- Application form.</li> </ul>	<ul style="list-style-type: none"> <li>- \$100 (USD) as non-refundable application fee;</li> <li>- \$1500 (USD) as annual fee.</li> </ul>
		<ul style="list-style-type: none"> <li>- Applicant to be at least eighteen (18) years of age.</li> </ul>		<ul style="list-style-type: none"> <li>- Application form;</li> <li>- 'National Police Check' (verification certificate);</li> <li>- Professional indemnity insurance of at least \$2 million (AUD);</li> <li>- Written examination.</li> </ul>	<ul style="list-style-type: none"> <li>- \$750 (AUD) as application fee, with \$50 (AUD) being refundable if application is unsuccessful;</li> <li>- \$990 (AUD) as annual fee.</li> </ul>





Association/ League	Compulsory Registration/ Certification  (Whether Required)	Eligibility Criteria	Exempted Persons	Pre- Certification Requirements	Application Fee & Annual Fee (if any)
		<ul style="list-style-type: none"> <li>- Applicant to be 18 years of age as on the date of application;</li> <li>- Good character and reputation (in the ECB's opinion);</li> <li>- No conviction for any offence and is not bankrupt;</li> <li>- Not disqualified from acting as a director of or otherwise from being involved with a company pursuant to UK laws;</li> <li>- Not subject to an order under section 429(2)(b) of the Insolvency Act 1986;</li> <li>- Has not, in the previous 10 years, been censured or disciplined (in the UK or elsewhere) or had his/her membership revoked by any regulatory or professional organisation in relation to any business or professional activities;</li> <li>- Is not an officer, employee or</li> </ul>	<ul style="list-style-type: none"> <li>- Player's sibling, parent or spouse; and</li> <li>- Registered solicitor or barrister; and</li> <li>- PCA employee or officer who negotiates for a player who has already received an offer.</li> </ul>	<ul style="list-style-type: none"> <li>- Application form;</li> <li>- Professional indemnity insurance;</li> <li>- Written examination.</li> </ul>	<ul style="list-style-type: none"> <li>- £500 (GBP) + VAT as non-refundable application fee;</li> <li>- £1500 (GBP) + VAT as annual fee.</li> </ul>





Association/ League	Compulsory Registration/ Certification (Whether Required)	Eligibility Criteria	Exempted Persons	Pre- Certification Requirements	Application Fee & Annual Fee (if any)
		consultant of a First Class County or the ECB (including without limitation a current registered and/or contracted cricketer).			

#### 4. Rules Relating to Agent Behaviour and Agent Compensation


Association/ League	Standards of Conduct	Reporting Obligations (If Any)	Restriction/Limit on Agent Compensation
	<p>Brief guidelines on the following topics:</p> <ul style="list-style-type: none"> <li>- Conflict of interest;</li> <li>- Dual representation (i.e. representing a player and a club).</li> </ul>	<ul style="list-style-type: none"> <li>- Intermediaries required to disclose all transactions they are involved in to relevant associations;</li> <li>- Associations required to publish a list of intermediaries, the transactions they were involved in and the remuneration paid to them by clubs/players, at the end of March, every calendar year.</li> </ul>	<ul style="list-style-type: none"> <li>- <b>If engaged to act on a player's behalf</b> – 3% of the player's basic gross income for the entire duration of the relevant employment contract;</li> <li>- <b>If engaged to act on a club's behalf</b> – 3% of the player's basic gross income for the entire duration of the relevant employment contract;</li> <li>- <b>If engaged to act on a club's behalf in order to conclude a transfer agreement</b> - 3% of the eventual transfer fee paid.</li> </ul>
	<p>Brief guidelines on the following topics:</p> <ul style="list-style-type: none"> <li>- Conflict of interest;</li> <li>- Dual representation;</li> <li>- Disclosure of intermediary's</li> </ul>	<ul style="list-style-type: none"> <li>- Intermediary to submit his/her representation contract with club/player to the FA before undertaking any relevant activities on behalf of such</li> </ul>	<ul style="list-style-type: none"> <li>- <b>If engaged to act on a player's behalf</b> – 3% of the player's basic gross income for the entire duration of the relevant employment contract;</li> <li>- <b>If engaged to act on a club's behalf</b> – 3% of</li> </ul>





Association/ League	Standards of Conduct	Reporting Obligations (If Any)	Restriction/Limit on Agent Compensation
	relationship with clubs.	club/player, within ten (10) days of such contract being executed and in any event no later than at the time of the registration of a transaction by the FA.	the player's basic gross income for the entire duration of the relevant employment contract; - <b>If engaged to act on a club's behalf in order to conclude a transfer agreement</b> - 3% of the eventual transfer fee paid.
	<p>The regulations provide guidance on a wide range of activities, including:</p> <ul style="list-style-type: none"> <li>- Violations of player rights;</li> <li>- Disclosure of communications and interactions with non-client players;</li> <li>- Co-operation at the time of investigation.</li> </ul> <p>The regulations also specify certain prohibited activities and conduct, including, but not limited to:</p> <ul style="list-style-type: none"> <li>- Improper inducements;</li> <li>- Violating duty of loyalty towards client or any orders given by the MLBPA;</li> <li>- Cooperating with clubs to undermine players;</li> <li>- Unwelcome communications with players;</li> <li>- Actual or potential conflict of interests;</li> <li>- Undermining collectively bargained rights and benefits;</li> <li>- Unlawful or dishonest conduct.</li> </ul>	<ul style="list-style-type: none"> <li>- Agent is required to provide a copy of agent's representation agreement with player to the MLBPA and the player;</li> <li>- On or before of March 1 of every year, agent to provide the MLBPA and each player who paid the agent any fees in the previous year a 'Fee Statement' in a format prescribed by the regulations.</li> </ul>	<ul style="list-style-type: none"> <li>- Player agent not permitted to charge a fee unless the player's negotiated salary exceeds the applicable minimum salary for that year, as established by the 'Basic Agreement' (executed between MLB and MLBPA);</li> <li>- In cases where the salary negotiated exceeds the applicable minimum salary, any fee charged should not, when subtracted from the salary, result in a net salary to the player below or equal to the minimum salary;</li> <li>- No upper limit on agent remuneration specified.</li> </ul>
	The regulations specify a wide range of prohibited activities, including, but not limited to:	- 'Contract Advisor' is required to sign and provide the NFLPA and the club with a copy of any player contract negotiated with that club within	- 3% of the player's maximum compensation for each year of his playing contract, which may be reduced to 2%, 1.5% or 1% based on the player





