[2017] 1 S.C.R. 525

BOARD OF CONTROL FOR CRICKET IN INDIA

v.

CRICKET ASSOCIATION OF BIHAR & ORS.

(Civil Appeal No. 4235 of 2014)

JANUARY 02, 2017

**[T. S. THAKUR, CJI, A. M. KHANWILKAR AND DR. D. Y. CHANDRACHUD, JJ.]**

*BCCI matter:*

*Contempt of court – Recommendations of the Lodha Committee – Affirmed by this Court in the final judgment and order dated 18.06.2016 – However, failure of BCCI to comply with the judgment and order of this Court, despite sufficient time given - Request by President of BCCI (Mr. Anurag Thakur) to the President of ICC for issuance of letter in his capacity as ICC Chairman that the appointment of CAG nominee would amount to Governmental interference and would invoke suspension from ICC – Held: Conduct of the President of BCCI in seeking a letter from the President in ICC after the final judgment of this Court was an attempt on the part of the head of BCCI to evade complying with the order of this Court – There was absolutely no occasion for the President, BCCI to solicit any such clarification from the Chairperson of ICC in the teeth of the judgment delivered by this Court – Mr. Thakur by his actions and conduct rendered himself unfit for continuance as President of BCCI – He obstructed and impeded order of this Court dated 18.07.2016 – He is to be proceeded with for contempt of court – Show cause notice issued to him for giving false statement – All the office bearers of BCCI and of its affiliated State Associations who failed to meet the norms recommended by the Committee and accepted by this Court, to demit and cease to hold office – President of BCCI and Secretary, BCCI to cease and desist from being associated with the working of BCCI – Senior most Vice-President of BCCI to perform the duties of the President, BCCI and the Joint Secretary to perform the duties of Secretary – Committee of administrators to supervise the administration of BCCI through its Chief Executive Officer – Proceedings to be listed for pronouncement of directions in regard to the names of the*

A *administrators – Code of Criminal Procedure, 1973 – s.195 r/w s.340 – Contempt of Courts Act, 1971.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4235 OF 2014.

From the Judgment and Order dated 30.07.2013 of the High Court
B of Judicature at Bombay in PIL No. 55 of 2013.

WITH

Civil Appeal Nos. 4236 OF 2014 and 1155 of 2015

Maninder Singh, ASG, Gopal Subramanium, (AC), Kapil Sibal,
C Arbind Dattar, Pramod Swarup, Sr. Advs., Santosh Krishnan, Ankur Kashyap, Raghav Chadha, Pavan Bhushan, Ms. Radha Rangaswamy, Ms. Ranjeeta Rohatgi, Abhinav Mukerji, Ameet Singh, Ms. Pareena Swarup, Praveen Swarup, Ms. Sushma Verma, Sahil, V.K. Biju, Ms. Ria Sachthey, Amit A. Pai, Senthil Jagadeesan, Nirnimesh Dube, Vikas
D Mehta, M. Yogesh Kanna, Ms. Nithya, Ravindra Bana, R. Balasubramanian, Prabhas Bajaj, Akshay Amritanshu, Ms. Aarti Sharma, Ananya Mishra, Raj Bahadur, M.K. Maroria, Amol Chitale, Ms. Pragya Baghel, Ms. Samten Doma, Nirnimesh Dube, Gagan Gupta, Ms. Rashmi Singh, Ms. Manju Sharma, Venkita Subramoniam T. R., Gaurav Sharma, A.S. Bhasme, Ms. Sonia Mathur, Mrs. Lalita Kaushik,
E Shree Pal Singh, E.C. Agrawala, Raghavendra S. Srivatsa, Anish R. Shah, Mukesh Kumar Maroria, Chirag M. Shroff, Shreekant N. Terdal, Praveen Swarup, Ms. Liz Mathew, Anshuman Ashok, Ms. Kamakshi S. Mehlwal, Advs. for the appearing parties.

The following Order of the Court was delivered

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**ORDER**

1. This proceeding is a sequel to the order and directions issued on 21 October 2016. In the previous order of this Court, the status report submitted by the three member Committee (consisting of Justice R M
G Lodha, Justice Ashok Bhan and Justice R V Raveendran) was taken up for consideration.

