

2014

# JUSTICE MUDGAL IPL PROBE COMMITTEE

A REPORT ON THE ALLEGATIONS OF BETTING AND  
SPOT/MATCH FIXING IN THE INDIAN PREMIER  
LEAGUE- SEASON 6

## VOLUME 1

### Members:

1. Mr. Justice Mukul Mudgal  
Retd. Chief Justice Punjab and Haryana High Court  
Chairman
2. Mr. L. Nageswar Rao  
Additional Solicitor General of India
3. Mr. Nilay Dutta  
Senior Advocate

### Secretary:

Mr. Vidushpat Singhania  
Advocate

### Research Associates:

1. Ms. Abantee Dutta  
Advocate
2. Mr. Gautam Bharadwaj  
Advocate



## IPL PROBE COMMITTEE REPORT

1. The 3-member Probe Committee has been appointed by the Hon'ble Supreme Court of India pursuant to an order dated 30<sup>th</sup> July 2013 in Special Leave Petition No.26633/2013 arising out of the judgment and order in PIL No.55/2013 of the Hon'ble High Court of Judicature at Bombay.
2. The committee comprises of Mr. Justice Mukul Mudgal (Retired Chief Justice, Punjab & Haryana High Court) as the Chairman, Mr. L. Nageswara Rao, Sr. Advocate & Additional Solicitor General as Member, Mr. Nilay Dutta, Sr. Advocate, Guwahati High Court as Member. The terms of reference given of the committee as per the order of the Supreme Court are :-

*" the allegations of betting and spot-fixing in the IPL matches against Gurunath Meiyappan, allegedly the team principal of Chennai Super Kings, 3<sup>rd</sup> respondent (India Cements Limited) and the players and the 4<sup>th</sup> respondent / team owner of IPL franchisee Rajasthan Royals (Jaipur IPL Cricket Private Limited).*

*the allegations against Gurnath Meiyappan, the respondents 3 (India Cements Limited) and 4 (Jaipur Cricket Private Limited) with regard to their involvement in spot-fixing and betting.”*

3. Whereas the terms of reference of the committee are limited to Mr. Gurnath Meiyappan and Mr. Raj Kundra on the issue of allegations of betting and spot fixing, who comprise the management and team owners, the term of reference regarding the players is broader and beyond the players punished by the BCCI.

Procedure adopted by the Committee:

Taking into consideration the above terms of reference, the committee decided to adopt the following method of investigation in order to understand and submit a substantive report:

- 1) Inviting persons (through a press release) possessing information relating to the terms of reference and to communicate such information to the e-mail address [justicemudgaliplprobecommittee@gmail.com](mailto:justicemudgaliplprobecommittee@gmail.com), on or before 15<sup>th</sup> November 2013;

- 2) Interactions with Gurunath Meiyappan, Raj Kundra and the players against whom BCCI has taken action for match fixing and spot fixing;
- 3) Interactions with the law enforcement agencies; who had or are investigating, matters pertaining to the terms of reference;
- 4) Interactions with former players who have been associated with the IPL, for any information and recommendations to curb sporting fraud;
- 5) Interactions with personnel from the team management who are aware of participation of individuals in the team management;
- 6) Interactions with some eminent sports journalists and sports commentators who have made statement/comments in the public on sporting fraud;
- 7) Interactions with the anti-corruption unit personnel of the BCCI and the ICC;

- 8) Interactions with the personnel from the BCCI and the IPL Governing body who may have been the part of initiating proceedings or may have had a role in proceedings, pertaining to the terms of reference;
- 9) Interactions with other persons whose name featured on a document pertaining to the terms of reference or whose name has been mentioned as a person having some knowledge pertaining to the terms of reference;
- 10) Requisitioning and evaluating documents requested and submitted to the Committee.

