

1. CIC Rules BCCI Not A "Public Authority" Under RTI Act – Polity

1. Why in News

1. Central Information Commission (CIC) ruled Board of Control for Cricket in India (BCCI) not a "public authority" under Right to Information (RTI) Act
2. Does not satisfy Section 2(h) of RTI Act
3. Functions independently without "deep and pervasive" government control
4. Highlights debate between institutional autonomy and public accountability

2. Key Observations of CIC

No Substantial Government Control

1. CIC observed BCCI functions independently
2. Without "deep and pervasive" government control over –
 1. Administration
 2. Finances
 3. Management
3. Decision-making autonomy from government interference

Not a Public Authority under RTI Act

1. Commission held BCCI does not satisfy Section 2(h) of RTI Act
2. **Section 2(h) defines "public authority" as –**
 1. Body/institution of self-government established by Constitution
 2. Established by Parliament/State Legislature laws
 3. Established by government notification
 4. Bodies owned, controlled or substantially financed by government
 5. Non-government organizations substantially financed by government
3. **BCCI fails criteria because –**
 1. Not established by Constitution
 2. Not substantially financed by government funds
 3. Not owned or controlled by government
4. Legally NOT bound to disclose information and respond to citizen RTI requests

Autonomous Private Body

1. BCCI recognized as private autonomous organization
2. Registered under Tamil Nadu Societies Registration Act, 1975
3. Private legal status despite public functions

Public Functions Do Not Automatically Invite RTI

1. CIC clarified performing public functions (like managing cricket) does not automatically make organization "public authority" under RTI framework
2. Function vs legal status distinction
3. Crucial precedent for other sports bodies and private organizations performing public functions

3. About BCCI

Establishment

1. India's national governing body for cricket
2. Affiliated with International Cricket Council (ICC)
3. Founded December 10, 1928
4. Headquartered at Wankhede Stadium, Mumbai
5. Nearly century-old institution

Organizational Structure

1. Governed by state cricket associations
2. **General Body** – Representatives from state associations
3. **Apex Council** – Office-bearers (President, Secretary, Treasurer) and player representatives

4. Federal structure with state associations having significant autonomy

Key Roles

1. Manages Indian men's, women's, junior cricket teams (all formats – Test, ODI, T20I)
2. Organizes domestic tournaments –
 1. Ranji Trophy (first-class)
 2. Vijay Hazare Trophy (50-over)
 3. Syed Mushtaq Ali Trophy (T20)
 4. Women's domestic tournaments
3. Operates commercial events –
 1. **Indian Premier League (IPL)** – World's richest cricket league; franchise-based T20; annual revenue ~USD 10+ billion
 2. **Women's Premier League (WPL)** – Launched 2023
4. Player contracts, coaching, infrastructure development

Global Influence

1. Considered wealthiest cricket board globally (revenue ~USD 3 billion annually)
2. Significantly influences –
 1. ICC scheduling and tournament calendars
 2. Broadcasting rights and revenues (ICC revenue ~70% from India market)
 3. International cricket governance and decision-making
3. "Big Three" status (with Cricket Australia, England and Wales Cricket Board) in ICC revenue model
4. IPL attracting global talent and investment

4. Judicial Precedents on BCCI Status

Zee Telefilms Ltd. v. Union of India (2005)

1. Supreme Court held BCCI not a "State" under Article 12
2. **Article 12 defines "State"** – Government and Parliament of India, state governments, local and other authorities within territory/under control of Government of India
3. Reason – Absence of deep government control
4. BCCI not subject to fundamental rights enforcement against it
5. Not amenable to writ petitions under Article 32

BCCI v. Cricket Association of Bihar (2015)

1. Court ruled although BCCI not "State", can still be subjected to writ jurisdiction under Article 226
2. **Article 226** – High Courts can issue writs for enforcement of fundamental rights and other purposes
3. Because BCCI performs public functions (selecting national team, representing India internationally)
4. Public function test for Article 226 vs deep entrenchment test for Article 12
5. Expanding judicial oversight despite private status

BCCI v. Cricket Association of Bihar (2018)

1. Supreme Court directed governance reforms
2. Implementation of Lodha Committee recommendations
3. Improve transparency and accountability
4. Reforms included –
 1. Age and tenure caps for office-bearers
 2. Cooling-off periods between tenures
 3. One state-one vote principle
 4. Disqualifications for ministers, civil servants, charge-sheeted persons
 5. Administrative reforms
5. Judicial intervention in internal governance

