

BCCI Not a Public Authority Under RTI Act, Key Highlights

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The Central Information Commission (CIC) has ruled 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 compelled to disclose information under the law.

Background

The case originated from an RTI application filed by a Delhi resident seeking information on the legal authority of the BCCI in selecting players for the Indian cricket team, the use of government support such as stadium infrastructure and police security, and the extent of government control over cricket administration in India.

- The Ministry of Youth Affairs and Sports stated that it did not hold the requested information and also clarified that it could not transfer the RTI application to the BCCI as it was not recognised as a public authority under the RTI Act.
- The matter was then appealed before the Central Information Commission.

- In its 2018 order, the CIC held that the BCCI qualifies as a “public authority” under Section 2(h) of the **RTI Act, 2005**, primarily because it performs an important public function of regulating cricket in India.
- The 2018 CIC order directed the BCCI to put in place mechanisms for receiving and processing RTI applications, bringing it under the transparency framework of the RTI Act.
- This 2018 ruling was subsequently challenged, and the Madras High Court remanded the matter back to the CIC in 2025 for fresh consideration, which ultimately led to the present decision reversing the earlier view and holding that the BCCI does not fall within the definition of a public authority under the RTI Act.

Key Highlights of the CIC order

- The CIC held that **BCCI is not a “public authority” under Section 2(h) of the RTI Act, 2005** because it is a **privately registered society under the Tamil Nadu Societies Registration Act, 1975**, and it has not been created by Parliament, any State Legislature, or any government notification.
- The CIC noted that the **government has no administrative or financial control over BCCI**, as it does not appoint office-bearers, regulate its internal functioning, or influence its decision-making process in any meaningful manner.
- The Commission clarified that **tax exemptions and statutory concessions available under general laws cannot be treated as “substantial financing” by the government**, which is a key requirement to bring an organisation under the RTI Act.
- CIC rejected the argument that **government-provided stadium infrastructure or police protection amounts to “substantial financing”**, holding that such facilitation is not financial support under Section 2(h).
- The Commission highlighted that **BCCI is financially self-sustained through major revenue sources** such as IPL media rights, broadcasting deals, sponsorships, and ICC distributions, making it a **market-driven entity rather than a government-supported organisation**.

The Commission relied on three Supreme Court judgments in arriving at its conclusion:

- In **Thalappalam Service Cooperative Bank v. State of Kerala (2013)**, the Supreme Court held that indirect benefits or limited government assistance do not make an organisation a public authority unless there is substantial financing or deep government control.
- In **Zee Telefilms v. Union of India (2005)**, the Court ruled that the BCCI is not “State” under Article 12 of the Constitution, even though it performs important public functions in regulating cricket.
- In **Dalco Engineering v. Satish Prabhakar Padhye (2010)**, the Court reiterated that statutory accountability can apply only where there is clear evidence of significant government funding or effective governmental control.
- The CIC clarified that the Supreme Court’s 2016 judgment in **BCCI v. Cricket Association of Bihar** was aimed at improving governance in BCCI and did not classify it as a “public authority” under the RTI Act, and it also noted that the **Lodha Committee (2015) and Law Commission (275th Report, 2018)** recommendations are only advisory and cannot change the legal scope of the RTI Act, 2005.

In its closing remarks, CIC ruled that simply bringing an organisation under government control does not automatically ensure fairness, because fairness depends more on transparency, accountability, and the right kind of

regulatory design suited to that specific sector.

The Commission also cautioned that applying the same strict oversight rules used for government departments to a private, market-driven body like the BCCI may not always work well, and could disturb the balance of a complex and financially sensitive sports economy.

About the RTI Act, 2005

The **RTI Act, 2005** empowers citizens to seek information from public authorities to promote transparency and accountability in governance under **Article 19(1)(a) of the Constitution**. It applies only to bodies that qualify as public authorities under Section 2(h), which includes government bodies and entities substantially financed or controlled by the government.

The Act also provides exemptions for sensitive information related to sovereignty, security, strategic interests, and foreign relations, while allowing disclosure in cases where public interest outweighs harm.

Examples of Public Authorities under RTI Act, 2005

Section 2(h) of the RTI Act 2005 defines a “public authority” as “any authority or body or institution of self-government established or constituted” by the Constitution, laws made by Parliament or state legislatures, or government notifications. It also includes bodies that are “owned, controlled or substantially financed” by the government, including NGOs substantially financed by public funds.

- **Constitutional Authorities:** These are institutions established directly by the Constitution of India to ensure governance, accountability, and democratic functioning of the state.
 - **Examples** include bodies like the **Election Commission of India**, Union Public Service Commission (UPSC), and Comptroller and Auditor General of India (CAG) etc
- **Ministries and Departments of Government:** All central and state government ministries automatically qualify as public authorities because they are directly part of the executive branch of the state.
 - **Examples** include the Ministry of Home Affairs, Ministry of Finance, Ministry of Education, and similar departments at both Union and State levels.
- **Public Sector Undertakings (PSUs):** Government-owned companies and enterprises are treated as public authorities because they are either fully or substantially owned and controlled by the government.
 - Examples include Oil and Natural Gas Corporation (ONGC), Indian Oil Corporation Limited (IOCL), Steel Authority of India Limited (SAIL), and Bharat Heavy Electricals Limited (BHEL).
- **Statutory Bodies:** These are organisations created through Acts of Parliament or State Legislatures to perform specific regulatory or developmental functions.
 - **Examples** include Reserve Bank of India (RBI), **Securities and Exchange Board of India** (SEBI), University Grants Commission (UGC), and Food Safety and Standards Authority of India (FSSAI).
- **Local Government Bodies:** Institutions of local self-governance also fall under the RTI framework as they are directly funded and controlled by the state.
 - **Examples** include Municipal Corporations, Municipal Councils, Gram Panchayats, and Zila Parishads.
- **Government-funded or Controlled Institutions:** Any body that is substantially financed by the government or where the government exercises significant control also becomes a public authority under

Section 2(h).

- **Examples** include many government-aided universities, government hospitals, and certain autonomous research institutions like Indian Council of Medical Research (ICMR).

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