Association/ League	Standards of Conduct	Reporting Obligations (If Any)	Restriction/Limit on Agent Compensation
	<ul style="list-style-type: none"> <li>- Representing any player without being registered;</li> <li>- Improper inducement to the player or player's family;</li> <li>- Providing false or misleading information or concealing material facts;</li> <li>- Borrowing any money from players;</li> <li>- Holding financial interest in any football club or engaging in any activity, which would create an actual or potential conflict of interest;</li> <li>- Agreeing to any provision in an agreement on behalf of a player, which deprives the player of his collective bargaining rights or violates any policies or rules of NFLPA;</li> <li>- Failing to report violations of the regulations;</li> <li>- Engaging in unlawful conduct and/or conduct involving dishonesty, fraud, deceit, misrepresentation etc.;</li> <li>- Circumventing or not complying with the maximum fee provisions of the regulations;</li> <li>- Failure to fulfil agent's reporting and disclosure obligations as specified in the regulations.</li> </ul>	<p>48 hours after the contract is executed;</p> <ul style="list-style-type: none"> <li>- 'Contract Advisor' is required to provide on or before May 1 of each year, to every player who he/she represents, with a copy to the NFLPA, an itemized statement covering the period beginning March 1 of the prior year through February 28 or 29 of that year, which separately sets forth both the fee charged to the player for, and any expenses incurred in connection with the 'Contract Advisor's' services.</li> </ul>	<p>'tagging' status.</p>
	<p>The regulations specify a wide range of prohibited activities, including, but not limited to:</p> <ul style="list-style-type: none"> <li>- Representing any player without being registered;</li> <li>- Improper inducement to the player or player's family;</li> <li>- Providing false or misleading information or concealing material facts;</li> <li>- Borrowing any money from players;</li> <li>- Holding financial interest in any basketball team or engaging in any activity,</li> </ul>	<ul style="list-style-type: none"> <li>- Agent to sign and provide the NBPA with a copy of any player contract negotiated with a NBA team within forty eight (48) hours after the contract is executed.</li> <li>- Agent to provide on or before March 1 of each year, to every player who he/she represents, with a copy to the NBPA, an itemized statement covering the period January 1 to</li> </ul>	<ul style="list-style-type: none"> <li>- If player receives only the minimum compensation due, as specified under the NBA-NBPA 'Collective Bargaining Agreement', agent to receive a maximum of 2% of such compensation as his/her fee for each season of the contract;</li> <li>- If player receives compensation in excess of the minimum compensation applicable under the NBA-NBPA Collective Bargaining Agreement,</li> </ul>







Association/ League	Standards of Conduct	Reporting Obligations (If Any)	Restriction/Limit on Agent Compensation
	<p>which would create an actual or potential conflict of interest;</p> <ul style="list-style-type: none"> <li>- Agreeing to any provision in an agreement on behalf of a player, which deprives the player of his collective bargaining rights or violates any policies or rules of the NBPA;</li> <li>- Failing to report violations of the regulations;</li> <li>- Engaging in unlawful conduct and/or conduct involving dishonesty, fraud, deceit, misrepresentation etc.;</li> <li>- Circumventing or not complying with the maximum fee provisions of the regulations.</li> </ul>	<p>December 31 of the immediately preceding year which separately sets forth both the fee charged to the player for, and any expenses incurred in connection with, the agent's services.</p>	<p>agent to receive 4% of such compensation as fee for each season of the contract (unless the player and his agent have agreed to a lesser percentage).</p>
	<p>Agents are expected to adhere to the 'Code of Conduct', provided in Schedule 1 of the regulations, which covers the following topics:</p> <ul style="list-style-type: none"> <li>- Conflict of interest;</li> <li>- Confidentiality;</li> <li>- Records and accounts;</li> <li>- Professional development and knowledge;</li> <li>- Disclosure responsibilities on agents;</li> <li>- Approaches to players; and</li> <li>- Co-operation with the ACA Accreditation Board.</li> </ul>	<p>×</p>	<p>×</p>
	<p>The regulations require agents to act in good faith and not bring the game of cricket into disrepute. They also provide guidelines on the following activities:</p> <ul style="list-style-type: none"> <li>- Conflict of interest;</li> <li>- Dual representation;</li> <li>- Records and accounts;</li> <li>- Disclosure of relationships;</li> </ul>	<ul style="list-style-type: none"> <li>- Each registered agent must provide to the PCA a full list of his player clients on or before the last working day of each month.</li> </ul>	<p>×</p>












Association/ League	Standards of Conduct	Reporting Obligations (If Any)	Restriction/Limit on Agent Compensation
	- Unauthorised approaches.		

## 5. Disciplinary Issues and Dispute Resolution

Association/ League	Sanctions in Case of Breach/Violations	Provision for Appeals/Review	Dispute Resolution/Arbitration Mechanism
 <b>FIFA</b> <i>For the Good of the Game</i>	- At the discretion of national member associations.	- At the discretion of national member associations.	- At the discretion of national member associations.
	<ul style="list-style-type: none"> <li>- Any breach of the regulations to be considered as 'Misconduct' which shall be dealt with in accordance with the Rules of The FA.</li> <li>- Sanctions to be determined by a Regulatory Commission appointed by The FA.</li> </ul>	✓	✗
 <b>MAJOR LEAGUE BASEBALL</b>	<p>Disciplinary measures that may be undertaken by the MLBPA under the regulations include:</p> <ul style="list-style-type: none"> <li>- Suspension or revocation of certification;</li> <li>- Imposing limitations or conditions on agent's authority to represent certain players or to deal with certain clubs or to perform certain services on behalf of players;</li> <li>- Requiring restitution to players or other parties for any damages or losses agent has wrongfully caused;</li> <li>- Written reprimands or warnings, and other forms of discipline.</li> </ul>	✓	✓
	<p>Disciplinary measures that may be undertaken by the NFLPA under the regulations include:</p> <ul style="list-style-type: none"> <li>- Informal order of reprimand to be retained in the Contract Advisor's file at the NFLPA's offices;</li> <li>- Formal letter of reprimand which may be made public in NFLPA publications and other media;</li> <li>- Suspension or revocation of a Contract Advisor's certification;</li> </ul>	✓	✓



