

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/MOYAS/A/2018/123236

Geeta Rani

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO: Ministry of Youth
Affairs & Sports, Delhi

CPIO: Board of Control for
Cricket in India, Mumbai,
MH

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

RTI : 04.12.2017	FA : 21.01.2018	SA : 12.04.2018
CPIO : 14.12.2017	FAO : 02.02.2018	Hearing : 28.04.2026

Date of Decision: 18.05.2026

CORAM:
Hon'ble Commissioner
Shri P R Ramesh
ORDER

1. The Appellant filed an RTI application dated 04.12.2017 seeking information on the following points:

“..Q.1. Under which provision / authority/ guidelines, BCCI has been representing India and selecting cricket players for our country India?

Q.2. Whether the players selected by BCCI, have been playing for our country (INDIA) or BCCI?

Q.3. Why Center. Government and State Governments have been providing infrastructure i. e. National Stadiums, Police, Securities & etc to BCCI to hold National International Cricket Tournaments in the name of India?

Q.4. How can BCCI (a private Association) represent our country in the National / international Cricket Tournament?

Q.5. What is benefit of Indian Government to give rights /authority to BCCI to represent our country in Domestic and International Tournament?

Q.6. Whether National Sports Authority of India or any Government authority of India has any legal concern /control on BCCI and conducted any Domestic and International Cricket Government?..etc...”

2. The CPIO replied vide letter dated 14.12.2017 and the same is reproduced as under:-

“..1 to 12 Information sought is not available with the undersigned CPIO. BCCI has not declared itself as Public Authority. Hence, it is not possible to transfer the RTI application to BCCI. You may seek the information from BCCI directly, if you so desire...”

3. Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 21.01.2018 alleging that information sought was not provided to him. The FAA vide order dated 02.02.2018 observed as under:-

“..It is informed that the CPIO (Sports) has already provided available information to you vide this Ministry's letter dated 14.12.2017(copy enclosed).

2. The appeal stands disposed off...”

4. Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal dated 12.04.2018.

5. The Second Appeal was decided by this Commission vide order dated 01.10.2028 and certain directions were passed against the Board of Control for Cricket in India (BCCI). Subsequently, the Board of Control for Cricket in India challenged the order dated 01.10.2028 before the Hon'ble Madras High Court in W.P (C) No. 29615/2018. The Hon'ble High Court passed an order dated 17.09.2025 in W.P (C) No. 29615/2018, and remanded the matter to the CIC to pass appropriate orders in terms of guidelines of Hon'ble Supreme Court in Board of Control for Cricket Vs. Cricket Association of Bihar (2016 (8) SCC 535).

Facts emerging in Course of Hearing:(28.04.2026)

Appellant: Not present

Respondent No.1: Shri Joginder Singh, CPIO, Ministry of Youth Affairs and Sports participated in the hearing.

Respondent No. 2: Shri Aditya Mehta, Advocate, Ms. Shivani Garg, Advocate, Shri Agneya Gopinath Advocate, Ms. Deeksha Dev Singh, Advocate, Shri Biswa Patnaik, Shri Melinda Colaco and Shri Prakhar Maheshwari, representatives of BCCI - participated in the hearing on behalf of Board of Control for Cricket in India, through video-conference.

6. The Appellant remained absent despite due service of hearing notice.

7. Shri Joginder Singh, CPIO stated that the information sought was not available in the official records. Accordingly, a reply dated was furnished to the Appellant in this regard as per the provisions of the RTI Act.

8. Shri Aditya Mehta, Advocate representing the BCCI submitted that under the RTI Act, 2005, information can be sought only from a "Public Authority" as defined under Section 2(h), and only such information can be disclosed as is available with or under the control of that authority. He stated that in the present case, the Ministry stated that the requested information was not available with it. Since the Board of Control for Cricket in

India was not recognised as a National Sports Federation and had already been held by various decisions of CIC not to be a Public Authority under the RTI Act, the RTI application could not be transferred to BCCI. Consequently, the Ministry was not obligated to provide the information sought. He further contended that Board of Control for Cricket in India cannot be classified as a “Public Authority” under Section 2(h) of the Right to Information Act, 2005 because the statutory definition is exhaustive and restrictive in nature. He stated that as clarified by the Hon’ble Supreme Court of India in **Thalappalam Services Coop. Bank Ltd. & Ors. vs State Of Kerala & Ors, (2013) 16 SCC 82**, case, only entities specifically falling within the categories enumerated in Section 2(h) can be brought under the RTI framework. He submitted that BCCI is neither established by the Constitution nor created through legislation or government notification. It is merely a society registered under the Societies Registration Act, and registration under a statute does not amount to establishment by statute. Furthermore, the tests of ownership, control, and substantial financing are not satisfied in the case of BCCI. He placed reliance on decision of Apex Court in *Zee Telefilms Ltd. v. Union of India, (2005 4 SCC 649)* wherein the Hon’ble Supreme Court expressly recognized BCCI as an autonomous and independent body functioning without governmental ownership or financial dependence. The limited regulatory oversight exercised by the government in matters relating to cricket administration cannot be equated with the deep and pervasive control required to classify a body as Public Authority under the RTI Act. Mere supervision or regulation by the State is insufficient to alter the private character of the organization.

9. The Respondent No. 2 averred that the contention that BCCI performs public functions or enjoys a monopoly over cricket administration in India is legally untenable under the RTI framework. He further apprised the Bench that BCCI is financially self-sustaining and does not rely on government assistance for its functioning. Its revenues are generated independently through media rights, sponsorships, broadcasting agreements, and ticket sales. He submitted that subsequent committee recommendations and legislative developments, including the National Sports Governance Act, 2025,

acknowledge that inclusion of sports bodies within the RTI regime requires express statutory intervention, which has not been made applicable to BCCI. He further emphasized that BCCI acknowledges the significance of the functions performed by it in promoting cricket and has voluntarily adopted transparency measures in the public interest. It has published important information on its official website, including its Constitution, policies, membership details, Apex Council records, COA documents including the minutes of the various meetings held by the CoA, details of major payments, and annual reports since 2007. Thus, although not legally bound by the RTI Act, BCCI contended that it has independently ensured transparency and accountability in its functioning. A detailed written submission in this regard has been filed by Respondent No. 2 and same has been taken on record for perusal.

