



Analysing the Perception of Gujarat Sports Community on Implications of Lodha Committee Recommendations on Cricket in India

By:

Tarun

Teaching and Research Associate

Gujarat National Law University

➤ Introduction

The Board of Control for Cricket in India (BCCI) was set up on December 4, 1928 by a group of players at Delhi's Roshnara Club to end the British monopoly in cricket. The BCCI was registered under the Tamil Nadu Societies Registration Act, 1975 with six associations affiliated to it. The number of affiliated associations increased to 30 over the period of time. The board does not have any particular or prescribed format for functioning and the fact that it has been registered under the Societies Registration Act enables it and allows the board not to follow any laws of corporate governance.

The BCCI now operates in a highly autocratic, inefficient and unprofessional state. The BCCI qualifies to be a private, autonomous, not-for-profit charitable body when it has a commercial venture named the IPL as a sub-committee. Various questions have been raised about scheduling and the ways in which tenders are issued and contracts awarded. There are many instances where selections of players who are kin of BCCI official were subjected to huge controversies.

The match fixing investigation in 2013, which the BCCI sought to contain with hustled up investigations and with the removal of a few players, administrators and IPL teams. Over the past four years various different committees namely the BCCI, three member commission and the committees headed by Justice Mudgal and Justice Lodha have been formed to deal with various skeletons that had tumbled out of a closet that was traditionally never really opened.

Gopal Subramaniam who was appointed as amicus curiae between the apex court and BCCI voicing his opinion against BCCI stated that *“You discharge public function but you want to enjoy private status. If you have public persona then you have to shed private persona. This cannot be done. It selects national team for the country; it cannot be a private society. It is a public entity,”*¹ Supreme Court's while advocating for the recommendations made by the Justice RM Lodha panel for BCCI's structural reforms, saying: *“Recommendations are in right directions and the steps are in right direction to ensure that constitutional values are adhered to ensure institutional integrity”*.²

¹Scconline.com, *“Disobedience by BCCI is both civil and criminal contempt” – Gopal Subramaniam, Sr Adv (in the BCCI matter)* (SCC Blog, October 17, 2016) <<http://blog.scconline.com/post/2016/10/17/supreme-court-to-hear-the-bcci-matter-today/>> accessed 7 May 2017

²PTI, *‘SC accepts structural reforms in BCCI’* (The Hindu, September 20, 2016) <<http://www.thehindu.com/sport/cricket/SC-accepts-structural-reforms-in-BCCI/article14495932.ece>> accessed 7 May 2017

Important recommendations by Lodha committee are³:

- BCCI to be brought under ambit of RTI Act.
- Legalisation of betting.
- One person one post. No proxy voting of individuals.
- No BCCI office-bearer can have more than two consecutive terms.
- No BCCI office-bearer can be Minister or government servant. In no case President will hold post for more than 2 years.
- Lodha panel recommends a steering committee headed by former Home Secy G K Pillai with Mohinder Amarnath, Diana Eduljee and Anil Kumble.
- Separate governing bodies for the IPL and BCCI.
- Lodha Committee recommends relegation of Railways, Services and Universities as Associate members. They also lose voting rights.

If BCCI accepts the recommendations of the said Lodha committee, it would lead to some drastic changes in the administration of cricket as well have a profound impact on other sports organisations. It could well mean the end of the road for many politicians and business administrators who have been part of BCCI and playing crucial role in administration, elections in various state boards, financial committees and selection procedures of players over a continued period of time. The major implications of Lodha committee are likely to be heavy weights for the people who have been associated with internal politics over long time. States like Bihar, Chhattisgarh, Telangana which previously had no say will be given voting rights as independent states.

The empirical research will look into the functioning of the Gujarat Cricket Association and the Baroda Cricket Association and their take on the Lodha Committee guidelines. It will also analyse the perception of players associated with the Associations and the viewers in these cities regarding the Lodha Committee Recommendations.

➤ Aim of the Study

- To understand if the Gujarat Cricket Association and Baroda Cricket Association is working at par with the Lodha Committee recommendations.

³Lodha panel report summary <<http://xaam.org/lodha-panel-report-summary-livemint-gs-2/?print=pdf>> accessed on 10th Feb 2017

➤ **Objectives**

- To analyse the Lodha Committee recommendations.
- To track down the functioning of Gujarat Cricket Association and Baroda Cricket Association.

➤ **Hypothesis**

- The Gujarat Cricket Association works in accordance with the Lodha Committee recommendations.

➤ **Research Questions**

- What is the significance of the Lodha Committee Report in the governance of Cricket in India?
- Whether the functioning's of the Gujarat Cricket Association and Baroda Cricket Association are at par with the recommendations given by the Lodha Committee?

➤ **Literature Review**

Report of the Supreme Court Committee on Reforms in Cricket, 2016 (hereinafter referred as Lodha Committee) comprising Former CJI Lodha and former Supreme Court judges Ashok Bhan and R. Raveendran, was set up by the apex court to clean up BCCI. Justice Lodha's recommendations are properly in form of BCCI's constitutional amendments. The recommendations are aimed at making root-and-branch reforms and changing the year old elite formation of BCCI that ruled the Indian cricket at central and state levels. Structural reforms, specific rules to eliminate conflicts of interest and creation of near-permanent tenures and fiefdoms are targeted.