The committee has interacted with several persons who are listed below as follows:-

1. Officers from Mumbai Police:-
  - i. Mr. Himanshu Roy, Jt. Commissioner of Police. (Crime)
  - ii. Mr. Niket Kaushik, Add. C.P. (Crime)
  - iii. Mr. Nandkumar Gopale, I.O.P.I, Crime Branch
  - iv. Mr. Dyaneshwar Wagh, Support Team, Mumbai Police
  - v. Mr. Manohar Ipalpalli, Support Team, Mumbai Police
  
2. Officers from Delhi Police:-
  - i) Mr. Manishi Chandra, ACP, Special Cell/ NDR, Delhi Police.
  - ii) Mr. Ravinder Kumar Tyagi, Sub-Inspector, Special Cell/NDR, Delhi Police.
  
3. Officers from Chennai Police:-
  - i. Ms. K. Bhuvaneshwari S. P. (Q Branch)
  - ii. Mr. Perumal, SP, Spl. Unit, CBCID, Chennai
  - iii. Mr. Venkatraman, DySP, CBCID, Chennai
  
4. Officers from Jaipur Police
  - i. Mr. Sandeep Singh Chouhan- IPS Deputy Commissioner of Police (Metro)
  - ii. Mr. Ram Khiladi Meena -SHO Jyoti Nagar Police Station.
  
5. Mr. Gurunath Meiyappan along with his advocate Mr. Ishwar Nankani - against whom there are

allegations of betting and spot-fixing in the IPL matches.

6. Mr. Raj Kundra – being one of the team owners of IPL franchisee Rajasthan Royals (Jaipur IPL Cricket Private Limited) and against whom there are allegations of betting and spot-fixing in the IPL matches.
7. Mr. S. Sreesanth – Former India Player and being a player having represented Rajasthan Royals in the IPL and against whom there are allegations of betting and spot-fixing in the IPL matches.
8. Mr. Ankeet Chavan – Being a player having represented Rajasthan Royals in the IPL and against whom there are allegations of betting and spot-fixing in the IPL matches.
9. Mr. Harmeet Singh – Being a player having represented Rajasthan Royals in the IPL.
10. Mr. Siddharth Trivedi – Being a player having represented Rajasthan Royals in the IPL and against whom there are allegations of betting and spot-fixing in the IPL matches.
11. Mr. Ravi Savani – Head of the BCCI, Anti Corruption Sports Unit (ACSU)
12. Mr. Sundar Raman – Chief Operating Officer, Indian Premier League

13. Mr. Chirayu Amin - Former IPL Commissioner / Chairman
14. Mr. Harsha Bhogle - T.V Commentator and former media adviser to the Mumbai Indians
15. Mr. N.Ram - Chairman, Kasturi & sons Limited, Publisher, The Hindu Group of Publications.
16. Ms. Sharda Ugra - Senior Editor, ESPNcricinfo.
17. Ms. Kadambari Murali - Former Sports Editor at Hindustan Times and Editor in Chief at Sports Illustrative.
18. Mr. Pradeep Magazine - Senior Journalist, Hindustan Times.
19. Mr. Aniruddh Bahl - Journalist.
20. Mr. Kishore Bhimani - Senior Sports Commentator and Journalist.
21. Mr. Boria Majumdar - Consulting Editor, India Today Group.
22. Mr. Mehmood Abdi- The constituted Attorney for Mr. Lalit Modi, along with his advocates Mr. Abhishek Singh and Mr. Sandeep Singh Hora.
23. Mr. Naresh Makwani - A sports enthusiast who has filed a private complaint alleging that the IPL matches are fixed.



24. Mr. Sachin Tendulkar - Former Indian Captain and has represented Mumbai Indians in the IPL.
25. Mr. Rahul Dravid - Former India Captain and Former Captain of Rajasthan Royals.
26. Mr. Saurav Ganguly - Former India Captain and has represented Kolkata Knight Riders and Pune Warriors in the IPL.
27. Mr. Venkatesh Prasad - Former India Player and bowling coach of Chennai Super Kings.
28. Mr. Anil Kumble - Former India Captain and has represented Royal Challengers Bangalore as a player and Mumbai Indians as a team mentor.
29. Mr. Avinash Vaidya - Team and Operations Manager of Royal Challengers Bangalore.
30. Mr. Sanjay Jagdale - Former Secretary of BCCI.
31. Mr. Venky Mysore - CEO of Kolkata Knight Riders.
32. Mr. N Srinivasan assisted by Mr. Prasanna Kannan - President, BCCI and a Director of India Cements.
33. Mr. Shashank Manohar - Former President, BCCI.
34. Mr. I. S. Bindra - President, Punjab Cricket Association and Former President of ICC and BCCI.