Decision:(18.05.2026)

10. In the present proceedings, the matter arises out of a challenge to the order passed by the Central Information Commission (CIC) under the stewardship of erstwhile Information Commissioner Shri M Shridhar Acharyulu, wherein certain directions were issued against the Board of Control for Cricket in India. The relevant extract of the order dated 01.10.2018 is as under:

“...34. In view of the above the Commission exercising its power under RTI Act, 2005 as interpreted by the Honorable Supreme Court in Thallapallam Bank case, considering the substantive issues concerning the nature and functioning of BCCI, based on observations of the Honorable Supreme Court and recommendations of the Law Commission of India, hereby holds the BCCI as the public authority under RTI Act and directs the President, Secretary and Committee of Administrators to designate deserving officers as Central Public Information Officers, Central Assistant Public Information Officers and First Appellate Authorities and put in place a system of online and offline mechanisms to receive the applications for information under RTI Act to respond them as early as possible but not later than 30 days from the date of application for information, immediately within 15 days.”

35. The Commission directs the President and Secretary and Committee of Administrators to prepare the data for disclosing as per Section 4(1)(b) seventeen categories information about the BCCI. Section 4(1) of RTI Act says:

4. Every public authority shall-

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country an different systems so that access to such records is facilitated;

(b) publish within one hundred and twenty days from the enactment of this Act-

(1) the particulars of its organisation, functions and duties;

(N) the powers and duties of its officers and employees;

(W) the procedure followed in the decision-making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions:

(v) the rules, regulations, Instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof,

(vii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(x) a directory of its officers and employees,

(X) the monthly remuneration received by each of its officers and employees, Including the system of compensation as provided in its regulations;

(x) the budget allocated to each of its agency, Indicating the particulars of all plans, proposed expenditures and reports on disbursements made

(x) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes

(x) particulars of recipients of concessions, permits or authorisations granted by t

(v) details in respect of the Information, available to or held by it, reduced in an electronic form

(xv) the particulars of facilities available to citizens for obtaining information, including

the working hours of a library or reading room, if maintained for public use;

(xv) the names, designations and other particulars of the Public Information Officers

(xviii) such other information as may be prescribed and thereafter update their publications every year;

(c) publish all relevant facts while formulating Important policies or announcing the decisions which affect public

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including Internet, so that the public have minimum resort to the use of this Act to obtain information.

For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the Information should be easily accessible, to the extent possible in electronic format with the Central Public

Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed. Explanation.-For the purposes of sub-sections (3) and (4), disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, Including inspection of offices of any public authority

36. The Commission directs the BCCI to provide point-wise Information sought by the appellant in this case, within 10 days from the date of receipt of this Order.

37. The Commission directs the public authority Ministry of Youth Affairs and Sports to take necessary steps to ensure implementation of this Order and updating of the Information by BCCI at regular intervals. Disposed of..."

11. The said order was subsequently challenged before the Hon'ble Madras High Court, which, upon consideration, deemed it appropriate to remit the matter to the Commission for a relook in light of the issues raised. The relevant extract of Hon'ble Madras High Court order dated 17.09.2025 is as under:

"..3. Learned Senior Counsel appearing for the petitioner submitted that the grievance of the petitioner is that they are not a party before the first respondent. However, an order was passed as against the petitioner to furnish information which is not the simple reason on the issue. As on date, neither the State Government, nor the Central Government had brought the petitioner under the purview of the Right to Information Act and even the Apex Court in the decision reported in 2016 (8) SCC 535 (Board of Control for Cricket Vs. Cricket Association of Bihar) only made an observation to grant liberty to the Central Government and State Government to bring the petitioner under the Right to Information Act. Till date, neither the Central Government, nor the State Government brought the petitioner under the ambit of the Right to Information Act. However, without considering the same, the first respondent has passed the Impugned order and hence, the petitioner prays to set aside the same and remand the matter back to the first respondent to pass appropriate orders strictly in terms of the guidelines issued by the Supreme Court in the said decision reported in 2016 (8) SCC 535. The learned counsel for the third respondent has no

serious objection, but however, there is no representation for the second respondent, even though a counsel had entered appearance for them.

4. Accordingly, the matter is remitted back to the first respondent to pass appropriate orders in terms of the guidelines of the Supreme Court in the said decision on the subject matter... ”

12. It is pertinent to mention that the CIC had constituted a Full Bench to consider the issue whether BCCI is a Public Authority or not under Section 2(h) and accordingly hearing notice dated 10.07.2013 was issued to the BCCI in reference to a complaint filed under Section 18 of the RTI Act by Ms. Madhu Agarwal in File No. CIC/LS/C/2013/000031. The BCCI challenged the issuance of aforementioned hearing notice dated 10.07.2013 and constitution of larger Bench before Hon'ble Madras High Court by way of writ petition No. 20229 and 20351 of 2013. The aforementioned writ petition was allowed and constitution of Full Bench and hearing notice dated 10.07.2013 was quashed by the court vide order dated 12.10.2022. The relevant extract whereof is as under:

“..24. In such a view of the matter impugned notice issued by the first respondent constituting for the Bench and also seeking further information is impermissible in the eye of law and against the very statute. Even the Hon'ble Apex Court in BOARD OF CONTROL FOR CRICKET Vs. CRICKET ASSOCIATION OF BIHAR AND OTHERS (2016) 8 SUPREME COURT CASES – 535, at paragraph 93 has observed that whether BCCI brought under the purview of Right to Information Act or not only Law Commission of India has to examine the issue and make a suitable recommendation to the Government. In such being a position in the absence of any statutory Rules or substantive provisions of law usurping the plenary power by the Commission is impermissible. Accordingly, impugned notices are quashed.

25. In the result, these writ petitions are allowed and Notice dated 10/7/2013 issued to the petitioner bearing No.CIC/LS/C/2013/000031, is hereby quashed. No costs. Consequently, the connected Miscellaneous Petitions are closed...”