Thalappalam Cooperative Bank v. State of Kerala (2013)

1. Court clarified public functions alone do not make institution "public authority" (for RTI)
2. Unless substantial government financing or control exists
3. Distinguished between Article 226 jurisdiction (public functions sufficient) and RTI coverage (requires government control/financing)
4. Important precedent for CIC ruling

BCCI v. Reepak Kansal (2026)

1. Supreme Court reaffirmed BCCI's exclusive authority to represent India in international cricket administration
2. Monopoly status in cricket governance
3. No alternative body can claim national representation

5. Key Recommendations and Developments

Lodha Committee (2015)

1. Supreme Court-appointed committee (Justice R.M. Lodha, Justice Ashok Bhan, Justice R.V. Raveendran)
2. **Recommended bringing BCCI under RTI Act** - Ensure transparency and public accountability given public functions and monopoly status
3. **Cooling-off periods** - Office-bearers serve maximum 3 years, then 3-year cooling-off before re-election
4. **Fixed tenure limits** - Cumulative 9 years across BCCI and state associations
5. **Restrictions** - Ministers and government officials prohibited from holding BCCI posts (conflict of interest, separation of powers)
6. **IPL governance separation** - Separate IPL governance from regular BCCI administration reducing conflict of interest
7. **Age limits** - 70 years for office-bearers
8. **Electoral reforms** - One state-one vote, direct elections, transparent processes
9. Many recommendations implemented; RTI recommendation pending

Law Commission of India (275th Report)

1. Recommended classifying BCCI as "public authority" under RTI Act
2. **Reasoning** -
 1. Public functions (selecting national team, representing India)
 2. National representation role (monopoly over international cricket)
 3. Quasi-public nature despite private legal status
3. BCCI should remain subject to judicial review under writ jurisdiction
4. Performs functions affecting public interest
5. Transparency essential for accountability

National Sports Governance Act, 2025

1. Granted BCCI official recognition as National Sports Federation (NSF)
2. While retaining status as private autonomous body
3. **Recognition requirement** - BCCI must obtain formal recognition from government-appointed National Sports Board to operate as apex NSF for cricket
4. Bringing under regulatory framework without changing legal status
5. Balancing autonomy with oversight

RTI Exemption under 2025 Act

1. Act clarified only sports bodies receiving direct government financial assistance fall under RTI Act
2. **Thereby exempting BCCI** - Self-financed through broadcasting rights, sponsorships, IPL revenues
3. No direct government grants

4. **Despite RTI exemption** – BCCI must comply with National Sports Board recognition requirements, ethical standards (anti-doping, gender equality), safe-sports standards (preventing sexual harassment, athlete welfare)
5. Accountability through regulatory compliance rather than RTI

6. About Central Information Commission (CIC)

Establishment and Nature

1. Statutory and quasi-judicial body
2. Established under Right to Information Act, 2005
3. Adjudicate RTI-related complaints and appeals
4. Independent from executive control

Composition and Structure

1. One Chief Information Commissioner (CIC)
2. Up to ten Information Commissioners (ICs)
3. Currently operational strength varies (vacancies common)

Appointment

1. Members appointed by President of India
2. **Recommendation committee** –
 1. Prime Minister (Chairperson)
 2. Leader of Opposition in Lok Sabha
 3. Union Cabinet Minister nominated by PM
3. Ensuring multi-party representation
4. 5-year term or until 65 years age (whichever earlier)

Eligibility

1. Members must possess expertise in fields –
 1. Law
 2. Governance
 3. Journalism
 4. Science
 5. Administration
 6. Social service
2. Eminence in public life
3. Integrity and independence

Removal

1. President can remove CIC members on grounds –
 1. Proved misbehaviour
 2. Incapacity (physical/mental inability to discharge functions)
2. **After** – Supreme Court inquiry and recommendation
3. Provides security of tenure ensuring independence

Powers and Functions

1. **Hear RTI appeals** – Second appellate authority; appeals against decisions of State/Central Information Commissions or First Appellate Authorities
2. **Direct disclosure of information** – Order public authorities to provide information
3. **Impose penalties** – On erring Public Information Officers (up to ₹25,000)
4. **Monitor RTI implementation** – Review compliance, identify bottlenecks
5. **Promote transparency** – Awareness campaigns, guidelines, training programs
6. **Annual reports** – Submit to Parliament on RTI implementation