Association/ League	Sanctions in Case of Breach/Violations	Provision for Appeals/Review	Dispute Resolution/Arbitration Mechanism
	<ul style="list-style-type: none"> <li>- Prohibiting a Contract Advisor from soliciting or representing any new player-clients for a specified period of time;</li> <li>- Imposition of a fine payable within thirty (30) days of the imposition of such fine.</li> </ul>		
	<p>Disciplinary measures that may be undertaken by the NBPA under the regulations include:</p> <ul style="list-style-type: none"> <li>- Informal order of reprimand;</li> <li>- Formal letter of reprimand which may be made public;</li> <li>- Suspension or revocation of an agent's certification;</li> <li>- Prohibiting an agent from soliciting or representing any new player-clients for a specified period of time.</li> </ul>		
	<p>Disciplinary measures that may be undertaken by the ACA under the regulations include:</p> <ul style="list-style-type: none"> <li>- suspension or cancellation of an agent's accreditation;</li> <li>- issuing a warning or reprimand;</li> <li>- fixing any period during which the agent will not be permitted to apply for accreditation;</li> <li>- payment of a reasonable fine as determined by the ACA's Accreditation Board.</li> </ul>		
	<p>Any breach of the regulations to be investigated by the ECB's 'Cricket Discipline Commission' (CDC) which exercises its discretion when handing out punishments.</p>	 (For denial of certification only)	

**Primary Resources:**

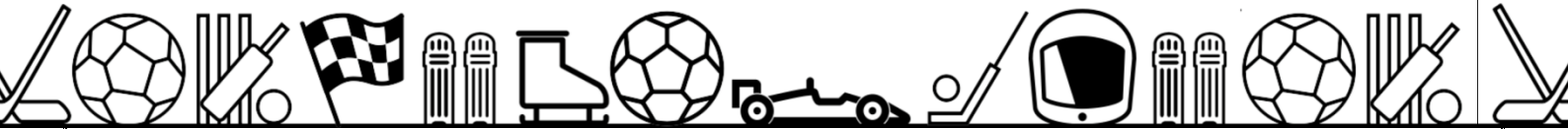
- FIFA Regulations on Working with Intermediaries
- The FA Regulations on Working with Intermediaries
- MLBPA Regulations Governing Player Agents
- NFLPA Regulations Governing Contract Advisors



- NBPA Regulations Governing Player Agents
- ACA Player Agent Accreditation Scheme Regulations
- ECB Players' Agents Registration Regulations



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**RECOMMENDATIONS [Nilay Dutta]**

The Committee sought the assistance of the various interactors, who have generously given their invaluable suggestions and recommendations. The Committee has also perused and considered the suggestions made by Mr. Y. P. Singh, ICC ACSU and Mr. Ravi Sawani, BCCI ACU in the light of the allegations of corruption that struck IPL. These ardent supporters of the game have unanimously and compellingly articulated that there should be an admonition to all concerned that the game of cricket is under serious threat.

The consolidated set of recommendations and suggestions in this report are thus aimed at ensuring that corruption/ malpractice such as those that have already been disclosed in the Report, be eradicated from the game of cricket and the game of cricket and in particular, the IPL be cleansed.

The recommendations may be broadly categorised as:

**I. INVESTIGATION AND PROSECUTION**

- (i) Betting and gambling being a State subject in the 7<sup>th</sup> schedule of the Constitution of India, there is no consolidated uniform law applicable to the entire country. In view of the specific requirements stipulated in Section 415 read with Section 420 of the Indian Penal Code the applicability of these provisions in matters of fixing of games/ spots/ sessions is debatable. The status of law in regard to betting and fixing has therefore created operational impediment on the part of investigating and



prosecuting agencies in combating these corrupt influences in the sport. It is most imperative to enact a substantive law making all forms of manipulation of sports, corruption and malpractices a criminal offence. The law so enacted must be applicable uniformly in the country and should stipulate the creation of an independent investigating agency, a dedicated prosecuting directorate and a separate judicial forum for expeditious trials. The law must provide for stringent deterrent punishments, similar provisions as in Section 18 of the MCOCA and restrictive bail provisions as in NDPS and other similar enactments. This is necessary because influx of hawala money and involvement of terrorist elements in matter of betting and fixing of sports is causing serious threat to national security. In view of the national interest involved, it would be necessary to explore the options available to the Parliament and the Legislatures of various States to adopt the procedure stipulated in Article 252 of the Constitution of India.

- (ii) The BCCI must adopt a “Zero Tolerance Policy” in matters of corruption in the game. It must adopt a far more pro-active role. Pending enactment of such law by the Parliament it is necessary that the Anti-Corruption Unit of the BCCI be substantially strengthened with immediate effect. The BCCI should create a dedicated fund for development of sophisticated investigating machinery responsible for preventing betting and fixing in cricket matches as well as for investigating any information to this effect available from players or any other source. The ACU must establish a system of accountability in the performance of its Anti-Corruption officers and also create an exhaustive database of





bookies, fixers, kingpins of illegal betting and match fixers and make such information available to all stakeholders.

- (iii) As have been noted the betting and fixing racket in sports functions most efficiently as one well-oiled machine throughout the country. The law enforcement authorities on the other hand reveal lack of co ordination and trust amongst themselves and more often than not function at cross purposes. This has resulted in increasing the vulnerability of the country's economy and remains a matter of concern for national security. It is necessary that the Hon'ble Supreme Court may create a Special Investigation Team or a Joint Investigation Team so as to include officers from all specialised agencies such as enforcement directorate, Directorate of revenue intelligence, income tax authorities etc. The JIT may have either the CBI or the NIA as the nodal agency. The SIT or the JIT will take over all pending cases and investigate all available information in the various tapes referred to earlier and submit its report to the Hon'ble Supreme Court within a stipulated time frame so as to obtain appropriate orders for prosecution and trial.