2. The Committee was tasked with overseeing the implementation of the judgment and order of this Court dated 18 July 2016. The judgment of this Court has attained finality. Review and Curative petitions have also been dismissed. By its judgment, this Court has accepted the

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recommendations made by the Committee in a report dated 18 December 2015 providing for reforms in the structure, organization and working of BCCI. Such an exercise is necessary in order to make the functioning of BCCI transparent, objective and accountable to the trust with which it is impressed, as a body which presides over the affairs of a sport which has millions of followers. This Court had by its judgment expressed the hope that the process of implementing its directions would be completed within a period of four months or, at best, six months. The status report submitted by the Committee recorded that the directions of this Court were ignored, actions were taken by BCCI to present a *fait accompli* to the Committee and the directives issued by the Committee were breached. The Committee observed that BCCI has repeatedly taken steps to undermine its authority and this Court with several statements and actions which "are grossly out of order and would even constitute contempt".

3. On 7 October 2016, while taking note of the status report submitted by the Committee, this Court recorded the following *prima facie* findings :

> "... The sequence of events.. since 18th July, 2016 and referred to in the status report prima facie give an impression that BCCI has far from lending its fullest cooperation to the Committee adopted an obstructionist and at times a defiant attitude which the Committee has taken note of and described as an impediment undermining not only the Committee but even the dignity of this Court with several statements and actions which according to the Committee are grossly out of order and may even constitute contempt".

4. On 7 October 2016, this Court took note of the fact that despite the directions which the Committee issued on 21 August 2016 that the AGM of BCCI may transact only routine business for 2015-2016 and that any business or matter for 2016-2017 may be dealt with only after the adoption of the Memorandum of Association and rules in pursuance of the recommendations of the Committee, substantial amounts running into crores of rupees were disbursed in favour of State Associations. BCCI had informed the court that one of the reasons for its failure to adopt the proposed MoA was the reluctance of its State Associations to subscribe to it. In this background, the court was constrained to issue directions *inter alia* to the effect that no further amounts shall be

A disbursed to the State Associations except to those associations which undertake the reforms suggested by the Committee and accepted by the court.

5. Another issue which was of concern was the conduct of the President of BCCI (Mr Anurag Thakur) who, the Committee recorded
B as having asked the CEO of ICC to state that the Committee appointed by this Court amounted to 'governmental interference'. It may be noted here that in an interview to the electronic media, the CEO of ICC stated that the President of BCCI sought a letter from ICC that the appointment of a nominee of CAG (as directed by this Court on 18 July 2016 in terms
C of the recommendations of the Committee) would amount to 'governmental interference' inviting the suspension of BCCI from the membership of ICC. By its order dated 7 October 2016, the President of BCCI was directed to file a personal affidavit clarifying the position.

6. There were two versions before this Court in regard to what had transpired between the President of BCCI and Mr Shashank
D Manohar, President of ICC at a meeting that was held at Dubai on 6 and 7 August 2016 during an ICC Governance Review Committee meeting. Mr. Ratnakar Shivaram Shetty, General Manager of Admin and Game Development, BCCI had in his response stated as follows :

E **"It appears that an interview was given by Mr. David Richardson the ICC CEO falsely stating that the BCCI President had requested the ICC to issue a letter stating that the intervention by this Hon'ble Court amounted to Governmental interference. It is submitted that no such letter or oral request was ever made to the said gentleman**
F **either by the BCCI President or any office bearer of the BCCI.** It is apparent that Mr. Richardson has confused himself in relation to the issue. This issue is required to be considered in the light of the fact that Mr. Shashank Manohar Senior Advocate had clearly opined as the BCCI President that appointment of the CAG in the BCCI shall result in suspension of the BCCI as it
G would constitute governmental interference. In fact the same had been submitted on affidavit before this Hon'ble Court. However, as Chairman of the ICC, Mr. Manohar had taken a contrary stand and stated that it would not amount to governmental interference. **It was in this context that a discussion took**
H **place between Mr. Shashank Manohar and Mr. Anurag**

**Thakur during a meeting in Dubai wherein a clarification as sought by Mr. Anurag Thakur during an informal discussion on what the exact status would be if the CAG was inducted by the BCCI as part of its management and whether it would amount to governmental interference as had been advised and affirmed by Mr. Manohar during his stint as BCCI President."** (emphasis supplied)

Paragraph 7(d) of the response contains a statement that :