13. However, as mentioned above that the Hon'ble Madras High Court vide order dated 17.09.2025 in Writ Petition No.29615 of 2018 has directed this Commission to

pass appropriate order and examine the issue afresh in light of guidelines of Hon'ble Supreme Court in Board of Control for Cricket Vs. Cricket Association of Bihar, 2016 (8) SCC 535.

14. Pursuant to the directions of the Hon'ble Madras High Court, the present proceedings have been taken up to re-examine the case, particularly in the context of the legal status of the Board of Control for Cricket in India and the applicability of the provisions of the Right to Information Act, 2005 thereto. Accordingly, this Commission proceeded to reconsider the matter afresh, keeping in view the observations and directions issued by the High Court.

15. The Commission observes that the Appellant - Ms. Geeta Rani - had sought information regarding the provisions/guidelines under which BCCI represents India and selects players for national and international cricket tournaments and also raised queries concerning the authority vested in BCCI by the Government of India. It is noted that CPIO, Ministry of Youth Affairs and Sports vide letter dated 14.12.2017 clearly stated that the information sought was not available with the Ministry and that the RTI application could not be transferred to BCCI as it had not been declared a 'Public Authority' under the RTI Act, 2005, which position was upheld by the FAA.

16. In this backdrop, the principal issue requiring determination before the Commission is whether the Board of Control for Cricket in India can, in the facts and circumstances of the present case, be treated as a "Public Authority" within the meaning of Section 2(h) of the RTI Act, 2005.

17. The question of whether the Board of Control for Cricket in India (BCCI) qualifies as a "Public Authority" under the Right to Information Act, 2005 (RTI Act) has been the subject of sustained legal debate.

18. At the very outset, the definition of "Public Authority" as provided under Section 2(h) of the RTI Act is reproduced as under:

Section 2(h):

“Public authority” means any authority or body or institution of self-government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government,

and includes—

(i) any body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

A. Creation of BCCI

19. It is an undisputed fact that BCCI is a society registered under the Tamil Nadu Societies Registration Act, 1975. It was formed as a private autonomous body for the promotion and regulation of cricket in India.

Commission notes that:

- BCCI was not established by or under the Constitution;
- It was not created by any law enacted by Parliament or State Legislature; and
- It was not constituted through any notification or order issued by the Government.

20. Commission observes that BCCI is an autonomous body registered under the Societies Registration Act, 1860 (“Societies Act”) and subsequently registered under the Tamil Nadu Societies Registration Act, 1975 (“Tamil Nadu Societies Act”). Thus, it is registered under Societies Registration framework, and the same is neither established nor constituted by any statute, but is only a private association of individuals which has obtained legal recognition through registration.

21. It is well settled that Section 2(h) of the RTI Act covers only those bodies which are established or constituted by or under the Constitution, Parliamentary enactments, State legislations, or Government notifications/orders. The provision does not extend ipso facto to all entities merely because they are registered under a statute. The distinction between “*establishment or constitution*” and “*registration*” is fundamental to the statutory scheme.

22. A reference in this regard can be made to the judgement of Hon’ble Supreme Court in Dalco Engineering Pvt. Ltd. v. Satish Prabhakar Padhye, (2010) 4 SCC 378, wherein the Apex court has clearly drawn a distinction between statutory creation of a body and its mere registration under a legislative framework such as the Companies Act or analogous statutes. Registration is only a mechanism for granting legal recognition to an entity formed by private individuals and does not amount to the body being brought into existence by the statute itself. The relevant extract whereof is as under:

“20. A “company” is not “established” under the Companies Act. An incorporated company does not “owe” its existence to the Companies Act. An incorporated company is formed by the act of any seven or more persons (or two or more persons for a private company) associated for any lawful purpose subscribing their names to a memorandum of association and by complying with the requirements of the Companies Act in respect of registration. Therefore, a “company” is incorporated and registered under the Companies Act and not established under the Companies Act. Per contra, the Companies Act itself establishes the National Company Law Tribunal and the National Company Law Appellate Tribunal, and these two statutory authorities owe their existence to the Companies Act.

21. Where the definition of “establishment” uses the term “a corporation established by or under an Act”, the emphasis should be on the word “established” in addition to the words “by or under”. The word “established” refers to coming into existence by virtue of an enactment. It does not refer to a company, which, when it comes into existence, is governed in accordance with the provisions of the Companies Act. But then, what is the difference between “established by a Central Act” and “established under a Central Act”?

22. *The difference is best explained by some illustrations. A corporation is established by an Act, where the Act itself establishes the corporation. For example, Section 3 of the State Bank of India Act, 1955 provides that a bank to be called State Bank of India shall be constituted to carry on the business of banking. Section 3 of the Life Insurance Corporation Act, 1956 provides that 3. Establishment and incorporation of Life Insurance Corporation of India.— (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Corporation called the Life Insurance Corporation of India.”*

23. Further, the Hon’ble Supreme Court in **Thalappalam Service Cooperative Bank Ltd. v. State of Kerala, (2013) 16 SCC 82**, has conclusively held that cooperative societies registered under the Kerala Cooperative Societies Act will not fall within the definition of ‘Public Authority’ unless they are owned, controlled or substantially financed by the appropriate Government. Therefore, merely on account of its registration under the Societies Act/ Tamil Nadu Societies Act, would not ipso facto result in the inclusion of a body as a ‘Public Authority’ under the RTI Act. The relevant extract whereof is as under:

“..14. This Court in Executive Committee of Vaish Degree College, Shamli and Others v. Lakshmi Narain and Others (1976) 2 SCC 58, while dealing with the status of the Executive Committee of a Degree College registered under the Co-operative Societies Act, held as follows:

“10.....It seems to us that before an institution can be a statutory body it must be created by or under the statute and owe its existence to a statute. This must be the primary thing which has got to be established. Here a distinction must be made between an institution which is not created by or under a statute but is governed by certain statutory provisions for the proper maintenance and administration of the institution. There have been a number of institutions which though not created by or under any statute have adopted certain statutory provisions, but that by itself is not, in our opinion, sufficient to clothe the institution with a statutory character.....”

