

Subject: REGARDING DIRECTIONS ISSUED YESTERDAY
Date: Friday, 16 March 2018 at 5:23:40 PM India Standard Time
From: Amitabh Choudhary
To: Committee of Administrators
CC: CK Khanna, Anirudh Chaudhry, Rahul Johri

March 16, 2018.

**To,
The Committee of Administrators
Board of Control for Cricket in India.**

Subject: Your directions dated 15.03.2018

Respected Sir/Madam,

First of all let me most humbly record my gratitude to the Committee for having issued a fresh list of directives on March 15, 2018. Your effort to reproduce excerpts of the Hon'ble Apex Court's orders therein purportedly dealing with your appointment and role is specially praiseworthy as is the re-narration of some your directives issued last year.

As my humble mind understands, the orders dated 02.01.2017 and 30.01.2017 had two parts: a) Expeditious implementation of the Hon'ble Supreme Court judgment of July 18, 2016, and, b) supervision of management and administration of the BCCI. The spirit of the orders clearly is that the latter role had been assigned to facilitate the execution of the primary role of implementation of reforms. However, despite my best efforts I have still not been able to find in these orders, the two cardinal aspects that the CoA has been giving effect to since your very first day in office, namely, that i) No office bearers exist ii) CoA will supplant and replace the office bearers and assume their powers and functions. Doubtlessly, the undersigned will remain ever grateful to the Committee for showing under what lawful authority has it been giving effect to the two aspects referred to above.

While nominating the persons who would constitute the Committee of Administrators for the supervision of BCCI, the Hon'ble Court vide the same order dated 30.01.2017 noted as under:

'9. Be it noted, on the last occasion, it was submitted by Mr. Datar that B.C.C.I. has to send a nominee to attend the meeting of ICC which is likely to be held in the first week of February, 2017. For the aforesaid purpose, names have been suggested by Mr. Datar. Considering the names suggested by Mr. Datar, we are of the opinion that three persons, one from the Committee of Administrators and two from the B.C.C.I. shall attend the ICC meeting so that there will be objectivity and transparency. For the aforesaid purpose, we nominate, Mr. Amitabh Choudhary, Joint Secretary, and Mr. Anirudh Chaudhry, Treasurer, B.C.C.I. and Mr. Vikram Limaye, Managing

Director and CEO, IDFC Ltd. Needless to say, B.C.C.I. shall make all arrangements for and bear the expenses of the same. It is further clarified that these persons have been nominated to attend the ICC meeting only for this time.'

However, the very first act of the Committee of Administrators who assumed charge on 31.01.2017 was to show complete disregard to the above order within 24 hours of its pronouncement. In complete violation of the said order the Committee of Administrators, acting through the CEO of BCCI, communicated with the ICC via e-mail on 31.07.2017 as under:-

'Dear David,

The Committee of Administrators appointed by the Hon'ble Supreme Court to administer the BCCI met in Mumbai today under the Chief of the Committee, Mr. Vinod Rai.

The Committee has informed me to communicate the following requests to the ICC:

1. Mr. Vikram Limaye has been nominated by the Hon'ble Supreme Court of India to attend the ICC Board meetings on behalf of the BCCI.

The Committee has also requested that since this is Mr. Limaye's first outing with the BCCI, the ICC may kindly allow one additional person from the BCCI in the meeting who could sit in as the Observer and assist Mr. Limaye.

2. F&CA Meeting: The BCCI has been represented in the F&CA Committee by Shri. Anurag Thakur in his capacity as Chairman of the Development Committee. The Hon'ble Supreme Court appointed Committee has requested that the ICC allow Mr. Vikram Limaye attend the meeting.

3. Chief Executives' Committee: The Committee of Administrators has recommended that Mr. Rahul Johri, CEO BCCI participate in the CEC.

This is for your information and the necessary confirmation.

Regards, Rahul.'

It is evident from the order itself that the Hon'ble Court had given no liberty to the committee to modify the order and upon being informed about the violation by Mr. Kapil Sibal on 01.02.2017, the Hon'ble Court observed that their order was very clear and the Hon'ble Court stopped at that only on account of the assurance from the learned Amicus that all the three persons nominated by the Hon'ble Court will represent the BCCI in the ICC.