**"It is being incorrectly alleged that the President BCCI made a request to the ICC to issue a letter stating that this Committee amounts to Governmental interference. This suggestion is denied".** (emphasis supplied)

On the other hand, the President of BCCI in his response (filed pursuant to the directions of this Court) stated as follows :

"In this context it is respectfully submitted that there was an ICC governance review committee meeting scheduled to be held in Dubai on 6th& 7th August 2016. There were certain issues relating to financial model for which my inputs were required and as such I was invited by ICC for the said meeting. During the meeting with regard to the review of the constitutional provisions of ICC, I pointed out to the Chairman of the ICC, Mr. Shashank Manohar that when he was the President of BCCI he had taken a view that the recommendations of the Justice Lodha committee appointing the nominee of the CAG on the Apex Council would amount to governmental interference and might invoke an action of suspension from ICC. **I therefore requested him that he being the ICC Chairman can a letter be issued clarifying the position which he had taken as BCCI President.** Mr. Manohar explained to me at the meeting that when the stand was taken by him, the matter was pending before this Hon'ble Court and had not been decided. However, on 18.07.2016 this Hon'ble Court delivered its judgment in the matter. In the said judgment, this Hon'ble Court has rejected the submission that the appointment of the nominee of CAG on Apex council would amount to Governmental interference and had also held that the ICC would appreciate the appointment as it would bring transparency in the finances of the Board." (emphasis supplied)

A 7. In the response filed by Mr Shetty on behalf of BCCI there was a specific denial that its President had requested ICC to issue a letter stating that the Committee amounted to governmental interference. On the other hand, in the affidavit which the President of BCCI filed in pursuance of the directions of this Court dated 7 October 2016 he accepted having made a request to the Chairman of ICC for issuing a B letter "clarifying the position which he had taken as BCCI President" (that the recommendation of the Committee for appointment of a CAG nominee would amount to governmental interference and may lead to a suspension of BCCI from ICC membership). Mr Shetty had not disclosed that there was any such request for a letter made by the President of C BCCI whereas according to the latter he had made such a request. Mr Shetty in fact denied that any request for a letter was made to the ICC President by Mr Anurag Thakur.

8. This Court by its order dated 21 October 2016 observed as follows:

D "10. Be that as it may, it is a matter of serious concern that the President of BCCI, even after the declaration of the final judgment and order of this Court dated 18 July 2016, requested the Chairperson of ICC for a letter "clarifying" (as he states) the position which he had taken as BCCI President to the effect that E the induction of a CAG nominee would amount to governmental interference and may result in BCCI being suspended from ICC. There was no occasion for the President of BCCI to do so once the recommendation of the Committee for the induction of a CAG nominee was accepted in the final judgment of this Court. In the judgment of this Court dated 18 May 2016, this Court observed as F follows :

"77. There is, in our view, no basis for the argument that any measure taken by the BCCI on its own or under the direction of a competent court specially when aimed at streamlining its working and ensuring financial discipline, transparency and accountability G expected of an organization discharging public functions such as BCCI may be seen as governmental interference calling for suspension/derecognition of the BCCI. Far from finding fault with presence of a nominee of the Accountant General of the State and C&AG, the ICC would in our opinion appreciate any such step for the same would prevent misgivings about the working of H

the BCCI especially in relation to management of its funds and bring transparency and objectivity necessary to inspire public confidence in the fairness and the effective management of the affairs of the BCCI and the State Associations. The nominees recommended by the Committee would act as conscience keepers of the State Association and BCCI in financial matters and matters related or incidental thereto which will in no way adversely impact the performance or working of the BCCI for the promotion and development of the game of cricket. The criticism leveled against the recommendations of the Committee is, therefore, unfounded and accordingly rejected".

11 This finding which is contained in the final judgment and order of this Court binds BCCI. *Prima facie*, an effort has been made by the President of BCCI to create a record in order to question the legitimacy of the recommendation of the Committee for the appointment of a CAG nominee after the recommendation was accepted by this Court on 18 July 2016. We presently defer further consideration of the action to be taken with reference to his conduct. Mr. Shetty in his response to the status report claims that the CEO of ICC had "falsely" stated in his interview that the President of BCCI had requested ICC to issue a letter stating that the intervention of this Court amounted to governmental interference. The version of Mr. Shetty is at variance to what is alleged to have been stated by the CEO of ICC. It may also become necessary for this Court to assess the veracity of the version of Mr. Shetty and that of Mr. Richardson. Mr. Shashank Manohar, the then President of BCCI is presently the Chairman of ICC. A copy of this order shall be forwarded to him by the Secretary to the Committee in order to enable him to consider filing a response setting out his version, to set the record straight and assist this Court. Mr. Manohar is at liberty to obtain a report from Mr. Richardson before filing his response."