15. *We can, therefore, draw a clear distinction between a body which is created by a Statute and a body which, after having come into existence, is governed in accordance with the provisions of a Statute. Societies, with which*

we are concerned, fall under the latter category that is governed by the Societies Act and are not statutory bodies, but only body corporate within the meaning of Section 9 of the Kerala Co-operative Societies Act having perpetual succession and common seal and hence have the power to hold property, enter into contract, institute and defend suites and other legal proceedings and to do all things necessary for the purpose, for which it was constituted. Section 27 of the Societies Act categorically states that the final authority of a society vests in the general body of its members and every society is managed by the managing committee constituted in terms of the bye-laws as provided under Section 28 of the Societies Act. Final authority so far as such types of Societies are concerned, as Statute says, is the general body and not the Registrar of Cooperative Societies or State Government....”

24. Thus, from the above legal and factual position it is clear that BCCI does not satisfy any of the conditions as contemplated under Section 2(h) of the RTI Act. It is noted that BCCI is not established by the Constitution, nor is it created by any legislation, or by government notification/order. It is a society registered under the Societies Registration Act, which merely governs registration and does not confer statutory status. Further the distinction between ‘*establishment*’ and ‘*registration*’ has been clearly drawn by the court and it is clarified that the entities registered under a statute do not owe their existence to it.

B. Control and Management:

25. The expressions “*control*” and “*management*” occurring in Section 2(h) of the Right to Information Act, 2005, though not specifically defined in the Act, have acquired settled legal meaning through legal dictionaries, judicial interpretation, and principles derived from court orders/judgements. According to **Black’s Law Dictionary**, the term ‘*control*’ means ‘*the power or authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee.*’

26. Similarly, **Stroud’s Judicial Dictionary** explains ‘*control*’ as the power to direct how a thing shall be done or the authority to exercise restraint or command over an activity or institution. The term ‘*management*’ has been understood as the act of administering, supervising, or conducting the affairs of an organization, particularly with

respect to policy implementation, financial administration, and operational decision-making.

27. Under English administrative law, the concept of governmental control has historically been examined to determine whether a body performs public functions or acts as an instrumentality of the State. English courts have recognized that “control” need not necessarily mean complete ownership; rather, it may exist where the Government possesses deep and pervasive supervisory authority over the functioning of a body. In *Tamlin v. Hannaford* [(1950) 1 KB 18], the Court observed that a corporation may remain legally distinct while still functioning under substantial governmental direction and supervision. Likewise, in *R v. Panel on Take-overs and Mergers, ex parte Datafin plc* [(1987) QB 815], the Court emphasized that bodies exercising public functions under governmental influence or regulatory authority may attract public law obligations despite their formal private character.

28. In the context of Section 2(h) of the RTI Act, the expressions “control” and “management” therefore imply not merely regulatory oversight but substantial and pervasive governmental involvement in the administration and decision-making processes of an institution. Such control may be reflected through the Government’s authority to appoint or remove members of the governing body, approve policies, issue binding directions, supervise finances, audit accounts, or influence functional and administrative decisions. Consequently, where the Government exercises effective control over the management and affairs of a body, such entity may be regarded as a “Public Authority” within the meaning of Section 2(h) of the RTI Act.

29. To elucidate the true import, scope, and legal connotation of the expression “body owned, controlled” as envisaged under Section 2(h)(d)(i) of the Right to Information Act, 2005, apposite reliance is placed upon the authoritative pronouncement of the Hon’ble Supreme Court in **Thalappalam Services Coop. Bank Ltd. & Ors. vs State Of Kerala & Ors, 2013 (16) SCC 82**. The relevant extract whereof is as under:

“..36. A body which is controlled by the appropriate Government can fall under the definition of public authority under Section 2(h)(d)(i). ... 44. We are of the opinion that when we test the meaning of expression “controlled” which figures in between the words “body owned” and “substantially financed”, the control by the appropriate Government must be a control of a substantial nature. The mere “supervision” or “regulation” as such by a statute or otherwise of a body would not make that body a “public authority” within the meaning of Section 2(h)(d)(i) of the RTI Act. In other words just like a body owned or body substantially financed by the appropriate Government, the control of the body by the appropriate Government would also be substantial and not merely supervisory or regulatory. The powers exercised by the Registrar of Cooperative Societies and others under the Cooperative Societies Act are only regulatory or supervisory in nature, which will not amount to dominating or interfering with the management or affairs of the society so as to be controlled. The management and control are statutorily conferred on the Management Committee or the Board of Directors of the Society by the respective Cooperative Societies Act and not on the authorities under the Cooperative Societies Act.

45. We are, therefore, of the view that the word “controlled” used in Section 2(h)(d)(i) of the Act has to be understood in the context in which it has been used vis-à-vis a body owned or substantially financed by the appropriate Government, that is, the control of the body is of such a degree which amounts to substantial control over the management and affairs of the body...”

30. Thus, a plain, meaningful, and contextual reading of the definition leaves little room for ambiguity insofar as sub-clauses (a) to (d) of 2(h) of RTI Act are concerned, the determination of whether an entity falls within the ambit of a “Public Authority” being, in such cases, largely ascertainable from undisputed foundational records and constitutive documents, requiring minimal judicial or administrative inquiry.

31. The real arena of interpretative scrutiny, therefore, arises in relation to sub-clauses 2(h)(d) (i) and (ii), particularly with respect to the expressions “owned by the appropriate Government” and “controlled by the appropriate Government.” The contours, import, and legal parameters governing the said expressions stand authoritatively expounded by the aforementioned judgement of Hon’ble Supreme

Court in **Thalappalam Services Coop. Bank Ltd. & Ors. vs State Of Kerala & Ors, (2013) 16 SCC 82.**

32. It is noted that the Hon'ble Supreme Court laid down important tests in the case of *Ajay Hasia v. Khalid Mujib Sehravardi, (1981) 1 SCC 722* to determine whether a body is an instrumentality or agency of the Government. The Court held that where the Government exercises deep and pervasive control over the management and policies of an institution, such body may be treated as falling within the ambit of State authority. The Court observed that factors such as financial assistance, appointment of governing members, administrative supervision, and functional control are relevant indicators of governmental control.

