



D.O.No.6(3)306/2016-LC(LS)

January 18, 2018

*Dear Madam,*

As you are aware that the Law Commission of India is engaged in working out the simplification, modernisation and reform in laws. The Supreme Court in the case of *Board of Control for Cricket in India v. Cricket Association of Bihar and others* referred the matter to the Law Commission of India, for examination of the issue of bringing of BCCI under the purview of the RTI Act, and for making suitable recommendations to the Central Government. The subject matter is under consideration of the Law Commission and no decision has been taken in this regard.

2. On 10<sup>th</sup> January, 2018, the Commission came across an article by Ms.Sana Shakil in [www.newindianexpress.com](http://www.newindianexpress.com), titled "Law Commission bowls an RTI bouncer at BCCI", which was published at 8.38AM on the website. The article has quoted from a working draft that was intended for restricted circulation among the Members of the Law Commission. Copy of the article published is enclosed. The portal has drawn inference from the preliminary working draft, prepared by the Commission for in house discussion which is yet to be held. Moreover, the article suggests as if the preliminary draft itself is a final draft. The suggestion that the Commission makes, depends on the study of facts and figures, analysis, the various legal issues and considered and decided, and not on its desire, as reported by the portal.

3. The Commission has written to Shri G.S.Vasu, Editor-in-Chief, The New Indian Express, No.29, Express Garden, 2<sup>nd</sup> Main Road, Ambattur Industrial Estate, Chennai-600058 to modify the article suitably and appropriately publish in the same portal with the required emphasis. The letter was dispatched through email (email ID: [writetous@newindianexpress.com](mailto:writetous@newindianexpress.com)), FAX (No.044-23457619) and Speed Post on 10<sup>th</sup> January, 2018 (copy enclosed). Till date, the Law Commission has



not received any response from "The New Indian-Express" taking any remedial measure.

4. May I request your good office to intervene in the matter and take appropriate action against the news agency for publishing the article without verification of facts which is a breach of the recognized ethics of journalistic propriety.

With kind regards,


Yours sincerely



(Dr. Sanjay Singh)

**Ms. Vibha Bhargava**  
Secretary  
Press Council of India  
Soochna Bhawan  
8-CGO Complex  
Lodhi Raod  
New Delhi-110003

## Law Commission bowls an RTI bouncer at BCCI

By Sana Shakil | Express News Service | Published: 10th January 2018 08:38 AM |  
Last Updated: 10th January 2018 08:38 AM | A+ A A- | 



BCCI | File Photo

NEW DELHI: The Law Commission of India wants the Board of Control for Cricket in India (BCCI)—a private body—to be available for public scrutiny and be brought under RTI just as public institutions.

The law panel, which was mandated by the Supreme Court to examine if BCCI can be brought under RTI in July 2016, is about to finalise its report, The New Indian Express has learnt.

The draft report of the commission, which was finalised this month, states, "Even if BCCI is continued to be regarded as a private body, then owing to its monopolistic character coupled with the public nature of the functions it performs and the substantial financing it has received over the years from appropriate governments, in the form of tax exemptions, land grants et al, it can, within the existing legal framework itself, be termed as a 'public authority' and be brought within the purview of the RTI Act."

The panel has also listed that between 1997-2007, the total tax exemption that BCCI got amounted to over Rs 2,100 crore. BCCI has been opposing the move, saying it is a private body and RTI applies only to government organisations or those supported financially by it.

The report states that "BCCI be viewed as an agency or instrumentality of state, under Article 12 of the Constitution." Among the reasons cited by the panel to bring BCCI under RTI is its "monopolistic" nature, which has encouraged non-accountability and corruption. Sources said that the draft report has been circulated to all Law Commission members for final consultation and will soon be submitted to the government.

The report also cites that BCCI enjoys the status of a National Sports Federation for cricket and points out that this was declared in the Lok Sabha in 2012 by then sports minister. "BCCI tinkers with the fundamental rights of a citizen pertaining to his right of speech or right of occupation and has a final say in the matter of registration of players, umpires and others connected with a very popular sport. By virtue of being the organisers of competitive cricket... BCCI is de facto legislating on sport-related activities," the report cites.

While making its recommendation, the commission has relied heavily on the CIC order of June 2017, which had recommended bringing BCCI under RTI Act. After the 2013 spot-fixing IPL scandal, the sports ministry had tried to get BCCI under National Sports Development Bill, which never saw the light of the day in Parliament. Earlier, the government made efforts to make BCCI a public institution but failed. In

December 2011, then sports minister Ajay Maken had recommended bringing BCCI under RTI. The Justice Mudgal and the Lodha panels appointed by Supreme Court in the wake of the 2013 IPL fixing scandal had said people have a right to know the details about the BCCI's functions and activities under the RTI Act.

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10 January 2018

To

Shri G S Vasu  
Editor-in-Chief  
The New Indian Express  
No.29, Express Garden  
2<sup>nd</sup> Main Road, Ambattur Industrial Estate  
Chennai – 600058  
[email: [writetous@newindianexpress.com](mailto:writetous@newindianexpress.com); Fax: 044-23457619]

**Subject:** Article titled “Law Commission bowls an RTI Bouncer at BCCI”.

Sir,

The Law Commission of India has come across an article by Ms. Sana Shakil in [www.newindianexpress.com](http://www.newindianexpress.com), titled “Law Commission bowls an RTI bouncer at BCCI”, published today at 08.38 am. The article has quoted from a document that was intended for restricted circulation among the Members of the Law Commission of India. The article states that the Law Commission ‘wants’ the BCCI - ‘a private body’ “to be available for public scrutiny and be brought under RTI just as public institutions.” The portal has drawn inference from a preliminary draft, prepared by the Commission for in house discussion which is yet to be held. The article suggests as if the preliminary draft itself is a final draft. The draft could even be taken to the stakeholders by the Commission, for inviting their views on the same.

The suggestions that the Commission make, depend on the study of facts and figures, the various legal issues are considered and decided, and not on its desire, as reported by the portal. Further, the document is only a working draft and the Commission is yet to discuss and take a view on it. Drawing any conclusion from a working draft and publishing an article on that basis, may not be appreciated in the spirit of constructive journalism. For, this can lead to unhealthy debates on the matter, which could prejudice the final recommendations of the Commission. As such, the article has been published without verifying the facts and status, and very often such things create confusion in the minds of the general public.

Contd../-

In view of the above, you are requested to modify the article suitably and the modification should be appropriately published in the same portal with the required emphasis. Whenever the Commission feels to bring a particular issue under its consideration, or its findings, before the media, the Commission does so.

Yours sincerely,

*Sanjay Singh*  
10/11/18

[Dr. Sanjay Singh]