Vijay Lokapally in his article titled **Lodha report addresses key areas that need reform written for The HINDU newspaper on January 5, 2016** has emphasised on the importance of the Lodha Committee recommendation. The author says that the Committee has fulfilled its promise of restoring the "purity of the game" by suggesting sweeping reforms in the structuring of cricket in the country.

Jitendra Choudhary and **Jayat Ghosh** in their article titled **Governance of Sports in India** has given an extensive blueprint of the sports governance structure of sports in India. It gives a detailed description of Cricket Governance in our country mentioning how autonomous bodies are placed in this structure. It also emphasises why government should take keen interest in making an accountable and transparent sports governance system.

Kushal Gulati in his article titled **Governance of Indian Sports Body** has given an optimum model for sports governance in India. He states that proper legislation, like **The Sports Development Bill, 2011** and **Sports Development Code, 2011**, is the need of the hour to tackle the deteriorating sports governance structure of our country.

Mayank Goyal in his blog titled **Accountability of Sports Regulatory Bodies** gives the accountability system of International Sports regulatory bodies such as Indian Olympic Association, Fédération Internationale de Football Association (FIFA) and what Indian bodies should learn from these systems.

The **Supreme Court** in the case of **Cricket Association of Bihar vs. Board of Control for Cricket in India** has stated that that even though BCCI is not a public body, it performs a public duty/function in control and regulation of the game to the exclusion of all others. And since the government allows BCCI, and even lends its support, to discharge functions which it could in law takeover or regulate, therefore they cannot be discharged from their accountability on the standards generally applicable to judicial review of State action. Therefore, “BCCI may not be State u/art. 12 of Constitution but is certainly amenable to writ jurisdiction u/art. 226 of Constitution.”

➤ **Scope & Limitation**

- The scope of this empirical study is limited to the Lodha Committee report and the mandate given by the Supreme Court of India. It also inculcates the analysis of governance structure of Cricket in the state of Gujarat with special reference of Ahmedabad, Gandhinagar and Baroda.

➤ **Research Methodology**

The research undertaken was empirical (taking into consideration various stakeholders [Office bearers, Players and Viewers] of the Gujarat Cricket Association and Baroda Cricket Association) & doctrinal. The sources of research consisted of both, primary as well as secondary sources. The Primary sources consisted of Statues and Statutory instruments. On the other hand the secondary Sources consist of Books, Articles, Reports, online databases and other web pages.

Sr. No	Respondents	Number
1.	Office Bearers	5
2.	Players	8
3.	Viewers	50

Table 1.0: Number of Respondents Interviewed

1. General Method of Analysis: The researcher analysed the Lodha Committee report and other related legislations and material. Questionnaires filled by the stakeholders helped in knowing the perspective of the Sports Community.
2. Research tools: Questionnaire, Statues, Reports, Committee Recommendations, books and articles of various authors, scholars and organizations and websites were relied upon. Various online databases like Hein online, Jstor, Webstar, LexisNexis etc. were used.

DATA ANALYSIS

The data collected from the sample survey has been preliminarily analysed based on the frequency of the observations regarding various crucial aspects of the research problem. The universe of the study was the city of Ahmedabad, Gandhinagar and Baroda which has a thriving cricket scenario. A total of 63 people were interviewed through the questionnaire prepared.

1. Gujarat Cricket Association and Baroda Cricket Association within Right to Information Act: To bring utmost level of transparency and accountability the Lodha Committee Report prescribed bringing BCCI under the Right to Information Act. However, it was found that the officials at GCA and BCA and the players were of the view that because BCCI is outside the ambit of RTI Act, the same position should be given to GCA and BCA. The viewers were of mixed opinion as depicted in *figure 1.0*.

On analysing the figure, we can understand why Officials and players of GCA and BCA have their reservations regarding the inclusion of these associations in the RTI Act. On the other hand, viewers are more inclined towards a Utopian structure. As these organisations are using State infrastructure which is made using public money, transparency in their functioning is of utmost importance. The researcher believes that to tackle this issue it is important and necessary to bring the BCCI under the ambit of RTI Act so that the State Cricket Associations follow the same mandate.