33. It is pertinent to place reliance on decision of Seven Judge Bench of Hon'ble Supreme Court in *Pradeep Kumar Biswas vs. Indian Institute of Chemical Biology & Ors. (2002 5 SCC 111)* while resolving the conflict between the judgments of two coordinate Benches in *Sabhajit Tewary vs U.O.I. & Ors. [(1975) 3 SCR 616]* and *Ajay Hasia & Ors. Vs. Khalid Mujib Sehravardi & Ors. (1981) 1 SCC 722* had laid down the parameters for gauging whether a particular body is financially, functionally and administratively dominated by or under the control of the Government. They are as under:

(1) Principles laid down in *Ajay Hasia* case are not rigid set of principles so that if a body falls within any one of them it must *ex hypothesi*, be considered to be a State within the meaning of Article 12.

(2) The question in each case will have to be considered on the basis of facts available as to whether in the light of the cumulative facts as established, the body is financially, functionally, administratively dominated, by or under the control of the Government.

(3) Such control must be particular to the body in question and must be pervasive.

(4) Mere regulatory control whether under statute or otherwise would not serve to make a body a State.

34. In this regard, further reliance may be placed upon the authoritative pronouncement of the Constitution Bench of the Hon'ble Supreme Court in **Zee Telefilms Ltd. vs Union Of India & Ors, (2005 4 SCC 649)** wherein, upon an exhaustive examination of the legal status and functional character of the Board of Control for Cricket in India, the Hon'ble Court held that mere regulatory oversight, absent deep and pervasive governmental control, would not suffice to bring an autonomous body within the fold of "State" under Article 12 of Constitution of India. The Apex court on an examination of the status of the BCCI, concluded as under:

"23. The facts established in this case show the following:

- 1. The Board is not created by a statute.*
- 2. No part of the share capital of the Board is held by the Government.*
- 3. Practically no financial assistance is given by the Government to meet the whole or entire expenditure of the Board.*
- 4. The Board does enjoy a monopoly status in the field of cricket but such status is not State-conferred or State-protected.*
- 5. There is no existence of a deep and pervasive State control. The control if any is only regulatory in nature as applicable to other similar bodies. This control is not specifically exercised under any special statute applicable to the Board. All functions of the Board are not public functions nor are they closely related to governmental functions.*
- 6. The Board is not created by transfer of a government-owned corporation. It is an autonomous body.*

24. To these facts if we apply the principles laid down by the seven-Judge Bench in Pradeep Kumar Biswas [(2002) 5 SCC 111 :2002 SCC (L&S) 633] it would be clear that the facts established do not cumulatively show that the Board is financially, functionally or administratively dominated by or is under the control of the Government. Thus the little control that the Government may

be said to have on the Board is not pervasive in nature. Such limited control is purely regulatory control and nothing more.”

(emphasis supplied)..

35. These judgments collectively establish that “government control” in law refers to substantial and pervasive authority over management, policy, administration, and financial affairs, and not merely routine statutory regulation or supervisory oversight. It is noted that BCCI is a private organization whose objects are to promote the game of cricket. Its functions are regulated and governed by its own Rules and Regulations independent of any statute and are only related to its members. The Rules and Regulations of the BCCI have neither any statutory force nor it has any statutory powers to make rules or regulations having statutory force. Further, the Working Committee elected from amongst its members in accordance with its own Rules, controls the entire affairs and management of the BCCI. It is pertinent to mention that there is no representation of the Government or any Statutory Body of whatsoever nature by whatever form in the BCCI. There exists no control of the Government over the functions, finance, administration, management and affairs of the BCCI. Thus, the status of Public Authority cannot be given to the BCCI.

C. Substantial Financing:

36. The next issue requiring examination is whether the BCCI is substantially financed by the appropriate Government. It has been stated that neither Central Government nor the State Government release any funds to BCCI. Clearly there is no material to indicate that BCCI has been directly or indirectly funded by the appropriate Government, nor is there any evidence to indicate that any of the funds received by the BCCI owed their source to either the Central Government or the State Government.

37. As regards the aspect of substantial financing is concerned, the Hon’ble Supreme Court has, in **Thalappalam Service Co-operative Bank Ltd. (supra)**, held that the degree of financing must be real, concrete and of considerable weight, and not incidental, moderate or peripheral. The relevant extract whereof is as under:

“..46. The words “substantially financed” have been used in Sections 2(h)(d)(i) and (ii), while defining the expression public authority as well as in Section 2(a) of the Act, while defining the expression “appropriate Government”. A body can be substantially financed, directly or indirectly by funds provided by the appropriate Government. The expression “substantially financed”, as such, has not been defined under the Act.

*“Substantial” means “in a substantial manner so as to be substantial”. In *Palser v. Grinling* [1948 AC 291 : (1948) 1 All ER 1 (HL)] ,while interpreting the provisions of Section 10(1) of the Rent and Mortgage Interest Restrictions Act, 1923, the House of Lords held that “substantial” is not the same as “not unsubstantial” i.e. just enough to avoid the *de minimis* principle. The word “substantial” literally means solid, massive, etc. The legislature has used the expression “substantially financed” in Sections 2(h)(d)(i) and (ii) indicating that the degree of financing must be actual, existing, positive and real to a substantial extent, not moderate, ordinary, tolerable, etc. ...*

48. Merely providing subsidies, grants, exemptions, privileges, etc. as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from Nabard, etc. but those facilities or assistance cannot be termed as “substantially financed” by the State Government to bring the body within the fold of “public authority” under Section 2(h)(d)(i) of the Act. But there are instances where private educational institutions getting ninety-five per cent grant-in-aid from the appropriate Government, may answer the definition of public authority under Section 2(h)(d)(i)...”