## **II. ACCESS TO PLAYERS**

It is evident that access to players, more so during the IPL, is far too free and easy leading to significant number of approaches being made to fix players or lure them to join the illegal betting syndicate. Supervision of players and an increased measure of control over their activities, though may be a sensitive issue, is necessary.

The BCCI ACU and the ICC ACSU have *interalia* made various recommendations pertaining to hotel accommodation of players,



visitors access to their hotel rooms, temporary leave of players from hotels and attachment of security and anti-corruption officers with all IPL teams constantly. The proposals merit serious consideration by the BCCI subject to the caveat that while ensuring that the players are protected from contact of undesirable elements, the restrictions themselves should not be such which may ultimately affect the morale of the team. It is necessary to remind ourselves that the players are ambassadors of their country and the sport. The restrictions therefore ought not to isolate them or expect them to lead a monastic existence. The aim obviously is to prohibit unauthorised access by unsuitable /unscrupulous persons under unsuitable circumstances.

Measures which can be considered in this regard include:

- (i) The introduction of an accreditation system; only BCCI/IPL/ Team Management accredited persons should be permitted access to players, in circumstances approved by the team management.
- (ii) Prohibition on access to player's hotel rooms except for immediate family members.
- (iii) Strict control of telephonic access; only cellular telephones issued to players by the BCCI should be allowed and details of calls made and received should be available so as to allow monitoring by the BCCI. Possession of an unauthorised cell phone should be a punishable offence which automatically will entail deterrent punishment.
- (iv) Contact by players with media representatives, representatives of sponsors and the public generally should be through the team management specifically.



### III. DISCLOSURES BY PLAYERS

Another set of measures, aimed at reducing the possibility of players being vulnerable to improper approaches, include:

- (i) The imposition on all concerned of an obligation to report, not only instances of approaches to himself, but also any information which he receives and any knowledge he obtains, however far-fetched he personally may regard it, concerning any other person including a colleague, which is suggestive of improper conduct. This is a sensitive issue amongst players. As experienced by the Committee and lucidly explained by Mr. Andre Oosthuizen and Mr. Gavin Tinkler in their book, “The Banjo Players” on the Hansie Cronje match fixing scandal:

*“It’s not difficult to understand this close, undying loyalty. To be a member of a national team involves admission to a brotherhood that is based on staunch allegiance. The players in the national squad spend something in the order of 26 weeks of the year in each other’s company. That time sees them living, travelling and eating together practicing at the nets for hours on end, day after day; venturing into distant countries and cities where the only familiar faces are those of their team members. Teamwork and team spirit is the bedrock of their lives...”*

Further,

*“But the same strong and abiding loyalty to the team and to the captain creates a series of problems when any of the players decide, as Cronje did, to involve themselves and attempt to involve their team members in things like match fixing or other forms of corruption. The squad doesn’t turn its back on the sinner, throw him out or cut him down. Their entire existence is about*



*being together, remaining loyal and helping each other. Blowing the whistle on the offender is against team spirit. In the eyes of the players, the newspaper reporters, cricket administrators and the team's medical staff are all outsiders, people who live on the fringes of the team but are not, in any true sense, part of the elite. It requires special courage for a player to break rank and to report on any skulduggery that's going on within the team. By so doing, he opens himself up to abuse and misunderstanding....*

*This factor, the ties of brotherhood that bind the team members to each other, is going to be one of the very real problems confronting the cricket world as, in years ahead, attempts are made to wipe out the match fixing scourge.”*

Thus, it is not difficult to understand the fact that there is an instinctive reaction against “whistle-blowing” on friends and colleagues. It must be part of a player's education and training that this is not disreputable conduct. On the contrary, it is the decent and honourable thing to do, in the greater interest of the game and all who have to do with it. Consideration should be given to rewarding persons who report misconduct, actual or potential, Consideration should be given to anonymous reporting.

- (ii) It is important to create a schedule of events which are “notifiable events’ and reports of such instances are to be made compulsory, with the sanction of penalties to be imposed for non-reporting. Such events would include any approach (of whatever nature) by a bookie; punter; colleague; official or anyone else making any such attempts to the player even though the same may said to have been made casually. This requirement be made applicable for all cricketers at all levels of the game.



- (iii) It should be made mandatory to make full and immediate disclosure by players and officials of any gifts received (possibly above a certain value) or additional income earned besides the contracted fee. It must be clarified that “gifts” would mean any interest or income or other unusual benefit which is not cricket related. If a player has any doubt about the propriety of anyone’s conduct with regard to an offer, or potential offer, of a gift, he should immediately report it to the concerned official or the IPL Integrity Unit (if such exists) alternatively to the team manager and the captain of the team.
  
- (iv) The BCCI Anti-Corruption Code for Conduct for Participants should be incorporated by reference in the player’s contract and the player is to acknowledge therein that he knows and understands the contents of the BCCI Anti-Corruption Code, the obligations it places on him and the penalties for disobedience thereto including forfeiture of the contracted fee etc.
  
- (v) Access to bank accounts and other financial documentation should be available to the BCCI ACU with the player’s prior consent; this consent could be incorporated into the player’s contract. Access and information received from such access must be kept absolutely confidential. Access to similar documents of a player’s immediate family members and/ or other members of the family or their respective agents may well be justified in appropriate circumstances.



