

## How has the BCCI resisted RTI scrutiny?

Why does the body not qualify as a public authority? What does the CIC order say? What are the implications?

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The Hindu - International · 24 May 2026 · Aaratrika Bhaumik

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The story so far: The Central Information Commission (CIC) on May 18 held that the Board of Control for Cricket in India (BCCI) does not qualify as a “public authority” under the Right to Information (RTI) Act, 2005, and therefore cannot be directed to furnish information under the RTI Act.

The BCCI has maintained that it is a private and autonomous body and therefore does not qualify as a “public authority” under Section 2(h) of the RTI Act. The provision defines a “public authority” as “any authority or body or institution of selfgovernment established or constituted” by the Constitution, laws enacted by Parliament or State legislatures, or through government notifications. It also includes entities that are “owned, controlled or substantially financed” by the government, including NGOs receiving substantial public funding. The cricket body has argued that, as an autonomous charitable society registered under the Tamil Nadu Societies Registration Act, 1975 (1975 Act), it does not fall within the ambit of ‘State’ under Article 12 of the Constitution. This Article includes within its scope the Union and State governments, legislatures, and “all local or other authorities” functioning within the territory of India or under government control.

An earlier Bench of the CIC, headed by Information Commissioner M. Sridhar Acharyulu, had in 2018 held that the BCCI qualified as a public authority under the RTI Act and directed it to appoint Public Information Officers and establish an RTI compliance framework. The order was challenged by the BCCI before the Madras High Court, which remitted the matter to the CIC for fresh consideration in light of Supreme Court rulings holding that the cricket body did not fall within the ambit of the RTI Act. The CIC’s May 18 decision was passed pursuant to this reconsideration.

Earlier, the Justice R.M. Lodha Committee, constituted by the Supreme Court in 2015 to recommend reforms within the BCCI, had described the cricket body’s functioning as a “closed door and backroom affair” and urged Parliament to “seriously” consider bringing it under the RTI Act. The Law Commission, too, in 2018, recommended that sports bodies discharging public functions be brought within the RTI regime. However, neither recommendation was translated into law.

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The CIC held that the BCCI, being registered under the 1975 Act as “a private association of individuals”, cannot be treated as a public authority under the RTI Act. It observed that the RTI regime does not extend to every entity “merely because they are registered under a statute”,

drawing a distinction between bodies created by law and those formed through private initiative and only later registered under a statutory framework. It noted that the BCCI was formed by cricket administrators and that registration under the 1975 Act merely grants legal recognition, not statutory status.

The Commission also relied on the Supreme Court's ruling in *Zee Telefilms Ltd. v. Union of India* (2005), which held that "mere supervision or regulation by the state is insufficient to alter the private character of the organisation". In that judgment, the apex court had observed that although the BCCI performs significant public functions in regulating cricket in India, it would not qualify as 'State' under Article 12 of the Constitution in the absence of deep and pervasive governmental control over its affairs.

On the issue of funding, the Commission observed that Section 2(h)(d) of the RTI Act covers bodies that are "substantially financed" by the government. However, it clarified that the term refers to financial assistance so significant that the entity's survival would depend on it, and not indirect benefits such as tax exemptions. The CIC held that the exemptions relied upon by the BCCI are uniformly available to nonprofit organisations meeting the prescribed conditions under the Income Tax Act, 1961. It also pointed out that the BCCI generates massive revenues through media rights, sponsorships, and broadcasting deals.

Bringing the BCCI within the RTI framework would have enabled citizens to seek information not only on its finances but also on its daytoday functioning. Section 14(2) of the National Sports Governance Act, 2025 provides that a recognised sports organisation would be treated as a public authority only "with respect to the utilisation of government grants or financial assistance" received by it. By making government funding the determining criterion, this provision effectively excludes the BCCI from the ambit of the RTI Act.