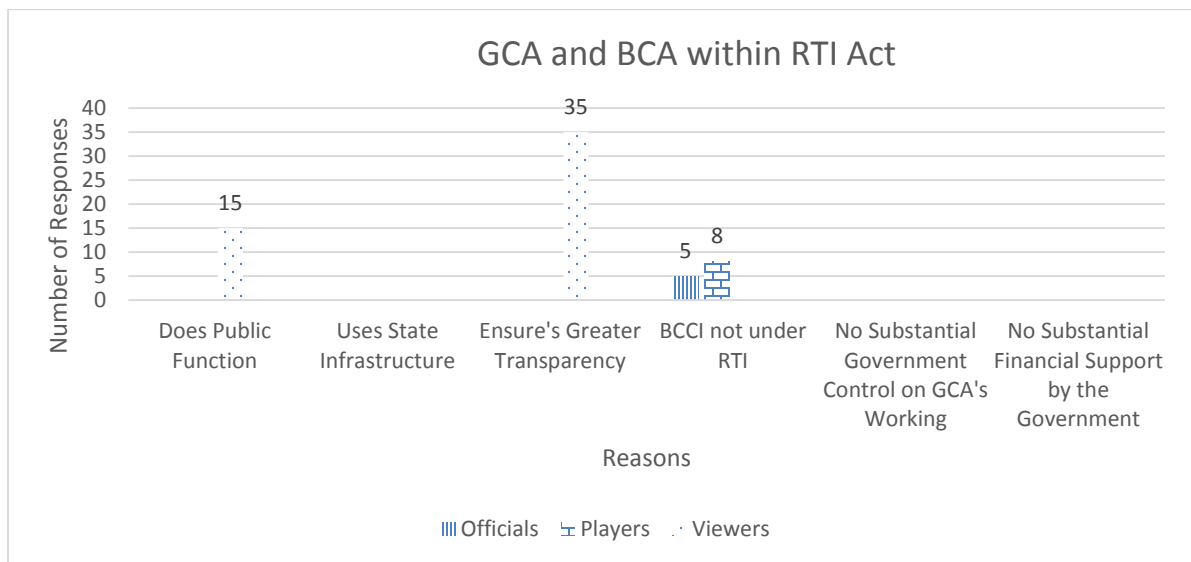


Figure 1.0: Gujarat Cricket Association and Baroda Cricket Association within Right to Information Act
(n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

2. Legalising Betting: A number of governments in its tenure have tried to curb the issue of betting in sports. The concrete scenario to curb this issue has not been set till now. The Lodha Committee, through its report, has suggested to legalise betting.⁴ It was of the view that legalisation of betting will serve two purposes:

- a) It will help the government to regulate betting in a better way as it'll happen within the rules and regulations laid down by the government, and
- b) It will generate revenue which can be used for development purpose.

While accepting all the recommendations by the Lodha committee, the Supreme Court is of the view that giving a legalising betting falls within the ambit of the legislature and it should see all the pros and cons while giving a legal status to betting.⁵

Figure 2.0 depicts the opinion of the sports community of Ahmedabad, Gandhinagar and Baroda. If we observe the figure, we can see a mix response of all the viewers. This difference of opinion is natural as betting is a social stigma in the society and thus ethics & morality play a major role while penning down one's opinion on the same.

Interestingly, players and officials of both the associations are of the view that a legal mandate should be given to betting as it will help in regulating the issue in a better way.

⁴Internet desk, '*As it happened: Lodha Panel recommends legalisation of betting*' (The Hindu, January 04, 2016) <<http://www.thehindu.com/sport/cricket/As-it-happened-Lodha-Panel-recommends-legalisation-of-betting/article13980827.ece>> accessed 7 May 2017

⁵Satya Jay, '*SC says Lodha committee recommendation to legalise betting falls in the domain of legislature*' (Gambling Laws in India, July 18, 2016) <<https://glaws.in/2016/07/18/sc-says-lodha-committee-recommendation-to-legalise-betting-falls-in-the-domain-of-legislature/>> accessed 7 May 2017

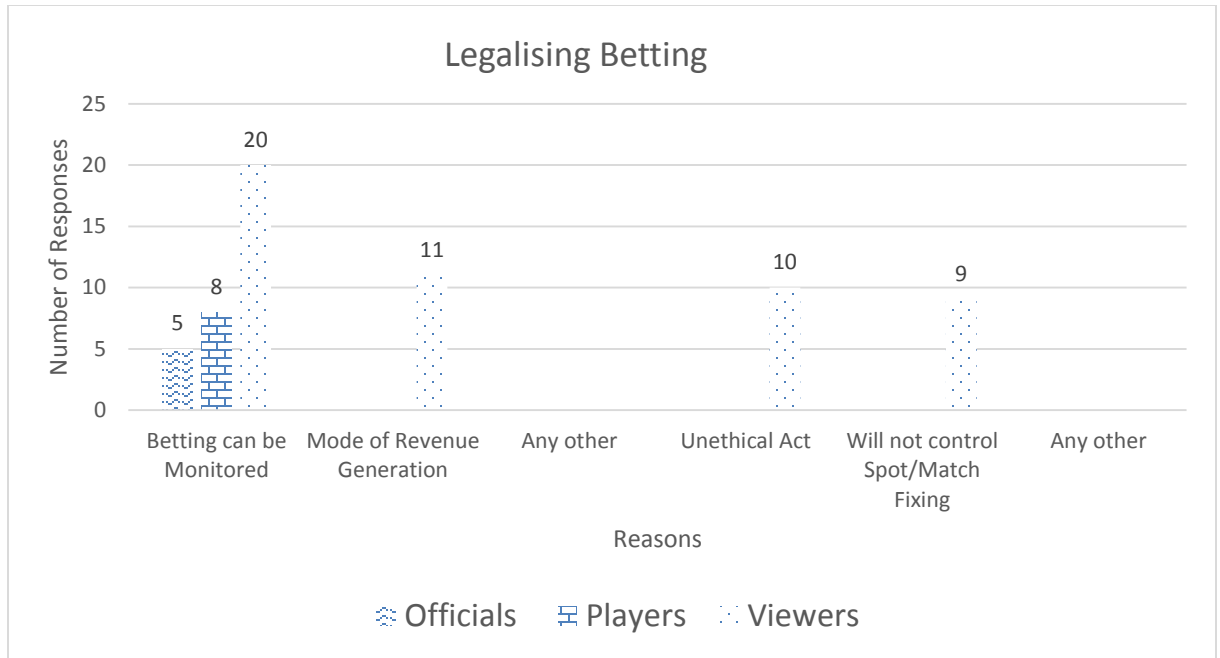


Figure 2.0: Legalising Betting
 (n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