35. Mr. Jagmohan Dalmiya who was assisted by Mr. Abhishek Dalmiya - Former President ICC and BCCI and President of Cricket Association of Bengal.
36. Mr. A.C. Muthiah - Former President BCCI.
37. Mr. Aditya Verma - PIL Petitioner before the Hon'ble Supreme Court and the Hon'ble High Court of Bombay.
38. Mr. Krishnamachari Srikanth - Former India Captain and Chairman of the National Selection Committee and was also a former Brand Ambassador for Chennai Super Kings and is currently the mentor of Hyderabad Sun Risers.
39. Mr. Rakesh Singh - President, Marketing India Cements Limited along with his advocate Mr. TK Bhaskar-Partner, HSB Partners.
40. Mr. T S Raghupathy - Executive President, Chennai Super Kings.
41. Mr. S. Ravi - International Umpire and has also officiated in IPL matches.
42. Mr. R K Raghavan - former Director of CBI.
43. Mr. Rahul Mehra - Advocate.

44. Mr. M.S. Dhoni - Captain of the Indian Cricket Team and is also the captain of Chennai Super Kings.
45. Mr. Rajiv Shukla - Hon'ble Union Minister and former Chairman Indian Premier League.
46. Mr. Arun Jaitley - Hon'ble Leader of Opposition and former Vice-President BCCI.
47. Mr. Neeraj Kumar - former Delhi Police Commissioner.
48. Mr. Niranjan Virk - ICC's Anti-Corruption and Security Unit Officer, who has covered various IPL matches.
49. Mr. C. Aryama Sundaram - Senior Advocate, representing the BCCI.
50. Prof. Ratnakar Shetty along with Mr. Rahul Mascharenas, Advocate - Representing the Board of Control for Cricket India.

and a few persons who desired that their identity be protected, which the committee has respected.

The Committee sought the appearance of Mr. Vindoo Dara Singh, however he abstained from appearing before the Committee and the same has been dully recorded.

The Committee, while interacting with the above mentioned persons was mindful of the fact that various criminal cases are currently pending against a few individuals, who are connected to this probe. Further the committee was aware of its limitations as its mandate was that of a fact finding probe committee.

. . .

The Committee has broadly drawn its inference under the following heads:-

- I. Inferences having a direct bearing on the terms of reference.
  - II. Inferences indirectly related to the terms of reference.
- 
- I. Inferences having a direct bearing on the terms of reference
    1. The role of Mr. Gurunath Meiyappan in Chennai Super Kings.

Representatives of India Cements, who appeared before the Committee, contended that Mr. Meiyappan had no share holding in India Cements and hence cannot be considered as an owner of CSK. Further, Mr. M.S. Dhoni, Mr. N. Srinivasan and officials of India Cements took the stand that Mr. Meiyappan, had nothing to do with the cricketing affairs of Chennai Super Kings and was a mere cricket enthusiast supporting CSK.

However, while conducting its probe the Committee sought to ascertain from various

persons it had interacted with, as to what was the role and position of Mr. Meiyappan in CSK. It came to light that Mr. Meiyappan would be with the team (CSK) during the practice sessions, would be present during team meetings, at the auction table, in the owners dug out, participated in the IPL owners meet, travelled with the team, participated in the IPL owners workshop representing himself to be the owner of CSK and held out to the world at large as the Team Principal/ Team Owner of CSK.

Ms. Sharda Ugra, told us that prior to the allegations, Mr. Meiyappan was openly representing on his twitter handle that he was the team principal of Chennai Super Kings, the same was substantiated by saved web-pages of the twitter handle of Mr. Meiyappan. It was also brought to our notice that once allegations started surfacing against Mr. Meiyappan, there were efforts being made to erase proof of Mr. Meiyappan's link with Chennai Super Kings.