38. Further, the aspect of substantial financing has been explained in detail the Hon’ble Supreme Court in **D.A.V. College Trust & Management Society v. Director of Public Instructions (2019) 9 SCC 185**, while considering the question whether the NGOs would fall within the definition of ‘Public Authority’ has interpreted the term ‘Public Authority’ under Section 2(h) of the RTI Act. The relevant paragraphs are extracted hereunder:

17. *We have no doubt in our mind that the bodies and NGOs mentioned in sub-clauses (i) and (ii) in the second part of the definition are in addition to the four categories mentioned in clauses (a) to (d). Clauses (a) to (d) cover only those bodies, etc., which have been established or constituted in the four manners prescribed therein. By adding an inclusive clause in the definition, Parliament intended to add two more categories, the first being in sub-clause (i), which relates to bodies which are owned, controlled or substantially financed by the appropriate Government. These can be bodies which may not have been constituted by or under the Constitution, by an Act of Parliament or State Legislature or by a notification. Any body which is owned, controlled or substantially financed by the Government, would be a public authority. ...*

28. *Another aspect for determining substantial finance is whether the body, authority or NGO can carry on its activities effectively without getting finance from the Government. If its functioning is dependent on the finances of the Government, then there can be no manner of doubt that it has to be termed as substantially financed.”*

39. It is noted that as submitted by learned counsel appearing on behalf of BCCI, the BCCI functions independently of any governmental finance. Its revenues are generated wholly from its own activities, inter alia including media rights, broadcasting rights, sponsorships, ticket sales and similar ventures. It is not sustained by any governmental funding and can carry out its activities without any governmental finance.

40. The question of financial assistance from the Government to the BCCI has already been examined and answered directly by the Hon’ble Supreme Court in **Zee Telefilms Ltd. (supra)**, where the Hon’ble Court categorically held that practically no financial assistance is given by the Government to meet the whole or entire expenditure of the BCCI. On this aspect, the Hon’ble Court in **Zee Telefilms Ltd. (supra)** further held as under:

“..23. The facts established in this case show the following:

...3. Practically no financial assistance is given by the Government to meet the whole or entire expenditure of the Board...”

(emphasis supplied)

24. To these facts if we apply the principles laid down by the seven-Judge Bench in Pradeep Kumar Biswas [(2002) 5 SCC 111 : 2002 SCC (L&S) 633] it would be clear that the facts established do not cumulatively show that the Board is financially, functionally or administratively dominated by or is under the control of the Government...”

41. Further, BCCI, having regard to its functions and object, had also been granted exemption from payment of Income-tax. Such exemption was granted with a view to fulfil its objectives which is charitable in nature i.e. to promote sports of cricket. It is worthwhile to mention that tax exemption is granted to all non-profit entities registered after satisfying the prescribed conditions under Sections 11, 12, 12A and 12AB of the Income Tax Act, 1961. Therefore, the tax exemptions were granted to the BCCI solely on account of its objectives and did not arise from any special dispensation, but from the uniform application of a general statutory regime available to all entities pursuing charitable purposes within the meaning of Section 2(15) of the Income Tax Act, 1961. It is observed that as stated in the written submissions filed by BCCI that the existence and functioning of the Board of Control for Cricket in India are in no manner dependent upon tax exemptions. This is particularly evident from the fact that the BCCI has continued to function effectively even in the absence of such exemptions for nearly two decades.

42. A categorical distinction between direct and substantial financing on the one hand, and the mere conferment of subsidies, grants, exemptions, or privileges on the other has been discussed in detail by The Hon’ble Supreme Court in **Thalappalam Service Cooperative Bank Ltd. (supra)**. The court held that the grant of “exemptions” or “privileges” would not amount to substantial financing unless the concerned body is substantially dependent upon such support for its very existence or functioning, such that it would struggle to survive in the absence thereof. The relevant extract whereof is as under:

“..48. Merely providing subsidies, grants, exemptions, privileges, etc. as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically

runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from Nabard, etc. but those facilities or assistance cannot be termed as “substantially financed” by the State Government to bring the body within the fold of “public authority” under Section 2(h)(d)(i) of the Act. But, there are instances, where private educational institutions getting ninety-five per cent grant-in-aid from the appropriate Government, may answer the definition of public authority under Section 2(h)(d)(i)...”

43. It is also noted that no customs duty exemption or concession is being extended to the Board of Control for Cricket in India as a matter of executive favour or governmental support. Further, the only exemption availed is one uniformly available to all eligible entities under Notification No. 72/2017-Customs dated 16 August 2017. Accordingly, such generally applicable statutory exemptions cannot be construed as ‘substantial financing’ by the Government within the meaning of Section 2(h)(d) of the Right to Information Act, 2005.

44. Furthermore, as per records BCCI does not own or occupy any land granted to it by the Central Government or any State Government at a subsidised/ nominal/ below market rate. There is no document placed on record which would show that BCCI itself, as a distinct legal entity, has received any land or infrastructure from the Government at a price that could even arguably amount to substantial financing.

45. Thus, the determinative test is not the mere existence of any financial nexus with the Government, but whether the concerned body is, in substance and reality, sustained by such governmental funding. Since the Board of Control for Cricket in India is neither materially dependent upon nor sustained by Government funds, it does not satisfy the requirement of being “substantially financed, directly or indirectly, by funds provided by the appropriate Government” under Section 2(h)(d) of the Right to Information Act, 2005 and therefore cannot be regarded as a ‘Public Authority’ thereunder.

D. Guidelines issued by Hon'ble Supreme Court in Board of Control for Cricket Vs. Cricket Association of Bihar, 2016 (8) SCC 535.

46. Commission observes that the decision of the Hon'ble Supreme Court in Board of Control for Cricket in India v. Cricket Association of Bihar constitutes a landmark pronouncement on the governance, accountability, and institutional functioning of the Board of Control for Cricket in India. However, a careful and contextual reading of the judgment demonstrates that the Court neither declared the BCCI to be a "State" under Article 12 of the Constitution nor conclusively held it to be a "Public Authority" under Section 2(h) of the Right to Information Act, 2005.

47. The proceedings arose primarily from allegations relating to corruption, conflict of interest, betting and spot-fixing scandals within Indian cricket administration, particularly during the Indian Premier League. In view of serious concerns regarding institutional integrity and governance, the Hon'ble Supreme Court exercised its extraordinary jurisdiction to examine the administrative structure and functioning of the BCCI. The Court appointed the Lodha Committee to recommend structural reforms intended to ensure transparency, fairness, accountability, and professional governance within cricket administration.