Jurisdiction

1. Central Information Commission – Central government, Union Territories

2. State Information Commissions – State governments
3. Decisions binding; enforcement through contempt proceedings if non-compliance

7. Debate – Public Authority or Private Body?

Arguments for BCCI as Public Authority (RTI Applicability)

1. **Monopoly over cricket** – Exclusive right to organize international cricket in India; no alternative body
2. **National representation** – Selects and sends teams representing India globally
3. **Public functions** – Uses public stadiums (often government-owned/supported), affects millions of citizens
4. **Indirect public funding** – Tax exemptions, government land allocations, police security during matches
5. **Transparency essential** – Given influence on national sport, public interest in governance
6. **Precedent** – Other sports bodies receiving government aid covered under RTI

Arguments Against (BCCI Position)

1. **Self-financed** – Revenue from broadcasting rights (~USD 6 billion for 2023-27 cycle), sponsorships, IPL (no direct government grants)
2. **Private legal status** – Registered under Societies Act, not created by statute/Constitution
3. **No government control** – Autonomous decision-making; government doesn't appoint office-bearers
4. **Commercial entity** – IPL franchise-based league operating on commercial principles
5. **Section 2(h) not satisfied** – Plain reading of RTI Act excludes BCCI
6. **International practice** – Many national cricket boards globally not under RTI-equivalent laws

Middle Ground Approaches

- **Selective transparency** – Voluntary disclosures on key issues (national team selection criteria, financial statements) without full RTI obligation
- **Regulatory oversight** – Through National Sports Board ensuring ethical standards, accountability
- **Judicial review** – Article 226 jurisdiction sufficient for public interest litigation
- **Statutory audit** – Independent financial audits ensuring financial transparency

8. Implications of CIC Ruling

For BCCI

1. Avoids RTI compliance burden (responding to potentially thousands of RTI applications)
2. Protects commercial confidentiality (IPL contracts, broadcasting negotiations)
3. Maintains operational flexibility
4. But still subject to National Sports Board oversight and judicial review

For Citizens

1. Reduced transparency in cricket governance
2. Limited access to information on national team selection, financial dealings, governance decisions
3. Dependence on voluntary disclosures and media leaks
4. Can still approach courts under Article 226 for egregious issues

For Sports Governance

1. Precedent for other private sports federations (football, hockey federations if self-financed)
2. Distinguishing government-funded vs self-financed bodies
3. Debate on whether monopoly over national sport justifies RTI coverage
4. Tension between commercial success and public accountability

For RTI Jurisprudence

1. Reaffirms strict interpretation of Section 2(h)
2. Public functions alone insufficient without government financing/control
3. Consistency with Thalappalam Cooperative Bank precedent
4. Limits expansive reading of RTI Act

9. Way Forward

Legislative Clarity

1. Parliament considers amending RTI Act explicitly covering monopoly sports bodies
2. Define criteria for bodies performing exclusive national representation functions
3. Balance transparency with commercial viability

Proactive Disclosures

1. BCCI voluntarily publish key information –
 1. Annual financial statements
 2. Selection criteria and processes
 3. Anti-corruption measures
 4. Governance policies
2. Building public trust without RTI compulsion

Regulatory Framework

1. Strengthen National Sports Board oversight
2. Regular audits (financial, ethical, performance)
3. Grievance redressal mechanisms for stakeholders
4. Transparency standards without RTI tag

Judicial Oversight

1. Continue Article 226 jurisdiction for public interest issues
2. PIL route for transparency/accountability concerns
3. Courts balancing autonomy with accountability

Global Best Practices

1. Study cricket boards in other countries (Cricket Australia, ECB transparency practices)
2. Adopt voluntary transparency standards
3. International cricket governance reforms

10. Conclusion

CIC ruling BCCI not "public authority" under RTI Act highlights constitutional debate between institutional autonomy and public accountability. While BCCI performs significant public functions, lacks substantial government control/financing satisfying Section 2(h). Way forward requires legislative clarity on monopoly sports bodies, BCCI proactive disclosures, strengthened National Sports Board oversight, and continued judicial review balancing commercial viability with transparency ensuring accountability.

Source - <https://www.thehindu.com/sport/cricket/bcci-not-a-public-authority-under-rti-act-cic/article70993275.ece>