3. Role of President in team selection: Chapter 2 of the Lodha Committee Report talks about the powers and duties of different office bearers of BCCI. As we all know that it is not necessary that the President of Cricket Association has a sports background. We generally see that Politicians and Bureaucrats are made Presidents of Cricket Associations. The Lodha Committee restricts the role of President when it comes to team selection.⁶ *Figure 3.0* reflects the observations made in this regard.

The researcher is of the opinion that the role of President in any cricket association should be that of an administrative character. If the President has a sports background, his/her opinion should definitely be taken into consideration as it can be beneficial for the team. Cricket experts should take the final call as prescribed by Lodha Committee.

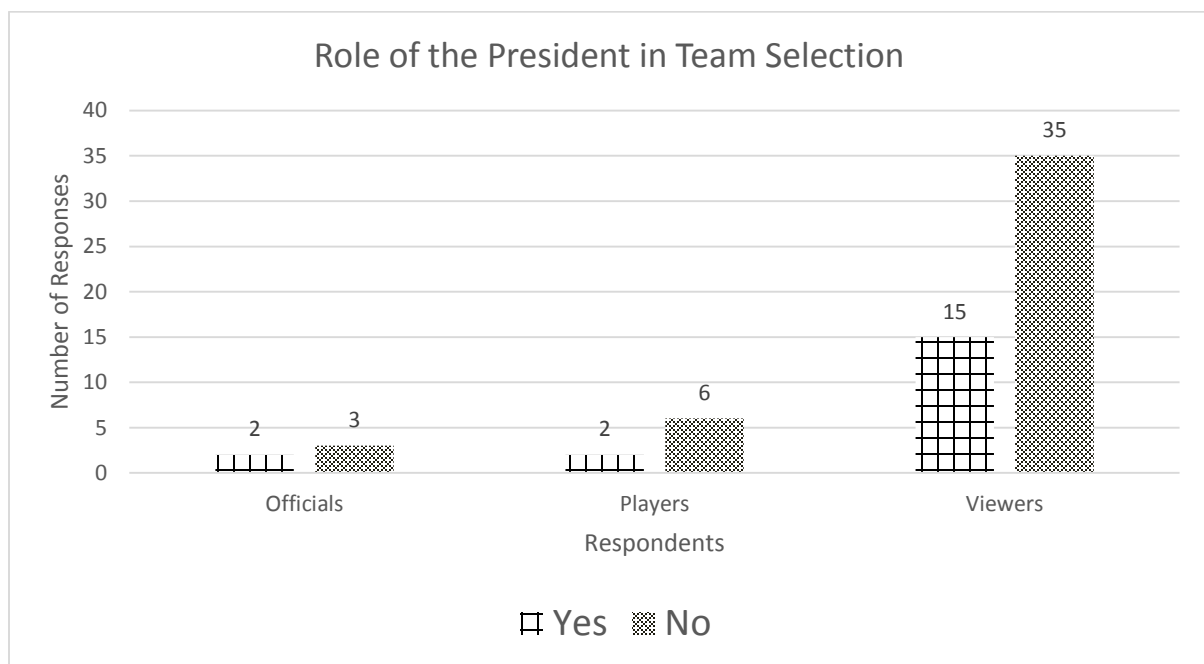


Figure 3.0: Role of President in Team Selection
(n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

4. Establishment of apex council of Gujarat Cricket Association and Baroda Cricket Association: The role of the apex council of the BCCI is not only lays down the relevant

⁶ANI, 'Lodha Committee makes it clear, only Test cricketers can be national selectors' (DNA, 12 January 2017) <<http://www.dnaindia.com/sport/report-lodha-panel-wants-ex-test-players-to-select-irani-trophy-team-2291684>> accessed on 7 May 2017

rules, regulations and bye-laws that govern the BCCI, but also oversee their implementation and takes final decisions when a Member or third party challenges either the rule or the manner of its implementation.⁷ Figure 4.0 reflects the opinion regarding the same.

Both the players and the officials of the GCA and BCA are of the opinion that an apex council should be made by every State Association. Both these Associations are working on forming the same for a better functioning of the Association. When it comes to viewers, the opinion is split. This difference is there because of lack of knowledge regarding the role of Apex Council in BCCI.