#### **IV. CONTROL AND SUPERVISION**

- (i) It is necessary to incorporate comprehensive and stringent rules and regulations in the Operational Rules so as to bind all the stakeholders including journalists, commentators, broadcasters, etc.
- (ii) The BCCI/IPL should frame specific rules for assessing/evaluating the credibility of owners in order to prevent unscrupulous entities from purchasing a franchise. It has been recommended by the ICC ACSU and BCCI ACU that any auction in this regard should be subject to a pre auction verification of the intending participants at such auctions.
- (iii) A separate Code of Conduct should be enacted for Owners and Team officials, similar to the Minimum Standards for players and match officials with a specific provision prohibiting owners and team officials from betting. The Code should also prescribe sanctions/ punishments.
- (iv) A separate code should be enacted for the registration and accreditation of Players agents/Managers by the BCCI, where no player should be allowed to align with an agent not registered and accredited by the BCCI. Before accreditation of players agents, their credibility should be ensured by the appropriate authority. Accreditation should be time specific and subject to renewal after review of the performance and integrity of the agents/managers.

#### **V. EDUCATION & TRAINING**

- (i) It has come to the notice of the Committee that bookies maintain a close vigil on players from an early stage in their



career and lure them with gifts and cash for a sustained period of time and eventually introduce them into illegal betting and fixing syndicate. It is therefore critical that cricketers from their earliest days in the game, in addition to learning how the game is played, be made aware of the spirit of the game and the rules of fair play, honesty and integrity to the game. This education in the ethics of fair play should be ongoing, bearing in mind that the further a cricketer progresses, the greater are the pressures put upon him. Education programs such as the BCCI ACU Education module needs to be imparted to player's right from the beginning of their training days, and be extended to include cricket schools and academies both run privately as well as run by the State associations.

- (ii) The BCCI should monitor continuous education of all registered cricket players in the country, from the club level onwards and disseminate educative materials in form of booklets to all budding cricketers of the country. The BCCI may like to explore the possibility of authoring a cricketer's handbook incorporating FAQs for the young Indian Cricketers in the line of the Athletes Handbook 2013 published by the Go Sports Foundation, Bangalore.
- (iii) There has been a unanimous appeal to create an Integrity Unit by the BCCI, quite apart from the IPL governing Council, comprising of former senior players such as Shri Sachin Tendulkar, Shri Saurav Ganguly, Shri Rahul Dravid, Mr. V.V.S Laxman, Mr. Anil Kumble and any such other persons with impeccable character, integrity and honesty.



Induction of such players into the unit will give greater credibility and command the respect and confidence of the teams and find acceptance. Such a unit will be able to counsel and mentor young players, who are suddenly caught in the midst of fame and glory of IPL making them extremely vulnerable to temptations.

- (iv) There has been a split response to the Anti-Corruption education that is being imparted to players by ICC ACSU during the IPL season. The critique of the Education module has been primarily based on the fact that education is imparted in English by facilitators/ trainers to players who are not well versed with the language. This criticism has been taken note of and it is recommended that if BCCI continue with the services of ICC ACSU and continue to impart its Education Program during the IPL season, the same be conducted in vernacular languages as well along with English. The Integrity Unit can be associated with this program.
- (v) There is a huge disparity of contract money paid to IPL players due to the distinction between capped and uncapped players. Reputed players, particularly those who enjoy international status, are well very paid. However, it is also a fact that the professional life span of a cricketer is short and it covers a crucial period of their lives when they might otherwise be qualifying themselves for their life's work, in a profession or other calling. The fact that there is a palpable financial insecurity amongst general and fringe players is undeniable. It is important therefore to ensure the financial





security of players both in the immediate and the long term future in order to curb corruption in cricket.

## **VI. OPERATIONAL MECHANISMS**

- (i) There should be a complete ban on post-match parties or any other parties organised by private individuals or sponsors. In any official function, no outsider may have access without official authorisation.
- (ii) BCCI while entering into contracts with its official sponsors should incorporate prohibition on availing the services of any banned player by the official sponsor in any manner, including as TV/radio commentator, during the period of such ban.
- (iii) Players should receive ongoing psychological support concentrating particularly on stress management and counselling with regard to the pitfalls of success and vulnerability to approaches from unsuitable people.
- (iv) It has been disclosed to the Committee that the BCCI ACU maintains a database incorporating therein the names and details of undesirable elements like bookies, fixers etc. Similarly ICC ACSU also maintains a separate database. It is surprising that the details of the database are not shared by the Anti-Corruption unit with the players, match officials, administrators etc. Some of the players with whom the Committee interacted have stated that though they have been told to report any approach by such undesirable elements, they were not aware as to who these undesirable elements are. On being questioned as to why such databases are not shared with concerned stakeholders the officers replied that they were concerned with possible retaliation by actions of



defamation. Under the Indian laws, this is incorrect, since a number of exceptions to Section 499 of Indian Penal Code take care of such concerns. The concern being totally misplaced, it is imperative that the details of such unscrupulous undesirable elements be shared with all stakeholders including players, umpires, match officials, support personnel, administrators etc.

## **VII. PUNISHMENTS AND SANCTIONS**

It is incumbent upon the IPL Governing Council and the BCCI to send a clear and emphatic message that dishonesty in cricket will not be tolerated and the most effective way of conveying this message is by the prescription and imposition of severe and stringent punishment. Most significantly, the punishment must be a deterrent; which implies that it should deter not only the offender but also others, like minded, from offending. It is important to inform players that, where appropriate, an act of misconduct shall be referred to the Police, in addition to whatever internal disciplinary measures are taken. It is desirable that the various forms of punishment be clearly delineated; ranging from the lightest to the most severe.

## **CONCLUSION**

One notes with utmost pain, that the folklore of corruption and such other malpractices that has come to surround the game of cricket and in particular, IPL, unfortunately has a ring of truth to it. Roots of corruption and malpractices have crept in deep into the game of cricket, more particularly, the IPL, and are seeping into the game at an alarming rate. If unchecked, the same would be damaging for the



game of cricket and defeat public confidence in the integrity of the game. The problem is required to be addressed with absolute seriousness and with a strong determination to cleanse the game. Any complacency is sure to shake public confidence. It would be worthwhile to remind ourselves that the game of cricket is only as strong as the support it receives from the public.