Further, after interacting with Mumbai Police and going through the case property, it is apparent that Mr. Meiyappan was holding out to the world

at large as the Team Owner/ Principal of CSK. The Mumbai Police had shown us business cards and letter heads which were recovered, wherein Mr. Meiyappan had claimed to be the Team Owner/Principal.

The Committee in relation to IPL franchisees in general and Mr. Meiyappan in particular questioned Mr. Sundar Raman as to who an owner of a team is, to which he replied that the ownership structures of teams are in general ambiguous. Mr. Raman further stated that the term "owner" for the purpose of accreditation is loosely used and has no implication, while identifying an owner under the franchise agreement. He further stated that the status of an ultimate owner is not clear, but may be read as per the Franchise Agreement. Mr. Raman also admitted that the IPL Governing Council had not made any effort to determine who the ultimate owners of the franchisees were.

The Committee is of the view that Mr. Meiyappan was accredited/authorized (though implicit at times) by the Franchise Owner i.e. India Cements, to participate and be present when various crucial

decisions were taken in relation to CSK. One such example of authorization is, the fact that India Cements themselves forwarded accreditation requests for Mr. Meiyappan, every year for the last 6 seasons, requesting for grant of accreditation access cards in the name of Mr. Meiyappan under different nomenclatures (i.e. Owner and Management)

A letter from of BCCI dated 03.02.2013 annexed the details of accreditation sought by CSK Chennai, which shows that in 2011 at Sl. No4 Sri Gurunath Meiyappan is described as Director. This in our view demonstrates beyond doubt that at least in 2011 in a representation made by CSK for accreditation to BCCI, Mr. Meiyappan was described as a Director. This document also seeks access to Mr. Meiyappan to all areas. A gold pass and a management blue pass have also been sought for Meiyappan. The above documents further strengthen our conclusion that Mr. Gurunath Meiyappan was the part of CSK.

The Committee is of the firm belief that Mr. Meiyappan had knowledge of or was in position to easily access, sensitive team information, team



strategies, knowledge about match conditions, etc., which knowledge/ information was outside the preview of an ordinary person following the game of cricket.

Mike Hussey a CSK cricketer in his book **“Underneath the Southern Cross”** had written at Page-197 about CSK as under:

*“Our owner was Indian cements headed by Mr. Srinivasan. As he was also on the board of the BCCI, he gave control of the team to his son-in-law Mr. Gurunath. He ran the team along with Kepler Wenels, who was coach, and I assure one of the reasons I chose to play for them”*

However we must also bring to the notice of the Hon'ble Court, that in a subsequent public statement Hussey has disassociated from the above assertion.

After interacting with several persons who were/ are part of CSK, former and current players who have participated in the IPL, administrators who have been involved in the IPL, persons representing other IPL teams, cricket

commentators and sports journalists, the Committee is of the considered opinion that Mr. Gurunath Meiyappan formed an integral part of Chennai Super Kings and most persons viewed him as the face of the team. Though the *de-jure* ownership vests in India Cements, the Committee finds that Mr. Meiyappan was in fact acting as a team official if not the *defacto* owner of CSK.

For the purpose of this report the Committee is of the opinion that the terminology used to describe Mr. Meiyappan be it 'TEAM PRINCIPAL' or 'OWNER', would not materially alter his status/position held in CSK.

Thus, the Committee is of the opinion that Mr. Meiyappan would be a 'Team Official' under the IPL operational rules;-

*Team Official - 'means any director, secretary, officer, management staff, employee, coach, physio (or other medical personnel) or duly authorised (express or implied) agent of a Team or Franchisee or any consultant to or other person serving in any official capacity for any Franchisee including those persons who are accredited in connection with the*

*League as contemplated by paragraph 1.1 of Section 4;'*

and would consequentially be a Person subject to these Operational Rules as has been defined in the operational rules itself.