It is strange that while you keep referring to the order dated 30.01.2017 so often, you have failed to notice that even in the said order, the Hon'ble Court had made a clear distinction between the COA and the BCCI being aware that the CoA had a very limited and defined role whereas the BCCI as an institution had to continue to function through its office bearers. This was further confirmation of the original view of the court that the BCCI must continue to function and had therefore it had been careful to nominate its acting president and acting secretary after removing its President and Secretary in its January 2nd order.

As if the above was not enough, you chose to write directly to the CEO of ICC on 01.02.2017 incorrectly representing the Hon'ble Court's orders in the following words:

“As a consequence of these two orders, the Committee of Administrators is in charge of the management and administration of the BCCI and duly empowered by the Hon'ble Supreme Court of India to take decisions for and on behalf of the BCCI. Accordingly, I have consulted with the other members of the Committee of Administrators and am addressing this email to you for and behalf of the BCCI.”

Even subsequently, when the office bearers were already abiding by the orders of the Hon'ble Court, again for reasons best known to you, your mission to prevent the office bearers from functioning persisted even going to the extent of issuing directives on 19.02.2017 with this aberrant reasoning:

“In the aforesaid circumstances, there is a risk that in the event the aforementioned persons continue to function and the Supreme Court subsequently rules that (i) the aforementioned persons (or any of them) are disqualified in terms of the various orders passed by Supreme Court; or (ii) the undertakings filed by the aforementioned persons (or any of them) are not in accordance with the Supreme Court's order dated 2nd January 2017, the exercise of the said functions may be called into question and any act performed on the basis thereof may be rendered null and void.”

It is significant that while you have chosen to reproduce some of your earlier directives the above directive does not find place therein. If the same reasoning were to be taken further then the only corollary was that in the event of your interpretation of the Court's order being proven wrong, as they were on March 24, all your acts in the interregnum will be called into question. Was any exercise undertaken to annul all actions between January 30 and March 24, 2017.

Despite the above, in your effort to undermine the role of the office bearers you went to the extent of reading “uncertainties and ambiguities” in the orders regarding the roles of the office bearers in the functioning of the BCCI and in the

garb of the so called ambiguities, which in fact never existed, stopped the undersigned from discharging the duties of the Honorary Secretary of the BCCI in teeth of orders of this Hon'ble Court and empowered the CEO to administer the BCCI till the supposed clarity was obtained in the matter. As was bound to happen, the Hon'ble Supreme Court on 24.03.2017 had to again clarify the orders dated 30.01.2017 and 20.01.2017, with the remark that the orders were 'as clear as a cloudless sky'.

With this as the background one is not at a loss to understand what occasioned the latest directives. By all accounts, it seems they sprang from the COA being left without an answer by the undersigned's reasoned and point by point missive on the irregular appointment process of the so called GM Marketing which also sought to address your unfounded concerns on introducing day night test matches in India. In the process there is now a further confirmation of your long standing effort to continue to run down the office bearers by going so far as even preventing them from appearing in Court through their counsels effectively gagging even their fundamental rights and ensuring that there is no contrary viewpoint before the Hon'ble Court.

The orders dated 02.01.2017 and 30.01.2017 clearly lay down the job of the committee viz, the implementation of July 18, 2016 order and supervision of administration and management of the affairs of the BCCI. The spirit of the orders clearly is that the former was Committee's primary job and until this primary job is concluded expeditiously the Committee were required to supervise the administration in the interim. The supervision part was only for the interim period and what is cardinal to the whole scheme is that the Hon'ble Apex Court was clear that the office bearers not only existed while you thought and believed they did not, they must discharge their responsibilities. The scheme does not even remotely suggest that the CoA could supplant the office bearers or the General Body of the BCCI. Yet right from day one, as has been demonstrated, the entire effort seems to be directed at ousting the office bearers, preventing the office bearers from functioning and repeatedly enjoining the court to do away with them which further strengthens the view that rather than implementation of the reforms your interest lies elsewhere.