48. The Apex Court observed that although the BCCI is formally registered as a private society, it performs functions that have a substantial public character, including the selection of national teams, regulation of cricket tournaments, representation of India in international cricket forums, and control over players, officials, and cricketing infrastructure. The Court therefore emphasized that bodies discharging functions affecting public life and public interest must adhere to standards of fairness, transparency, and institutional integrity. The judgment expressly noted the earlier Constitution Bench and coordinate bench decisions, particularly in **Zee Telefilms Ltd. v. Union of India** (supra), wherein the BCCI had been held not to constitute "State" under Article 12 of Constitution of India due to the absence of deep and pervasive governmental control. Rather than overruling that precedent, the Court proceeded on the basis that even non-state bodies exercising significant public functions may be subjected

to judicial scrutiny and regulatory standards in appropriate cases. The relevant extract whereof is as under:

“...52. We have given our anxious consideration to the submissions made at the Bar. We may, before adverting to the rival submissions urged before us, point out two distinct aspects that need to be kept in mind while addressing the issues raised before us. The first is that the proceedings that led to the setting up of the Committee arose out of a public interest petition. The directions issued by this Court proceeded on a clear finding recorded by this Court that even when BCCI is not "State" within the meaning of Article 12 of the Constitution of India, it is amenable to the jurisdiction of the High Court since it discharges. public functions. That part of the controversy stands concluded by judgment of this Court in the earlier round and cannot be reopened no matter Mr Venugopal made a feeble attempt to do so by making a reference to the Constitution Bench judgment of this Court in Zee Telefilms Ltd. v. Union of India.

53. All that we need mention is that while holding BCCI to be amenable to the writ jurisdiction of the courts, we have taken note of the pronouncement of this Court in Zee Telefilms case...”

49. The directions/guidelines ultimately issued by the Hon’ble Supreme Court were therefore governance-oriented and regulatory in nature. These included reforms relating to age and tenure restrictions for office-bearers, the “one state one vote” principle, restrictions on ministerial and governmental interference, conflict-of-interest norms, transparency mechanisms, professional management structures, player representation, and institutional accountability. The Court approved and enforced the recommendations of the Lodha Committee in order to restructure cricket administration in the larger public interest.

50. Importantly, the judgment does not hold that the BCCI is financially dependent upon the Government or substantially financed by governmental funds. On the contrary,

the BCCI's financial structure was understood to be independently sustained through media rights, sponsorships, broadcasting revenues, ticketing, licensing, and commercial cricketing operations. The Court's concerns related primarily to regulatory oversight, institutional reform and judicial review in light of the public functions discharged by the BCCI, and cannot be construed as a declaration that the BCCI constitutes a "Public Authority" under the RTI Act. It does not dilute the statutory requirements envisaged under Section 2(h) of the RTI Act. Mere public importance, regulatory supervision or discharge of public functions cannot substitute the statutory requirement as contemplated under Section 2(h) of the RTI Act.

51. Even if the issue is examined substantively, it is no longer res integra. This Commission in earlier decisions such as **Anil Chintaman Khare v. BCCI, 2008 SCC OnLine CIC 264** and **Om Prakash Kashiram v. BCCI, 2011 SCC OnLine CIC 10131**, has consistently held that the BCCI is not a Public Authority. These findings have attained finality and have been reinforced by judicial observations of the Hon'ble Madras High Court in Writ Petition No. 20229 and 20351 of 2013, which cautioned against unsettling settled positions without compelling justification. The doctrine of precedent and principles akin to res judicata demand consistency, particularly in quasi-judicial bodies like the CIC.

52. The statutory framework further supports this conclusion. Section 2(h) of the RTI Act defines 'Public Authority' in an exhaustive manner. The use of the word "means" indicates that the definition is restrictive, not illustrative. As clarified by the Hon'ble Supreme Court in **Thalappalam Service Cooperative Bank Ltd. (supra)**, only those entities that satisfy the specific criteria laid down in the provision can be brought within its scope. These include bodies established by the Constitution, by statute, or by government notification, as well as those that are owned, controlled, or substantially financed by the government.

53. The BCCI does not satisfy any of these conditions. It is not established by the Constitution, nor is it created by any legislation. It is a society registered under the

Societies Registration Act, which merely governs registration and does not confer statutory status. The distinction between “establishment” and “registration” has been clearly drawn by the Hon’ble Supreme Court in **Dalco Engineering Pvt. Ltd. v. Satish Prabhakar Padhye (supra)**, where it held that entities registered under a statute do not owe their existence to it.

54. Similarly, the tests of ownership, control, and substantial financing are not met. In **Zee Telefilms Ltd. v. Union of India (supra)**, the Hon’ble Supreme Court held that the BCCI is an autonomous body, not financially dependent on the government, and subject only to regulatory oversight. Such regulatory control does not amount to “deep and pervasive” control required to classify an entity as Public Authority. The Court also noted that the BCCI receives practically no financial assistance from the government.

55. The argument of “substantial financing” also fails upon closer scrutiny. The Hon’ble Supreme Court in **Thalappalam Service Cooperative Bank Ltd. (supra)** emphasized that financing must be real, significant, and essential to the entity’s functioning. Incidental benefits such as tax exemptions or access to infrastructure do not qualify unless the entity is dependent on them for survival. The BCCI generates its revenue independently through commercial activities like media rights, sponsorships, and ticket sales. It is financially self-sustaining and does not rely on government funds. Therefore, it cannot be said to be substantially financed by the state.

56. Another commonly advanced argument is that the BCCI performs “public functions” and enjoys a monopoly over cricket in India. While this may be factually accurate, it is legally irrelevant for the purposes of Section 2(h). The RTI Act does not include “public function” as a criterion for determining a Public Authority. This distinction is critical and has been recognized by the Hon’ble Supreme Court, which has consistently separated the concept of public function from statutory tests under the RTI framework.