**(NILAY DUTTA)**

Member

Date: February , 2014

**RECOMMENDATIONS [Justice Mudgal and L.Nageswara Rao]**

The Committee is further of the view that it is essential that to deal with the malaise of spot/match fixing, Senior iconic players with unimpeachable integrity such as Sachin Tendulkar, Rahul Dravid, Sourav Ganguly, VVS Laxman, Venkatesh Prasad and Anil Kumble should advise and caution the various teams and in particular the younger players and debutants about the pitfalls of such malpractices. Our view is that such interactions with the legends of sport would be most effective and deter the potential wrongdoers.

Furthermore the ACSU-ACU instructions should not be routine lectures by any foreign instructor but be disseminated by Indians in a more interactive meetings in a local language understood by all players.

Apart from the above conclusions arrived at by us we also recommend to the Hon'ble Supreme Court to consider the following suggestions which in our opinion may make the game of cricket a cleaner game so as to eliminate the evil of spot and match fixing:

- a. We would recommend that apart from instructions in the local language understood by the concerned players, the BCCI need not spend enormous sums of money on ICC deputed anti corruption instructors and reputed retired armed forces and police officers from India should be asked to do it after due training and sensitization in Indian languages;
- b. In order to instil some fear in the players and support personnel, an essential requirement is that leads and information that are received from players and other personnel should be kept confidential but must be necessarily be investigated and allegations should be put to a rest. The current practice of not investigating unless an outside agency (like media) brings forth a



sporting fraud seems to be a reactive approach rather than a proactive approach;

- c. In order to detect sporting fraud, it has been pointed out by most investigating agencies that they lack the tools to know the name of the bookies, the amount that has been bet, detect a sporting fraud unless an intelligence from other sources like phone tapping is available amongst other drawbacks. They have stated that legalizing sports betting would reduce the element of black money and the influence of the underworld besides help them in detection and focusing their investigation;
- d. An approach needs to be devised where different law enforcement agencies and the Anti-Corruption unit of the BCCI can share intelligence and conduct effective investigation;
- e. The investigative wing of the BCCI, should be clearly defined and no person holding office in the BCCI, should have the power to curtail, restrict or define any such investigation;
- f. IPL is a good format and has benefitted a number of players therefore there is a need to protect it. However in the interest of the league, IPL should be a stand - alone commercial entity with representatives from the franchises, BCCI, broadcasters and independent professional directors forming a part of the governing body of the IPL;
- g. BCCI should have a system of registering player agents. Before registering player agents there should be an examination of the agents to confirm their understanding of the rules and regulations of BCCI and IPL. Besides this the antecedents of the player agent should also be verified so that dubious elements of society with links to bookies or the underworld are not given a registration as a player agent;



- h. Player agents should not be allowed to travel with the team or stay in the same hotel as the team, especially when it is in proximity to the date of a match being played by a player who the agent represents;
- i. Players should not be allowed to own any stakes or interests in player agencies or companies involved with cricket unless such interests are in the nature of sponsorship or endorsements. Such interests should be declared by the player or his agent to the BCCI, within 15 days of such interest accruing. In particular employment of the players in the franchise group companies should be avoided;
- j. Some franchises have drafted a code of conduct which regulates the activities of the players outside the ground during the IPL season. Any person who wishes to be associated with the team that is, wants to be a part of the dugout(s), team meetings, strategy discussions, regular player interactions during the IPL, also needs to sign the code of conduct and be liable to similar obligations as the players.

We, have examined the recommendations of Mr. Nillay Dutta as set out in Chapter III of his Report and approve the recommendations suggested by him.

**(Retd. Justice Mukul Mudgal)**

**(L.Nageswara Rao)**

**Dated: 9th February 2014.**



**Report commissioned by KSCA**

**Appendix-7**



**Karnataka State Cricket Association**

**Business Process Re-engineering**

**GAP ANALYSIS & RECOMMENDATIONS**

Version 2.0 - August 2012

Prepared by

**NCRC<sup>®</sup>**

**NCR Consultants Limited**

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## BACKGROUND

NCRCL was approached by the Management of KSCA for Business Process Reengineering and implementation of a Management Information System.

The assignment began with a documentation of the existing processes. NCRCL team discussed with the department heads of KSCA to understand the current flow of information, documents and reporting system in place. The necessary information and documents were also collected. Based on the information and documents collected, NCRCL came up with "AS IS" Process Documentation for all the departments. The document has been submitted to KSCA for validation by the department heads as well as the Management.

## MAJOR GAPS OBSERVED

During the process mapping exercise, a number of gaps were identified. The identified gaps are presented in the 3PT framework. The 3PT framework developed by NCRCL recognizes that for every initiative to be successful, the Policy aspects, Processes, People and Technology aspects need to be addressed adequately. Accordingly, the gaps are summarized in table below. Against each gap, the implication in terms of the inherent risk is given along with a rating of the criticality of the risk. The rating is on a scale of 1 to 5, where '1' indicates least risk and '5' indicates maximum risk.

Gaps	Description	Policy	Process	People	Technology	Inherent Risk	Risk Rating							
							1	2	3	4	5			
Delegation of Powers not comprehensive	Though delegation of powers has been defined, it was observed that it is not followed in many cases	✓				Lack of accountability in decisions taken								
Processes not clearly defined	In many cases the processes are person dependent rather than system dependent		✓			Difficulty in fixing responsibility								
			✓			Process inefficiencies								
Inadequate trained staff	Many tasks are performed by people without adequate skills and training			✓		Process inefficiencies								
						Non compliance to policies								
Lack of process automation	Though IT initiatives have been taken, they are yet to be fully implemented				✓	Delays in procedures and records maintenance								