In pursuance of the directions issued by this Court on 21 October 2016, a response received by Mr Shashank Manohar, President of ICC has been placed before this Court by the Amicus Curiae.

9. After reviewing whether due and adequate steps were taken by BCCI to implement the final judgment of this Court, this Court in its order dated 21 October 2016 recorded the following findings :

A "15. For the reasons which have weighed with us in the earlier order of this Court dated 7 October 2016 and for those which we have adduced above, we are inclined to take a serious view of the conduct of BCCI in the present case. Despite the *prima facie* findings which were arrived at in the previous order, the further hearing was deferred. **There has been no change in the** B **position of BCCI. The intransigence continues.** If BCCI had any difficulties about adhering to the timelines laid down by the Committee, the appropriate course would have been to move the Committee. Even the grievance which was urged during this proceeding by BCCI, that some of the directions of the Committee C have travelled beyond the parameters set by this Court can and ought to be urged before the Committee in the first instance." (emphasis supplied)

10. A statement was made on behalf of the BCCI by learned Senior Counsel that BCCI would establish its *bonafides* before the D Committee by establishing the compliance made of those of its recommendations which are stated to have been fulfilled. Accordingly, in order to furnish BCCI with an opportunity to demonstrate its compliance with the directions of this Court, we desisted from issuing a direction at that stage for the appointment of administrators (as sought by the E Committee) in the hope that BCCI would comply with the judgment and order of this Court in the meantime. While doing so, this Court observed that :

"19....**We have presently come to the conclusion that, *prima facie*, there is substance in the status report submitted by the Committee. Implementation of the final judgment of** F **this Court dated 18 July 2016 has *prima facie* been impeded by the intransigence of BCCI and its office bearers. However, having due regard to the submission made on behalf of BCCI that it would make every genuine effort to persuade the state associations to secure compliance with** G **the judgment of this Court, and having regard to the larger interests of the game of cricket, we are desisting from issuing a direction <u>at this stage</u>** in terms of the request made by the Committee for appointment of administrators so as to enable BCCI to demonstrate its good faith and the steps taken for compliance both before the Committee in the first instance and H before this Court by the next date of hearing." (emphasis supplied)

11. In pursuance of the previous directions issued by this Court, on 21 October 2016, the Committee filed another status report on 7 November 2016 on which orders were passed by this Court on 8 November 2016. The Committee has filed another status report on 14 November 2016 seeking the following directions :

(i) That all office bearers of BCCI and State Associations who stand disqualified by virtue of the norms contained in its report dated 4 October 2016 and accepted by this Court must cease to hold office forthwith;

(ii) All administrative and management matters be carried out by the CEO of BCCI without advertence to the office bearers; and

(iii) Appointment of anamed observer to supervise the administration of BCCI by the CEO.

The Committee has suggested that its own role may be confined to overall policy and direction and not the actual administration of BCCI.

12.The President of BCCI has filed an affidavit in these proceedings on 3 December 2016. The affidavit states that neither the President nor the Secretary of BCCI command voting rights in the meetings of the Working Committee. The affidavit states in the following terms that the State Associations have declined to accept the recommendations made by the Committee and accepted by this Court :

> "Accordingly the Hon Secretary convened the said meeting referred to above of the General Body of the BCCI for the 30.9.2016....
>
> The meeting resumed the next day i.e. on 1.10.2016....
>
> I further state that I as Hon. President do not have a vote when I sit in the general body meeting neither does the Hon. Secretary....
>
> **I further state that I as a Hon. President am in no position to force members to adopt the full memorandum as recommended,** even though armed with an order of this Hon'ble Court, as the members are of the opinion that as per the provisions of the Tamil Nadu Societies Registration Act, 1975 under which the BCCI is registered, they can amend their memorandum only when three fourths of the members present and entitled to vote, accept the changes to the memorandum.