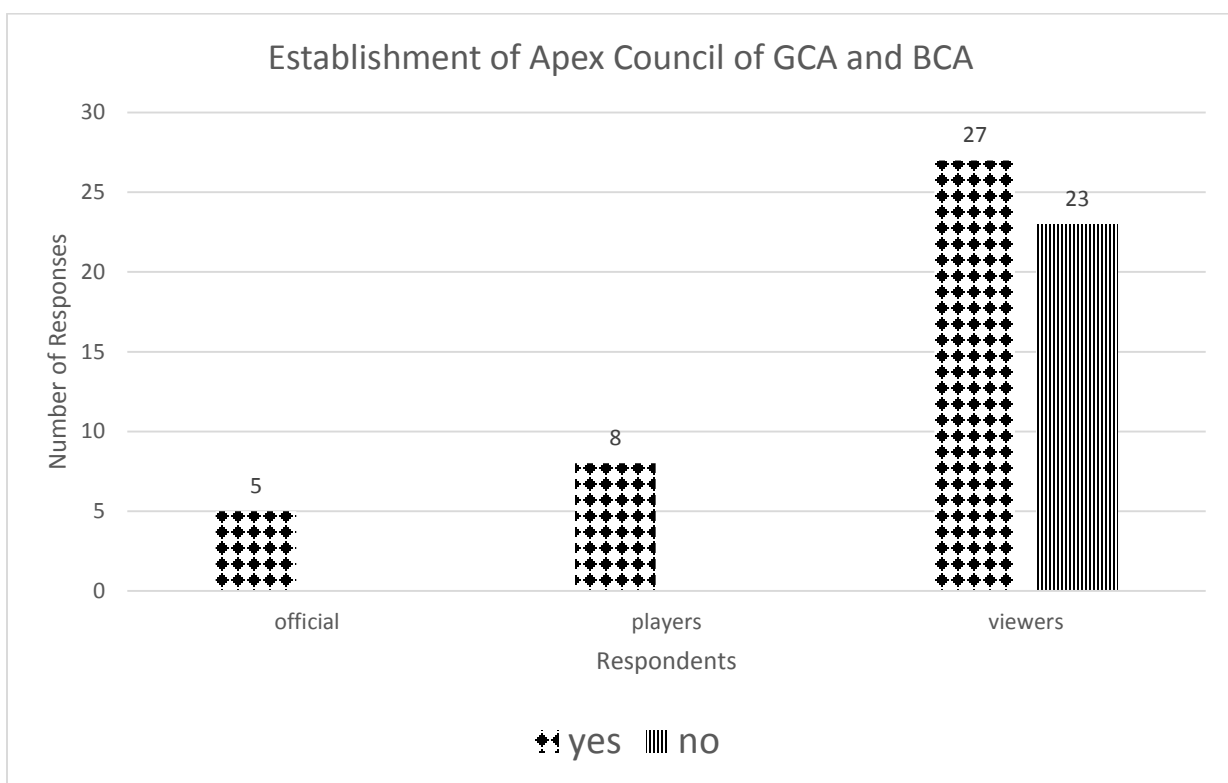


Figure 4.0: Establishment of Apex Council of Gujarat Cricket Association and Baroda Cricket Association (n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

5. Members of Working Committee of Gujarat Cricket Association and Baroda Cricket Association: The Lodha Committee has recommended to have an Apex Council for BCCI.

⁷Jaishankar V, 'BCCI vs Lodha: All eyes on SC as administrators for crucial transition phase to be announced' (Firstpost, Jan, 20 2017) <<http://www.firstpost.com/sports/bcci-vs-lodha-all-eyes-on-sc-as-administrators-for-crucial-transition-phase-to-be-announced-3212422.html>> accessed 7 May 2017

The council should have members from every field of administrations. Also members of cricket community should be given preference in appointment. The Committee has also laid down the tenure and functioning of the Apex Council. *Figure 5.0* reflects the opinion of the sports community of Gujarat in this regard.

Officials of both these Associations are of the view that politicians, former players and umpires should be given preference in the apex council. The players are also of the same opinion. Some of them feel that viewers should also be included in the apex council as sports is a form of entertainment and the opinion of viewers also matters. Also these associations run with the help of State so general public should have a say in the functioning of State Cricket Association. The viewers are also of the same opinion.