The term 'Player Support Personnel' and 'Participant' have also been defined under the IPL Anti -Corruption Code , which is extracted herein as follows:-

Player Support Personnel - ***“Any coach, trainer, manager, selector, team official, doctor, physiotherapist or any other person employed by, representing or otherwise affiliated to a playing/touring team or squad that is chosen to represent a National Cricket Federation in any Domestic Match or International Match or series of such Matches.”***

And

Participant - ***“Any Player, player support personnel, umpire, match referee or umpire Support Personnel”***

Thus, it is established that Mr. Meiyappan is also a Participant under the IPL Anti Corruption Code

and hence all IPL rules and regulations would squarely apply to Mr. Meiyappan.

2. The status of Mr. Raj Kundra in relation to Rajasthan Royals.

Mr. Raj Kundra, being one of the team owners of IPL franchisee Rajasthan Royals (Jaipur IPL Cricket Private Limited), would be a person who would fall within the ambit of the terms of reference of this Committee, as per the order of the Hon'ble Supreme Court.

However, there is no dispute in so far as the status of Mr. Raj Kundra in relation to Rajasthan Royals is concerned, as Mr. Kundra has himself admitted that he along with his wife Ms. Shilpa Shetty and 3 others namely, Mr. Rupert Murdoch, Mr. Manoj Badale and Mr. Suresh Chellaram are shareholders in Jaipur IPL Cricket Private Limited and hence owners of Rajasthan Royals.

Thus, the Committee is of the opinion that Mr. Kundra would be a 'Team Official' under the IPL operational rules and would also be 'Player Support Personnel' and 'Participant' as defined

under the IPL Anti -Corruption Code, as has been extracted above and hence all IPL rules would squarely apply to him.

3. The Relevant Rules and Regulations that would govern the conduct of support personnel, players and franchisee;-

After perusing the IPL rules and Regulations, the franchisee agreements, the committee is of the opinion that the following rules and regulations would apply to, franchisees, player support personnel and players:-

1. The IPL Operational Rules
2. IPL Regulation,
3. The IPL Anti Corruption Code
4. The IPL Code of Conduct for Players and Match Officials
5. The Franchisee Agreements

Before proceeding further the committee feels it essential that the relevant definitions and clauses are extracted for easy and ready reference:-

- I. IPL OPERATIONAL RULES, Effective as from 15thMarch, 2013

### **SECTION 1 - DEFINITIONS**

1.1 *In these Operational Rules (unless the context requires otherwise) the following expressions shall have the following meanings:*

**Franchisee** means an entity which has entered into a Franchise Agreement with BCCI;

**Franchise Agreement** means an agreement between BCCI and a third party (a Franchisee) under which such Franchisee as agreed to filed a Team in the league and pursuant to which such Franchisee enjoys certain rights and has assumed certain obligations as set out therein and as contemplated by these Operational Rules;

**Person** means any individual, company, partnership or any other entity of any kind.

**Person subject to these Operational Rules** means any Franchisee, any Player, any Team Official and/or any Match Official;

**Player** means a person who has been registered as a player with BCCI;

**Regulations** means, together, these Operational Rules and the IPL Regulations;

## **SECTION 2 - FRANCHISEE AND TEAM/PLAYER OBLIGATIONS-GENERAL**

### **2.1 EFFECT OF OPERATIONAL RULES**

Participation in or other involvement with the League is deemed to constitute and to be an acceptance by each person subject to these Operational Rules of an agreement with and obligation owed to BCCI to be bound by and subject to the Regulations, the Laws of Cricket, the terms of each relevant Player Contract (insofar as such Player Contract relates to any Persons subject to these Operational Rules) and the jurisdiction of the BCCI in connection therewith.