A (g) Has been charged by a Court of Law for having committed any criminal offence."

18. The Committee has in its status report dated 14 November 2016 drawn the attention of the court to the fact that several office bearers both of BCCI and the State Associations continue to hold posts B although they stand disqualified in terms of the above norms which have been accepted by this Court. Persons who have a vested interest in continuing in their positions inspite of the norms noted above have ensured that the writ of the court is obstructed and impeded. We need to emphasise that the turf of the cricket field is not a personal turf or fiefdom. We must hence order and direct that no person shall hereafter continue to C be or be entitled for appointment as office bearer of BCCI or a State Association in breach of the above norms. All existing office bearers of BCCI and of the State Associations who do not fulfill the above norms shall with effect from the date of this Order stand disqualified.

19. That leads the court to the issue of the conduct of Shri Anurag D Thakur, President of BCCI. By the final judgment and order of this Court dated 18 July 2016, the plea that the appointment of a nominee of CAG would amount to governmental interference with the affairs of BCCI was specifically negatived. By its judgment, this Court had observed as follows:

E "77. There is, in our view, no basis for the argument that any measure taken by the BCCI on its own or under the direction of a competent court specially when aimed at streamlining its working and ensuring financial discipline, transparency and accountability expected of an organization discharging public functions such as F BCCI may be seen as governmental interference calling for suspension/derecognition of the BCCI. Far from finding fault with presence of a nominee of the Accountant General of the State and C&AG, the ICC would in our opinion appreciate any such step for the same would prevent misgivings about the working of the BCCI especially in relation to management of its funds and G bring transparency and objectivity necessary to inspire public confidence in the fairness and the effective management of the affairs of the BCCI and the State Associations. The nominees recommended by the Committee would act as conscience keepers of the State Association and BCCI in financial matters and matters H related or incidental thereto which will in no way adversely impact

the performance or working of the BCCI for the promotion and development of the game of cricket. The criticism leveled against the recommendations of the Committee is, therefore, unfounded and accordingly rejected."

20. Once this position had been laid down by the court, there was no occasion for the President of BCCI at the ICC Governance Review Committee Meeting held at Dubai on 6 and 7 August 2016 to solicit a letter from the Chairperson of ICC. Such a solicitation was but an effort to thwart the implementation of the orders of the court. An attempt was made to build up a record to indicate that implementing the orders of the Supreme Court of India would run the risk of endangering the status of BCCI as a member of ICC. In pursuance of the Order of this Court, Mr. Shashank Manohar (President – ICC) has in an email dated 2 November 2016 addressed to the Committee made the following disclosure:

"I would like to state that there was a meting of the Working Group of the ICC held at Dubai on the 6th August, 2016 to consider the ICCs Governance and Financial Structure. At the meeting, apart from myself and Mr Anurag Thakur, Mr Giles Clarke, Mr David Peever and Mr Imran Khwaja, who are all Directors of ICC were present. The ICC CEO, Mr David Richardson and ICC COO Mr. Lain Higgins were also present..

**During the meeting Mr Thakur pointed out to me that when I was the President of BCCI a submission was advanced before the Supreme Court at my behest that the appointment of a nominee of the CAG on the Apex Council might amount to Governmental interference and would invoke an action of suspension from the ICC. He therefore requested me to issue a letter to that effect in my capacity as ICC Chairman..**

I declined to issue such a letter and explained to him that the said submission was advanced before the Hon Supreme Court when the court was hearing the matter. However, on 18-7-2016 the Hon SC delivered its judgment in the matter and rejected the submission that the appointment of a nominee of the CAG would amount to governmental interference. The Hon SC further held that the appointment of the CAG nominee on the Apex Council either made by the BCCI on its own or under the orders of a competent court aimed at bringing financial discipline and

A transparency cannot be seen as governmental interference calling for suspension of the BCCI by the ICC.

The Hon SC further held that the ICC would appreciate the appointment of such a nominee as the same would bring transparency in the finances of the Board..