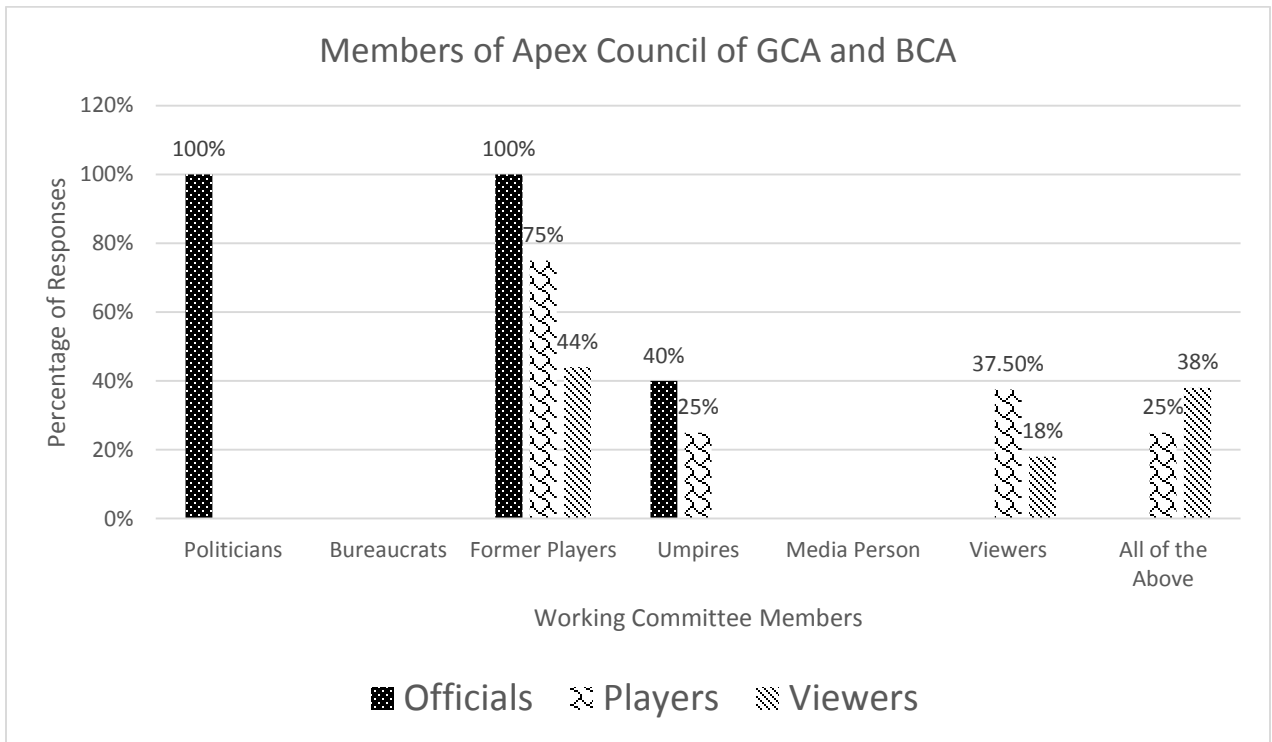


Figure 5.0: Members of Apex Council of Gujarat Cricket Association and Baroda Cricket Association (n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

- Autonomous Character of Local Leagues:** The Lodha Committee recommended that while leagues like IPL should have an autonomous character, it should be under a scrutinising committee which take cares of it’s affairs after the IPL spot-fixing case. Justice Mudgal

Committee in this regard has also laid down the same proposition.⁸ Autonomy comes with transparency and accountability. *Figure 6.0* pens down the observation made by the researcher in this regard.

The researcher believes that autonomy has to be clubbed with accountability. As these leagues are done through State infrastructure and State support, their accountability and transparency should be checked by proper authorities. Special care should be taken while scrutinising their financial statements.