57. Committee reports, such as those of the Lodha Committee and the Law Commission, have recommended greater transparency and even suggested bringing the

BCCI within the RTI regime. However, these reports are advisory in nature and do not have binding force. Importantly, even these bodies simultaneously acknowledged that any such extension would necessarily require legislative intervention and appropriate statutory incorporation. Significantly, even the Hon'ble Supreme Court in **Board of Control for Cricket in India v. Cricket Association of Bihar, (supra)** did not declare the BCCI to be a "Public Authority" under the RTI Act, but left the issue to the wisdom of the legislature.

58. This legislative intent is reflected in the National Sports Governance Act, 2025, which provides a structured framework for sports bodies. The Act stipulates that only those recognized sports organizations that receive government grants will be treated as public authorities under the RTI Act, and even then, only to the extent of utilization of such funds. Since the BCCI does not receive such financial assistance, it does not fall within this statutory extension either.

59. At this juncture, it is also relevant to cite para 40 of the judgment passed by the Hon'ble Apex Court in the matter of **Thalappalam Service Cooperative Bank Ltd. (supra)**, wherein the Court has stipulated that the burden to show that an entity is a 'Public Authority' under Section 2(h) lies upon the applicant. The relevant portion reads as under:

"40. The burden to show that a body is owned, controlled or substantially financed or that a non-government organization is substantially financed directly or indirectly by the funds provided by the appropriate Government is on the applicant who seeks information or the appropriate Government and can be examined by the State Information Commission or the Central Information Commission as the case may be, when the question comes up for consideration. A body or NGO is also free to establish that it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government."

60. In the instant case, the Appellant has neither placed any material on record to show that the Board of Control for Cricket in India is owned, controlled, or substantially financed by the Government nor availed the opportunity to substantiate her claim despite

service of hearing notice. Thus, the Appellant failed to discharge the burden of proof, as discussed hereinabove.

61. In view of the foregoing, this Commission is of the considered opinion that neither the procedural framework of the present proceedings nor the substantive requirements of Section 2(h) of the RTI Act justify an inquiry into the status of the BCCI, particularly when no information has been sought from the said body in the present matter. Judicial precedents, statutory interpretation, and subsequent legislative developments consistently indicate that the BCCI is neither owned, controlled, nor substantially financed, directly or indirectly, by funds provided by the appropriate Government. The prerequisites contemplated under Section 2(h) of the RTI Act are mandatory in nature and must demonstrably exist in the facts of a given case before the provisions of the RTI Act can be made applicable. Consequently, the BCCI cannot be classified as a “Public Authority” within the meaning of Section 2(h) of the RTI Act and the provisions of the Act are therefore inapplicable to it in the facts and circumstances of the present case.

62. Moreover, it is a settled position that the scope of adjudication under the Right to Information Act, 2005 is strictly circumscribed by the statutory mandate of disclosure of “available, held or is otherwise legally accessible” information. The RTI application in question was addressed to the Ministry, not the BCCI. The applicant in her RTI Application and Second Appeal explicitly clarified that no information was being sought from the BCCI, acknowledging its private character. Under the RTI framework, a Public Authority is only obligated to furnish information that is available with it or accessible under law. This principle has been affirmed by the Hon’ble Supreme Court in **Khanapuram Gandaiah v. Administrative Officer, (2010) 2 SCC 1** where it held that the right to information extends only to material that exists and is within the control of the Public Authority. It is noted that Ministry categorically stated in its reply dated 14.07.2017 that the requested information was not available with it.

63. In view of the aforementioned factual and legal position, the Commission upholds the submissions advanced by Respondents. **Accordingly, the appeal, being devoid of merit, is dismissed.**

OBITER DICTA

While parting with the present matter, certain assumptions and beliefs merit brief notice. One such assumption is that increased governmental supervision, by itself, is sufficient to secure proper and fair functioning of an organisation. This premise, though intuitively appealing, is overly simplistic and does not adequately account for the complexities of modern economic institutions.

The ecosystem of cricket in India presents a compelling illustration. The evolution of the Board of Control for Cricket in India from a colonial-era administrative body into the financial epicentre of global cricket reflects one of the most significant transformations in contemporary sports economics. Unlike many national sports bodies that depend substantially on state support, the BCCI operates as a largely autonomous, market-driven entity, with revenues running into tens of thousands of crores and substantial financial reserves. Its dominance is rooted in the simple but powerful reality that India constitutes the most commercially valuable cricket market in the world, with a vast and deeply engaged audience base that drives global viewership and revenue.

At the heart of this economic structure lies the Indian Premier League, whose franchise-based model and media rights regime have redefined the financial architecture of the sport. The league accounts for a substantial portion of the BCCI's revenues, creating a powerful but concentrated economic engine. Beyond the IPL, the Board derives income from international media rights, sponsorship arrangements, and its significant share in global revenues distributed by the International Cricket Council, further reinforcing its centrality to the global cricket economy.

This intricate and high-value ecosystem demonstrates that the functioning of such an organisation is shaped not merely by administrative oversight but by a complex interplay

of market forces, contractual arrangements, and international commercial dynamics. To superimpose a model of oversight premised solely on governmental control may fail to account for these realities and could risk unintended consequences, including inefficiencies or disruptions in a finely balanced economic structure.

Experience across sectors also suggests that the belief in regulation as an automatic guarantor of fairness is misplaced. Legislative and executive interventions—however well-intentioned—have, at times, produced outcomes marked by inefficiency, exclusion, or distortion, owing to challenges in implementation, lack of contextual sensitivity, or concentration of authority. Fairness, therefore, is not an inevitable byproduct of control; it is contingent upon transparency, accountability, and the careful calibration of regulatory mechanisms to the specific domain.

In this backdrop, it may not be appropriate to proceed on the assumption that increased governmental supervision would, in and of itself, enhance the functioning or fairness of institutions such as the BCCI. The issue is not merely whether there should be oversight, but the nature, extent, and suitability of such oversight in light of the economic and structural realities involved.

These observations are made only in passing and are left open for consideration while determining similar cases.

Copy of the decision be provided free of cost to the parties.

(P R Ramesh) (पी. आर. रमेश)
Information Commissioner (सूचना आयुक्त)

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