B I therefore explained to Mr Thakur that the issue having been decided by the Hon Supreme Court of India, which is the highest court of the country and whose judgment binds everybody, I cannot give him any such letter." (emphasis supplied)

21.The response by Mr Shashank Manohar indicates that the C President of BCCI requested him on 6 August 2016 to issue a letter in his capacity as ICC Chairman in terms of the position that he had adopted as the President of BCCI ("that the appointment of a CAG nominee would amount to governmental interference and would invoke an action of suspension from ICC"). The conduct of the President of BCCI in D seeking a letter from the President of ICC in August 2016, after the final judgment and Order of this Court, is nothing but an attempt on the part of the head of BCCI to evade complying, with the Order of this Court. That he sought a letter is clear even from the affidavit of Mr Thakur dated 15 October 2016 (though he states that he had requested the ICC Chairman to clarify the position which he had taken as BCCI President). E Even going by that version, we are constrained to note that there was absolutely no occasion for the President of BCCI to solicit any such clarification from the Chairperson of ICC in the teeth of the judgment that was delivered by this Court. Moreover, we find adequate reasons to doubt the veracity of the explanation which has been tendered by Mr F Thakur about the sequence of events. It must be noted that in the response which was filed by Mr Ratnakar Shivaram Shetty to the status report of the Committee there was a reference to a discussion which took place between Mr Manohar and Mr Thakur in Dubai and to a clarification sought by the latter on what "the exact status would be" if a CAG nominee was inducted by BCCI. Mr. Shetty specifically denied that Mr G Thakur had requested the ICC Chairperson to issue a letter. Mr Shetty's response was based on records. This reference to some "clarification" was evidently not on the basis of the minutes of the purported meeting of BCCI Working Committee held on 22 August 2016 which were placed on record by learned Senior Counsel for BCCI during the course of the

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hearing prior to the Order of this Court dated 21 October 2016. If those minutes were before Mr Shetty, he would have made a disclosure in their terms. The purported minutes read as follows :

> "Mr. Anurag Thakur was in the Chair and called the meeting to order and welcomed the members. He briefed the members about his meeting with the ICC Chairman at Dubai during the ICC governance review committee meeting on 6th & 7th August 2016. Certain financial mode inputs were required during the said meeting which he gave. During the meeting with regard to the review of the constitutional provisions of ICC it was informed by Mr. Thakur that he asked Chairman ICC Mr. Shashank Manohar that when he was the President of BCCI he had taken a view that the recommendations of Justice Lodha committee appointing the nominee of the CAG on the Apex Council would amount to governmental interference and might invoke an action of suspension from ICC. **It was therefore requested from him that he being the ICC Chairman could a letter be issued clarifying the position which he had taken as BCCI President.** Mr. Manohar thereafter explained that when the stand was taken by him the matter was pending before the Supreme Court and was not decided. However on 18th of July 2016 the Hon. Supreme Court of India delivered its judgment and the Court has rejected the submission that the appointment of the nominee of CAG on Apex council will amount to Governmental interference and had also held that the ICC would appreciate the appointment as it would bring transparency in the finances of the Board. The discussion stopped in view of his explanation on this issue". (emphasis supplied)

22. *Prima facie* it would appear that these minutes had not seen the light of the day when the response by Mr Shetty to the status report of the Committee was filed, and have been fabricated subsequently to lend credence to the version of Mr Thakur. The statement that Mr Manohar was requested to clarify the position which he had taken as BCCI President is falsified by Mr Manohar's disclosure that he was asked to give a letter in his capacity as ICC Chairman. The version of Mr Thakur that he had requested Mr Manohar that "he being ICC Chairman can a letter be issued clarifying the position" which he had taken as BCCI President is belied by the disclosure which has been

A made by Mr Shashank Manohar. Mr Manohar' s response dated 2 November 2016 clearly indicates that during the course of the meeting at Dubai on 6 August 2016, Mr Thakur requested him to issue a letter in his capacity as ICC Chairperson that the appointment of a nominee of CAG in BCCI might amount to governmental interference, leading to
B action of suspension from ICC. *Prima facie*, it emerges from the record that Mr Thakur did seek such a letter from the ICC Chairperson as stated by Mr Manohar. The disclosure which Mr Thakur has made in his affidavit dated 15 October 2016 is *prima facie* false to his knowledge. *Prima facie*, we also find that the minutes of the meeting of the Working Committee of BCCI which were produced before this Court have been
C made up to lend support to the version of Mr Thakur.