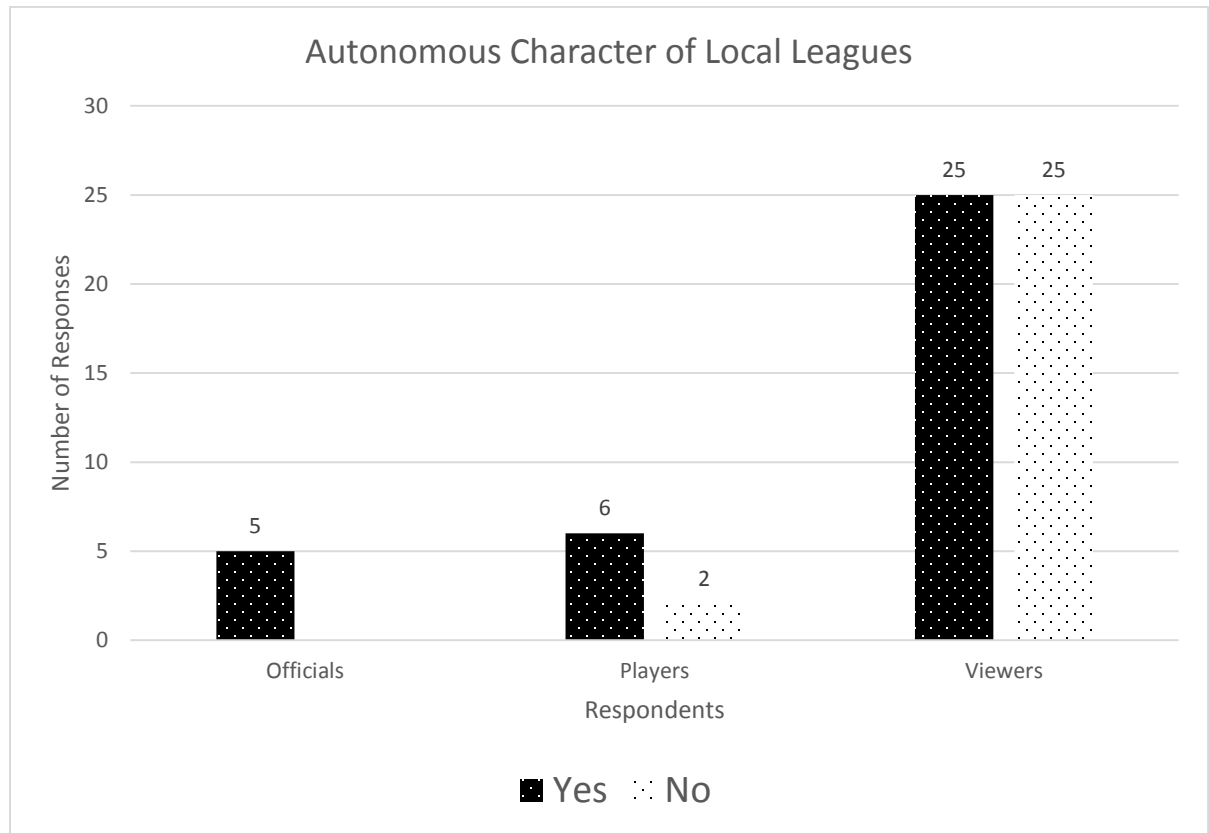


Figure 6.0: Autonomous Character of Local Leagues
(n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

7. Awareness about Lodha Committee Recommendations: For any change, awareness is the first step. *Figure 7.0* depicts how much people are aware about the Lodha Committee recommendations.

⁸ Ananth V, 'IPL probe: Mudgal committee submits final report to Supreme Court' ([Http://www.livemint.com/](http://www.livemint.com/), November 10 2014) <<http://www.livemint.com/Politics/NR03D3k96kyIOWRLV1Yn3M/Mudgal-committee-submits-final-report-in-IPL-probe-to-Suprem.html>> accessed 7 May 2017

Interestingly, all the respondents were aware about the Lodha Committee Recommendations. Though the details were not known to everyone especially when it comes to viewers. It is very important to be aware about the legal standards of any body which is doing public functions as directly or indirectly general public has to bear the pros and cons. Its not only the reponsibility of the State to make people aware about such reports and recommendations. In India, where cricket is considered as religion, such awareness becomes significant automatically to keep intact the sanctity of the sport.

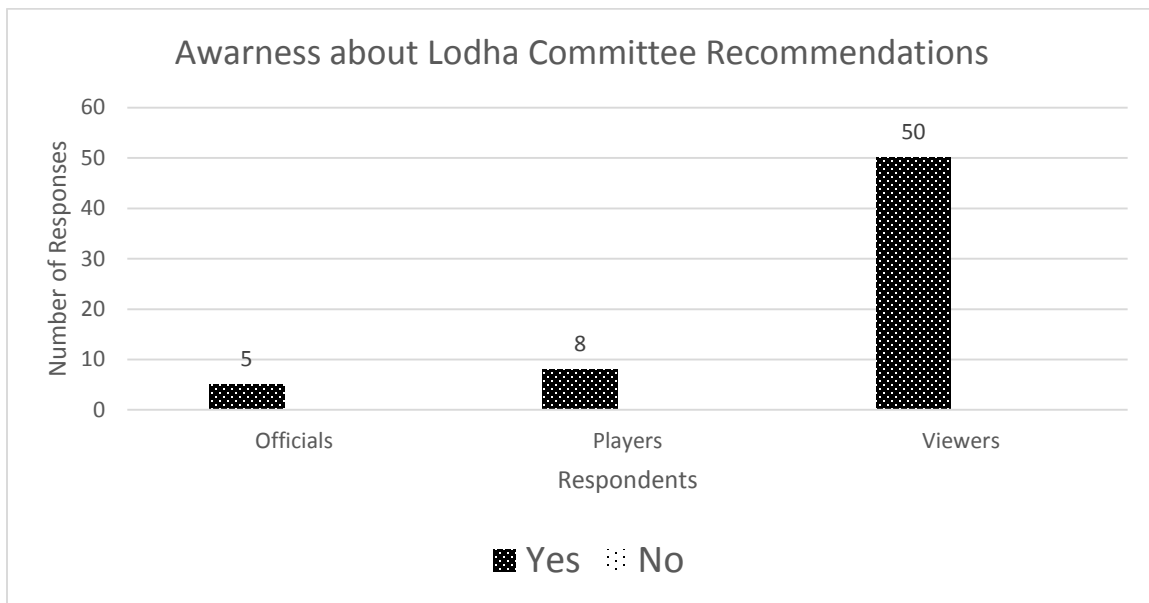


Figure 7.0: Awareness about Lodha Committee Recommendations
(n=63 [n1=officials (5), n2=players (8) & n3=viewers (50)])

FINDINGS

After a preliminary analysis of the collected data the researcher has observed certain fundamentals about the functioning of the Gujarat Cricket Association:

1. The GCA and BCA are not within the ambit of the Right to Information Act because their mother association, the BCCI, is not within the ambit of the Right to Information.
2. Public in general is of the opinion that betting shouldn't be legalised in India. Through analysis it can be seen that betting is considered to be a taboo. Public at large thinks that it is an immoral act and its regularisation should not be considered as an option.
3. It has been observed that majority of the respondents are of the opinion that a maximum of sports experts should be a part of the Apex Council of the Gujarat Cricket Association and Baroda Cricket Association. This would help in spotting the best talent.
4. The most fortunate part of this study was that people are aware about the Lodha Committee recommendations. This is a very significant attribute of this study.