Coming back to the paramount goal of realization of reforms in the BCCI i.e. the implementation of the 18th July order, I do not recall of any mail or other communication made to me in the last 8 months which refers to the implementation of the reforms. On the other hand it has only been on account of my single handed efforts in the last few months, being bound by the undertaking given before the highest court of the land, that as many as 13 full members of the BCCI, nearly half of the Board, have converged upon one point of view of accepting all reforms barring

the very few impracticable ones as has been mandated by the Apex Court on July 24, 2017. An email embodying this said convergence has been sent to other members of the BCCI and was even forwarded to you. I am hopeful that more members will come around by the time I file my affidavit before the Hon'ble Court.

It seemed to me that the issue of separate legal representation of the BCCI had been laid to rest after my discussions with the CoA at Mumbai on April 21, 2017 when I had vehemently differed with your point of view and had demonstrated that at least on two occasions while our views were diametrically opposite it was the view of the BCCI which was upheld and not yours. The Committee agreed to my view and was fully aware of this that a separate set of lawyers have been representing the BCCI office bearers before the Hon'ble Supreme Court in C.A. No. 4235 of 2014. The same was also endorsed by the General Body of the Board in April 2017. Even the Hon'ble Supreme Court is aware that the CoA and the Office Bearers of the BCCI are being represented by different set of lawyers, as shall be manifest from the orders passed by the Hon'ble Court in the matter. This is also in the fitness of things since the office bearers and the CoA have divergent opinions on various issues and it is also a fact that on more than a few occasions it was the view of the office bearers that was accepted by the Hon'ble Court. It seems, now in view of the objections raised by me regarding the manner in which decisions have been taken by the CoA for which there is hardly any authority or sanction and by keeping the office bearers in the dark and it being obvious that the objections are valid and perfectly in order, again an attempt is being made to suppress the voice of the office bearers, who are the elected representatives of the BCCI. The clear intention is to deprive the office bearers of any representation in the proceedings before the Hon'ble Court in gross violation of their fundamental right and at the same time ensure that no view point contrary to yours is brought to the notice of the Hon'ble Court. The timing of the particular directive becomes relevant because the Hon'ble Court is about to hear the matter in the very near future inter alia on the suggestions made by the office bearers to the constitution proposed by the committee.

One hardly has to read anything other than the minutes of the various meetings of the CoA, to which the office bearers are no longer invited, to conclude that the role of the CoA as defined by this Hon'ble Court of "supervising the administration of the BCCI" has been lost track of and the clear thought of the CoA is of having ownership of the organisation with its assets and liabilities de hors the members who actually form the Board. Several decisions having huge financial implications on the BCCI, which under the rules and regulations of the BCCI can be taken only by the general body of the BCCI have been taken by the CoA and thus in effect the CoA has even supplanted the general body of the BCCI. Revision of salary of the BCCI staff, grant of increments to the staff even before they were due, new categorisation of players and finalising the players contracts, change of procedure for auction of media rights are only of few of such decisions which were entirely

within the domain of the general body of the board. The list is too long to be mentioned sans their details. Such is the hurry with the committee in taking these unilateral decisions that even the request of the undersigned, the other day, for little information about the nature of clarifications sought in view of the ensuing pre-bid meeting/conference for the auction of media rights has been shot down.

Several appointments have been made in the BCCI without any information of the procedure adopted to the office bearers even on posts that hitherto did not exist in the BCCI like that of the GM (Marketing and Digital Communication).

Selections to the post of the Director NCA, the head of the ACU and many other posts have been made on the basis of the advertisements issued by the undersigned but the undersigned was kept completely in the dark about the selection process and the decisions made therein till suddenly the appointment letters were dropped by e-mail for being signed on the dotted line.

Considering more than a year has elapsed since the appointment of the Committee the undersigned therefore requests the Committee, with all humility at his command, that instead of running each other down it guides us all with single minded determination towards the paramount objective of expediting the implementation of the 18th July, 2017 judgment of the Hon'ble Supreme Court of India.

Thanking You,

Yours truly,

Amitabh Choudhary.