23. We accordingly have arrived at the conclusion that Mr Thakur has by his actions and conduct rendered himself unfit for continuance as President of BCCI, for the following reasons :

Firstly, he has obstructed and impeded the implementation of the directions
D contained in the judgment and order of this Court dated 18 July 2016. His own version is that he has been "rendered totally incapable and without any authority" to compel the members to comply with the orders of this Court. This is indicative of his having washed his hands off a duty and obligation to ensure compliance.

E Secondly, we are *prima facie* of the view that Mr Thakur is liable to be proceeded with for contempt of court for having obstructed and impeded the orders of this Court.

Thirdly, *prima facie* we are of the view that Mr Thakur has made statements on affidavit before this Court which are false to his knowledge.
F A notice to show cause should be issued to Mr Thakur why he should not be proceeded with under Section 195 read with Section 340 of the Code of Criminal Procedure, 1973 for having made false statements before this Court.

24. In determining the modalities to be followed, we have drawn
G sustenance from an order dated 28 March 2014 passed by a Bench of two learned Judges of this Court consisting of Hon'ble Mr Justice A K Patnaik and Hon'ble Mr Justice F M I Kalifulla. In view of the circumstances which had then arisen resulting in the President of BCCI being unable to perform his duties, this Court appointed a distinguished
H cricket sportsperson, as an interim measure, to exercise the powers of

the President in relation to IPL 2014. With regard to all other matters, the senior most Vice-President of BCCI was under the orders of the Court permitted to discharge the functions of the President, BCCI.

25. For the above reasons, we order and direct as follows:

(i) All the office bearers of BCCI and of its affiliated State Associations who fail to meet the norms recommended by the Committee and accepted by this Court, shall forthwith demit and cease to hold office namely:

"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;

(g) Has been charged by a Court of Law for having committed any criminal offence."

(ii) Shri Anurag Thakur, President of BCCI and Shri Ajay Shirke, Secretary, BCCI shall forthwith cease and desist from being associated with the working of BCCI;

(iii) A notice to show cause shall issue to Mr Anurag Thakur to explain why he should not be proceeded against under the provisions of Section 195 read with Section 340 of the Code of Criminal Procedure, 1973;

(iv) A notice to show cause shall issue to Mr Anurag Thakur to explain why he should not be proceeded with under the Contempt of Courts Act, 1971;

(v) A Committee of administrators shall supervise the administration of BCCI through its Chief Executive Officer;

(vi) This Court shall by a separate order nominate the persons

who shall form part of the Committee of administrators. In order to enable the Court to have the benefit of objective assistance in making the nominations, we request Mr Fali S Nariman, learned Senior Counsel and Mr Gopal Subramaniam, the learned Amicus Curiae to assist the Court by suggesting names of persons with integrity and experience in managing a similar enterprise. We request the learned Counsel appearing on behalf of the parties to also place their suggestions before the Court so as to facilitate a considered decision;

(vii)In addition to the function assigned in (v) above, the Committee of administrators shall also ensure that the directions contained in the judgment of this Court dated 18 July 2016 (which accepted the report of the Committee with modifications) are fulfilled and to adopt all necessary and consequential steps for that purpose;

(viii)In view of the directions contained in (ii) above, the senior most Vice-President of BCCI shall perform the duties of the President, BCCI and the Joint Secretary shall perform the duties of Secretary. Those of the office bearers of BCCI who are not disqualified in terms of clause (i) above (other than the President and Secretary) may continue subject to their filing an unconditional undertaking before this Court within four weeks of the date of this order to abide by and implement the directions contained in the judgment dated 18 July 2016. Upon the Committee of administrators as nominated by this Court assuming charge, the existing office bearers shall function subject to the supervision and control of the Committee of administrators. The Committee of administrators would have the power to issue all appropriate directions to facilitate due supervision and control; and

(ix)The remuneration payable to the members of the Committee of Administrators shall be fixed in consultation with the Committee consisting of Mr Justice R M Lodha, Mr Justice Ashok Bhan and Mr Justice R V Raveendran.The role of the Justice R M Lodha Committee shall hereafter be confined to overall policy and direction on such matters as may be referred by this Court.

(x) We would request the leaned Senior Counsel and the learned Amicus Curiae to endeavour to submit their suggestions to this Court within two weeks. The proceedings shall be listed before this Court on 19 January 2017 for pronouncement of directions in regard to the names of the administrators. A

26. There shall accordingly be an order in these terms. B

Nidhi Jain Directions issued.