CONCLUSION

After a perusal of both the primary and secondary data available the researcher has come to a conclusion that the GCA is yet to implement the recommendations that are mandated by the Lodha Committee. The reason behind non-implementation is only one: non application of these recommendations by the BCCI which is the mother association of the GCA and BCA.

On a number of issues the perception of the general public i.e. the viewers, players and officials differed. The study exposed the thought process of these three categories of stakeholders. Especially in the case of composition of Apex Council of the GCA and BCA, the issue of legalisation of betting and the autonomous character of the local leagues. The most fortunate part of the study was that all the respondents were well versed with the recommendations of the Lodha Committee.

Cricket is one of the most celebrated sport in our country. It has taken the status of religion in our country. It is very unfortunate to see that due to involvement of money the prestige of this sport is demeaned and the most recent example is that of the IPL. The IPL scam exposed the loopholes in the Cricket governance system of our country. The need of the hour is to tackle the pathologies present in the system and that can only be done by a structured, scrutinised, accountable and transparent system at national as well as state level.

BIBLIOGRAPHY

➤ Reports:

- Report of the Supreme Court Committee on Reforms in Cricket, 2016
- Justice Mudgal IPL Probe Committee, 2014

➤ Books:

- Mudgal M & Singhania V, *Law & Sports In India- Developments, Issues And Challenges* (Lexis Nexis 2015)
- Luther J, *Unsportsmanlike Conduct: College Football and the Politics of Rape* (Oxford Press 2016)
- Heitner D, *How to Play the Game: What Every Sports Attorney Needs to Know* (ABA Publishing 2014)
- Cotton D & John W, *Law for Recreation and Sport Managers* (6th Edn, Prime Student 2014)

➤ Web-links:

- Express Web Desk, 'Lodha Panel Report: Top 10 recommendations' < <http://indianexpress.com/article/sports/cricket/lodha-panel-report-top-10-recommendations/>>
- ESPNCRICINFO, 'In a nutshell: BCCI v Lodha Committee' < <http://www.espnricinfo.com/india/content/story/1075202.html>>
- DNA Web Team, 'Here is the complete Justice Lodha Committee report submitted to the Supreme Court' < <http://www.dnaindia.com/sport/report-here-is-the-complete-justice-lodha-report-2162151>>
- Jaishankar V, 'Lodha Committee report: Supreme Court takes BCCI to the cleaners but the last word hasn't been heard yet' < <http://www.firstpost.com/sports/lodha-committee-supreme-court-takes-bcci-to-the-cleaners-but-the-last-word-hasnt-been-heard-yet-2713928.html>>
- Ananth V, 'IPL probe: Mudgal committee submits final report to Supreme Court' (Http://www.livemint.com/, November 10 2014) <<http://www.livemint.com/Politics/NR03D3k96kyIOWRLV1Yn3M/Mudgal->

committee-submits-final-report-in-IPL-probe-to-Suprem.html> accessed 7 May 2017

- Jaishankar V, 'BCCI vs Lodha: All eyes on SC as administrators for crucial transition phase to be announced' (Firstpost, Jan, 20 2017) <<http://www.firstpost.com/sports/bcci-vs-lodha-all-eyes-on-sc-as-administrators-for-crucial-transition-phase-to-be-announced-3212422.html>> accessed 7 May 2017
- ANI, 'Lodha Committee makes it clear, only Test cricketers can be national selectors' (DNA, 12 January 2017) <<http://www.dnaindia.com/sport/report-lodha-panel-wants-ex-test-players-to-select-irani-trophy-team-2291684>> accessed on 7 May 2017
- Scconline.com, "Disobedience by BCCI is both civil and criminal contempt" – Gopal Subramaniam, Sr Adv (in the BCCI matter)' (SCC Blog, October 17, 2016) <<http://blog.scconline.com/post/2016/10/17/supreme-court-to-hear-the-bcci-matter-today/>> accessed 7 May 2017
- PTI, 'SC accepts structural reforms in BCCI' (The Hindu, September 20, 2016) <<http://www.thehindu.com/sport/cricket/SC-accepts-structural-reforms-in-BCCI/article14495932.ece>> accessed 7 May 2017
- Internet desk, 'As it happened: Lodha Panel recommends legalisation of betting' (The Hindu, January 04, 2016) <<http://www.thehindu.com/sport/cricket/As-it-happened-Lodha-Panel-recommends-legalisation-of-betting/article13980827.ece>> accessed 7 May 2017
- Satya Jay, 'SC says Lodha committee recommendation to legalise betting falls in the domain of legislature' (Gambling Laws in India, July 18, 2016) <<https://glaws.in/2016/07/18/sc-says-lodha-committee-recommendation-to-legalise-betting-falls-in-the-domain-of-legislature/>> accessed 7 May 2017
- ANI, 'Lodha Committee makes it clear, only Test cricketers can be national selectors' (DNA, 12 January 2017) <<http://www.dnaindia.com/sport/report-lodha-panel-wants-ex-test-players-to-select-irani-trophy-team-2291684>> accessed on 7 May 2017