Gaps	Description	Policy	Process	People	Technology	Inherent Risk	Risk Rating				
							1	2	3	4	5
Lack of systematic review and monitoring	The reviews are need based and ad hoc. There is no formal review process	✓	✓			Lack of ownership for the processes					✓
						No follow up of commitments					✓
Project cost estimation not properly justified	Relevant historical information supporting estimates not available		✓		✓	Abnormal escalation in costs			✓		
						Improper funds utilization				✓	
Inadequate project management practices	No project management tool used, insufficient project management expertise			✓	✓	Time delays in project execution				✓	
Lack of proper maintenance planning	There is no system of annual maintenance planning. Systematic monitoring of AMCs is also lacking		✓		✓	Breakdowns					✓
						Disruptions in regular activities				✓	
Purchase policy not clear	Detailed policy outlining the type of purchases, purchase powers not available	✓				Non availability of materials at the right time				✓	
						Lack of accountability in purchase decisions			✓		
Lack of control over returnable material	There is no proper system of recording such issues and periodic reconciliation of material lying with outsiders		✓			Pilferage of materials					✓
Lack of inventory management system	Current system is manual and not foolproof		✓		✓	Poor Inventory Control				✓	
Cash basis of accounting	Accounting is primarily cash based. Revenues and expenditure are not recognized on due basis.	✓	✓			Improper funds planning				✓	
						Poor working capital management				✓	
Lack of well defined budgeting system	The rationale for budget estimate is not clear. There are no standard budget formats. Bottom up budgeting with consolidation at different levels is not there.	✓				No variance analysis			✓		



Gaps	Description	Policy	Process	People	Technology	Inherent Risk	Risk Rating					
							1	2	3	4	5	
Lengthy bill processing process	Bills go through minimum two rounds of approval (bill approval, payment approval) to the FC/MC resulting in delays		✓			Delays in bills processing			✓			
Lack of backup and disaster recovery arrangements	There is no systematic backup of data.	✓	✓		✓	Discontinuation of operations						✓
Inadequate tournament planning procedures	There are no Standard Operating Procedures for different events. No project management tools are used for planning and organizing tournaments		✓		✓	Disruptions during matches						✓
						Last minute rush for tournament activities						✓
Lack of membership database	Current database is manual (spreadsheet)				✓	Delays in members' communication			✓			
						Inadequate tracking of membership dues			✓			

The Gap Analysis is based on NCRCL team's understanding of 'AS IS' Business Processes. These need to be brainstormed after validation of the AS IS Process Charts by the Management and key personnel of KSCA. The recommendations need to be seen in light of these gaps plus any other gaps that may be identified by KSCA internally to arrive at possible solutions.



## DEPARTMENT WISE GAP ANALYSIS

The major gaps that have been identified under each Department along with suggestions to address the gaps are detailed below. These gaps have to be read in conjunctions with the AS IS process charts. The corresponding activity codes of the relevant AS IS process charts are indicated in the Reference column.

### Section 1: Membership

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Applicant sends letter for applying for membership. There is no prescribed format for the membership application	Standard template for membership application needs to be prescribed. Pre-printed forms can be used.	MB-1-1	Delay in processing	✓				
Manual inward	All Inwards can be done electronically. The inward number can be generated automatically.	MB-1-2	Delay in retrieval	✓				



## Section 2: Tournament

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
There is no Standard Operating Procedure (SOP) for conduct of Tournaments. The activity sequencing, resource requirements are not planned holistically	SOP in terms of a Package of Practices, calendar of activities must be prescribed for different type of events. This SOP should form part of the project management system for each tournament.		Non holistic Tournament Planning			✓		
The financial budget estimate is prepared for the financial year. The basis of preparation of budget estimates for tournaments is not clear.	Budget estimate for tournament to be prepared at the beginning of every financial year based on "Calendar of Events" and considering actual of current year	TO-2-12	Cost overrun				✓	



### Section 3: Logistics

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating					
				1	2	3	4	5	
There is no Standard Operating Procedure (SOP) for logistics operations. The activity sequencing, resource requirements are not planned holistically	SOP for logistics in terms of a Package of Practices, calendar of activities must be prescribed for different type of events. This SOP should form part of the project management system for each tournament.		Logistics Planning		✓				
The inputs used and the basis for preparation of budget estimates for the year is not clear.	Guidelines for budget estimates along with necessary formats to be prescribed	LO-1	Budget for Logistics		✓				
This department frequently takes service of travel operators. But it is not clear whether the department maintains list of approved travel operators or not.	List of approved service providers needs to be maintained	LO-2-6, LO-3-6	Fluctuations in commission rates		✓				



## Section 4: Purchase

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
The inputs used and the basis for preparation of budget estimates for the year is not clear.	Guidelines for budget estimates along with necessary formats to be prescribed. The purchase budget must be linked to the planning of cricketing activities	PU-1-3, PU-2-2	Over/under estimation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Duplication of activities, extra activities, maintenance of multiple records in the purchase process	The activity (Make outward entry of the bill details in the delivery book and take acknowledgement ) can be avoided	PU-5-11	Inefficient utilization of resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The activity (Preparation of purchase requisition) can be avoided	PU-3-8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The activity (Preparing cover letter) can be avoided	PU-3-10		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The activity (Inward Entry) can be avoided	PU-3-12		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The activity (Make outward entry of bill details in delivery book and take acknowledgement ) can be avoided	PU-5-2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The activity (Affix a seal and enter the Inward number in the bill ) can be avoided	PU-5-5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The activity (Inward entry in the delivery book and take acknowledgement) can be avoided	PU-5-7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Approval of the bill can be taken by Accounts Department	PU-5-9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Section 5: Central Stores

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Material reconciliation is not done for cricketing material issued on returnable basis	A system of periodic reconciliation and reporting needs to be established		Pilferage of materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No GRN (Goods Receipt Note) is generated for material receipts	GRN required	CS-1-6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The bin cards are not updated for material movement	The best practice is to update bin cards during movement of materials	CS-1-10	Tracking of materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sometime the materials like mats are issued directly to the ground and sometime it is issued to tournament department, zones and clubs. There are no registers maintained to trace the materials.	Inventory management system needs to be implemented.  A register to track the materials movement with acknowledged by the receiver needs to be put in place.  The practice of issuing cricketing material to outsiders on a security deposit may be considered.	CS-2-3, CS-2-4, CS-2-7	Pilferage of materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The approving authority for rejection and return of the material is not clear.	Must be defined clearly	CS-4-3	Pilferage of materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Physical verification is done once a year only	More frequent physical verification of stock is required for better control	CS-6	Inventory Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





