

**EXTRACTS FROM THE FINDINGS/ RECOMMENDATIONS OF THE
INDEPENDENT INQUIRY COMMITTEE**

Reproduced below are the relevant extracts from the findings/ recommendations of the Independent Inquiry Committee (“**Committee**”), which submitted its report to the Committee of Administrators at 11.30 am on 21st November 2018, insofar as they pertain to the action (if any) to be taken against Mr. Rahul Johri:

Extract from Findings/ Recommendations of Justice Rakesh Sharma (Retd.)

“ ...

87. The complainants have failed to provide their cases as set up by them and we (me and Smt. Barkha Singh) are of the opinion that Mr. Rahul Johri has not abused his powers. The allegations of sexual harassment in the office or else where are false, baseless and have been fabricated and manufactured with an ulterior motive to harm Mr. Rahul Johri and throw him out of BCCI as indicated in some communications, and reactions expressed in the e-mails, statements in the press. There has to be a balancing of the rights just as the complainant women have a right, the respondent-CEO also has a right and in these circumstances and facts of the case, we are not ready to hold him guilty of the charges. He appears to be innocent. In our opinion (me and Mrs. Barkha Singh), it would be pre-mature, unjust and unfair to recommend any action against Mr. Rahul Johri on the basis of material placed before us. The allegations, complaints may not be treated as part of the service record of Mr. Rahul Johri. These must be consigned to records and then weeded out. In our considered opinion (me and Smt. Barkha Singh), he may be allowed to function as Chief Executive Officer (CEO) of BCCI as before. No adverse action need to be taken against Mr. Rahul Johri, CEO, BCCI, on the basis of these mischievous, false, fabricated, unsubstantiated complaints, e-mails, tweets etc on social media.”

Extract from Findings/ Recommendations of Smt. Barkha Singh

“ ...

93. I would like to place on record that in my nine years of tenure as “Chairperson of Delhi Commission for Women”, I have come across many incidents and supported the cause of a women. It becomes our duty for providing equal opportunity for woman at work place. In my opinion, such kind of motivated and fabricated allegations will diminish the status of women and the job opportunity for them. Such complaints will also have an adverse effect on the fight for equality for women.

Setting such precedents will only make it more difficult for achieving equality and equal opportunity for women. Therefore, I am in full agreement with the views and opinion of my senior esteemed colleague Hon’ble Mr. Justice Rakesh Sharma. I am of the opinion that a “Grievance redressal committee/ cell” may be constituted in BCCI in the interest of women employees.”

Extract from Findings/ Recommendations of Ms. Veena Gowda

“ ...

Recommendations:

Each of the allegations before the Committee has been dealt with above and as a conclusion I am reiterating some of the consequential observations made therein for recommended action:

- a) ...
- b) *The Conduct of Mr. Rahul Johri at Birmingham, as a CEO of an institution such as BCCI is unprofessional and inappropriate which would adversely affect its reputation and the same has to be looked at by the concerned authorities.*
- c) *In view of his conduct at Birmingham as well as keeping in mind the allegations made by Ms. X and his conduct before this Committee with respect to the photographs submitted, it is essential that Mr. Johri undergo some form of gender sensitivity counselling/ training.”*

DECISION OF THE COMMITTEE OF ADMINISTRATORS

The Committee of Administrators considered the aforementioned findings/ recommendations of the Committee and restricted its deliberations to only those portions of the findings/ recommendations which relate to the action (if any) to be taken against Mr. Rahul Johri, the Chief Executive Officer (“CEO”) of BCCI. The Committee of Administrators is divided on this issue.

Opinion of the Chairman, Mr. Vinod Rai

The Chairman alluded to the specific recommendation of Justice Rakesh Sharma (Retd.), the Chairman of the Committee, in which he has stated that it would be premature, unjust and unfair to recommend any action against Mr. Rahul Johri on the basis of material placed before the Committee. He pointed out that in the considered opinion of Justice Rakesh Sharma (Retd.) and Smt. Barkha Singh, Mr. Rahul Johri may be permitted to function as the CEO of BCCI as before. Justice Rakesh Sharma (Retd.) goes on to add that no adverse action needs to be taken against the CEO on the basis of these mischievous, false, fabricated, unsubstantiated complaints, emails, tweets, etc. on social media. The Chairman found that Smt. Barkha Singh has also, in her independent recommendations, stated that she is in full agreement with the views and opinion of Justice Rakesh Sharma (Retd.).

The finding of Ms. Veena Gowda in respect of Mr. Johri is that his behaviour in Birmingham was unprofessional and inappropriate. However, she has not found him guilty of sexual harassment. Ms. Gowda has recommended that, in light of his conduct at Birmingham and in light of certain photographs which Mr. Johri submitted before the Committee, it is essential that Mr. Johri undergo some form of gender sensitization counselling/ training. The clear inference from this recommendation is that, going forward, Mr. Johri needs to be counselled as aforesaid but there is no recommendation to take any other action against him.

For the above reasons, the Chairman expressed the view that no adverse action is warranted against Mr. Rahul Johri and he should be allowed to resume his duties.

Opinion of Ms. Diana Edulji

At the outset, Ms. Edulji stated that she has not been able to go through the entire report due to paucity of time. However, after going through the final recommendations of each of the three members of the Committee, Ms. Edulji said that she does not agree with the conclusions of Justice Rakesh Sharma (Retd.) and Smt. Barkha Singh. She alluded to the finding in Ms. Gowda's recommendations to the effect that as a CEO of an institution such as BCCI, the unprofessional and inappropriate conduct of Mr. Johri would adversely affect the reputation of BCCI. Ms. Edulji pointed out it has been her stand right from the beginning that the reputation of BCCI is of prime importance. In the circumstances, Ms. Edulji said that the fact that Ms. Gowda has recommended that Mr. Johri should undergo gender sensitization counselling/ training is sufficient for her to arrive at the conclusion that he is not fit to be the CEO of BCCI. Accordingly, she expressed the view that the report of the Committee is actually a split 2 : 1 verdict and Mr. Johri should be asked to tender his resignation with immediate effect.

Conclusion

Since there is no consensus between the two members of the Committee of Administrators regarding what action should be taken against Mr. Rahul Johri, the Chairman stated that the natural consequence would be that Mr. Johri continues as the CEO of BCCI and is entitled resume office. Ms. Edulji disagreed with this. However, the Chairman reiterated that Mr. Rahul Johri should continue as the CEO of BCCI and resume his duties, as a natural consequence.

Place: Mumbai

Date: 21st November 2018

The Supreme Court Appointed Committee of Administrators