## Section 6: Engineering – Civil

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Basis of preparation of estimates is not clear	In addition to SR, the actual past experience in similar works must be considered while preparing estimates	EC-2-1	Over/under costing of projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Job descriptions are not clear amongst the existing staff	Roles and responsibilities of each person in the project life cycle to be clearly defined	EC-8-2	Accountability for the jobs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Weak project management	Engagement of a Project Management agency may be considered.  Project management training to be given to existing staff  Project management tool required to plan and manage all ongoing projects.	EC-10-1	Time/cost overrun	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
System of planning and monitoring of maintenance activities are not adequate	Annual maintenance calendar needs to be prepared for scheduled maintenance.  System of tracking AMC contracts to be put in place			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Book (Measurement Book) is maintained at H.O.	Measurements must be recorded on site in the M Book	EC-10-4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Section 7: Engineering - Electrical

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Maintenance planning system not in place	An annual scheduled maintenance calendar must be prepared and integrated with the tournament calendar							
Basis of preparation of estimates is not clear	In addition to SR, the actual past experience in similar works must be considered while preparing estimates		Over/under costing of projects			✓		
Weak project management	Project management training to be given to existing staff  Project management tool required to plan and manage all ongoing projects.		Time/cost overrun			✓		



## Section 8: Housekeeping and Security

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Planning of manpower and material requirements is weak	An annual plan integrated with the Tournament Calendar must be prepared		Non availability of resources in the required time	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Input used and basis for annual budgeting is not very clear as there are no proper MIS reports	Manpower and material requirements must be arrived based on annual plan and used for budgeting		Over/under costing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Section 11: Club House

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Delays in attending complaints	Complaint tracking and monitoring to be strengthened. Adequate maintenance staff to be deployed	CH-2-2	Reduction in occupancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Control over cash transaction with non members	Automation of cash billing	CH-8-1	Actual sales more than book sales	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## Section 13: Networking and IT

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Lack of proper maintenance planning	A system of annual scheduled maintenance planning must be established		Breakdowns		✓			
Delay in attending issues	Adequate qualified staff to be deployed	IT-2-1						
No records are maintained for activities	Suitable registers and logs need to be maintained.  A system of ticketing must be introduced							
Inadequate backup arrangements	A system of periodic backup must be put in place.  Disaster recovery system must be established		Discontinuous of operations			✓		

## Section 14: Human resources

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Most of the HR activities like interviews, salary fixation etc. are done by the respective departments itself	All the HR activities to be done by HR department	HR-1-5	Non Accountability for jobs			✓		



## Section 15: Accounts

Gaps	Suggestions	Reference - Activity Code	Inherent Risk	Risk Rating				
				1	2	3	4	5
Cash book closure procedures are not clearly defined	A system of daily closing of physical cash and tallying with cash book must be put in place	AC-5	Cash discrepancy		✓			
Lengthy bill approval cycle with duplication.	Multiple levels of approval by the FC must be avoided.  Delegation of powers to be modified to introduce approvals based on amounts	AC-15-10	Lengthy Bill Processing		✓			
Gaps in activities and documentation	'Physical verification' of cash report should be maintained'	AC-5-5						
	Ticket reconciliation daily as well as at the end of the tournament must be introduced	AC-1/AC-3						
	Fixed assets register should be maintained	AC-13-9						
	Reconciliation for major creditor account has to be prepared periodically	AC-26-1						



## RECOMMENDATIONS FOR PROCESS AUTOMATION

A common thread running across all the recommendations in the previous section is the implementation of an IT solution for automation of processes. Implementation of an integrated IT solution would ensure that a majority of the process gaps are addressed thereby improving productivity and the control environment.

The process automation recommendations across departments are summarized in this section and presented under different modules for better clarity. The desired functionality of each module is given below. These modules can be implemented independently or developed as part of an ERP implementation.

### **Membership Management Module**

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Membership Management Module will have following functionality:

- ✓ Membership application processing
- ✓ Generation of necessary forms, such as:
  - i. Membership Registration Form
  - ii. Membership Renewal Form
  - iii. Membership Transfer Form
- ✓ Automatic membership number generation
- ✓ Maintenance of members' records
- ✓ Management of demand and collection of membership fees

### **Tournament Management Module**

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Tournament Management Module will have following functionality:

- ✓ Preparation of Calendar of events (In case of any change in match schedule, it would update the schedule accordingly)
- ✓ Preparation of Calendar of Operation for a particular event
- ✓ Handling Pre event and Post event activities
- ✓ Tournament costing
- ✓ Tournament planning and budget preparation



- ✓ Maintenance of track record of Players, Umpires and Scorers
- ✓ Generation of statistical reports for Players, Umpires and Scorers

### **Logistics Management Module**

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Logistics Management Module will have following functionality:

- ✓ Preparation of Budget
- ✓ Preparation of estimate for an event
- ✓ Transport planning for local and outstation matches
- ✓ Generation of work order
- ✓ Accreditation
- ✓ Generation of necessary reports
- ✓ Integration with Tournament Module

### **Inventory Management Module**

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Inventory Management Module will have following functionality:

- ✓ Management of inventory for cricketing and non cricketing items:
  - i. Receipts of material
  - ii. Storage
  - iii. Issue of materials
  - iv. Valuation
  - v. Identification of fast, slow and non moving items
  - vi. Reorder level
- ✓ Tracking of returnable cricketing material
- ✓ Generation of various documents like Goods received Note, Gate Pass, Returnable Gate Pass, Material Rejection Note, Scrap Disposal Report, etc.



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## **Project Management Module**

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Project Management Module will have following functionality:

- ✓ Project planning and budgeting
- ✓ Preparation of project cost estimate
- ✓ Project activity scheduling and tracking
- ✓ Resource Management (Man Power and Material)
- ✓ Project Monitoring & Reporting
- ✓ e-tendering

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## **Management information system (MIS) Module**

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Management Information System (MIS) Module will have following functionality:

- ✓ Generation of necessary reports such as:
  - i. Detailed reports
  - ii. Summarized reports
  - iii. Analytical reports
- ✓ Generation reports for
  - i. Departments
  - ii. Management
- ✓ Generation of Standard reports as well as customized reports





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