### **2.2 OBLIGATION TO COMPETE / OTHER MATCHES**

**2.2.1** Each Franchisee shall procure that its Team shall in good faith compete to the best of its ability

*in the League in general and in each Match in which its Team participates.*

## **2.14 CONDUCT**

*Each person subject to these Operational Rules shall not, whether during a Match or otherwise, act or omit to act in any way which would or might reasonably be anticipated to have an adverse affect on the image and/or reputation of such Person, any Team, any Player, any Team Official, the BCCI, the League and/or the Game or which would otherwise bring any of the foregoing into disrepute.*

## **SECTION 4 - OTHER FRANCHISEE OBLIGATIONS**

### **4.1 TEAM OFFICIALS**

**4.1.1** *Each Franchisee shall ensure that each of its Team Officials complies with the Regulations, including without limitation, the BCCI Anti-Corruption Code for Participants (and the attention of Franchises is drawn in particular to Article 2 of the BCI Anti-Corruption Code for Participants for a list of the offences under that code). For the avoidance of doubt, all of those persons who are accredited as representing the Franchisee, whether*



*accredited for the League by BCCI either centrally or locally, shall be deemed to be a Team Official for the purpose of the Regulations.*

## **SECTION 6**

### **REGULATIONS AND DISCIPLINARY PROCEDURE**

#### **6.1 APPLICABLE REGULATIONS**

**6.1.1** *The provisions of the regulations listed in paragraph 1.2 of this Section (being the IPL Regulations) together with these Operational Rules shall apply to the League and bind any person subject to these Operational Rules such that they shall be bound to comply with such of them as apply to each such Person.*

**6.1.2** *The IPL Regulations referred to in paragraph 1.1 above are as follows;*

*(i) ....*

*.....*

*(viii) the IPL Code of Conduct for Players and Team Officials;*

*.....*

*(xiv) the BCCI Anti-Corruption Code for Participants;*

*(xv) the IPL Auction Briefing;*

*(xvi) BCCI's Minimum Standards for Players and Match Officials Areas at Matches.*

(xvii) *any other code as may be issued by BCCI from time to time which shall be made available either on the Official IPL website, the Tournament Handbook or otherwise by BCCI (and each Person subject to these Operational Rules shall be obliged to ensure that it abides by the latest version of the Regulations).*

#### **6.4 SANCTIONS**

**4.4.2** *The Commission may, through BCCI, impose one or more of the following sanctions or actions in relation to any Offence;*

(a) *order compensation and/or an order that the reasonable costs of the proceedings in relation to any Complaint be borne by whichever Person has been found to have committed the Offence or apportioned in cases where two or more Persons have committed an Offence;*

**(b) suspend a Player or other Person Subject to these Operational Rules from playing or otherwise being involved in Matches for a specified period;**

**(c) suspend a Team or Franchisee from the League;**

(d) *order the payment of money from a Person subject to these Operational Rules either to BCCI or*

*to another Person including another Person subject to these Operational Rules;*

*(e) order a declaration as to any finding of fact or interpretation of the Regulations and/or any Player Contract;*

*(f) order a deduction of points from a Team;*

*(g) order rectification of a contract or refuse the registration of a Player by BCCI;*

*(h) order the specific performance of an act or matter, or to do or stop doing or not to do something;*

*(i) impose a financial penalty payable to BCCI or any other Person;*

*(j) order any other sanction or action that the Commission views as reasonable in the interest of justice.*

## **7 GOVERNING LAW**

*The Regulations shall be governed by and construed in accordance with the laws of India.*

## II. ANTI-CORRUPTION CODE FOR PARTICIPANTS

The relevant definitions and clauses under the IPL Anti Corruption Code has been defined in following terms as follows:-

**APPENDIX 1****DEFINITIONS**

**Anti Corruption Code.** *This Anti-Corruption Code promulgated by the BCCI on the Effective date.*

**Bet.** *Any wager, bet or other form of financial speculation, and Betting is the carrying out of such activity.*

**Corrupt Conduct.** *Any act or omission that would amount to an offence under Article 2 of this Anti-Corruption Code or the equivalent provisions of anti-corruption rule of any other National Cricket Federation or the ICC Anti-Corruption Code.*

**Domestic Match.** *Any 'First-Class Match', 'List A Limited Overs Match' or 'List A Twenty20 Match', as those terms are defined in the ICC Classification of Official Cricket (as amended from time to time) including all matches organized by the BCCI.*

**Event.** *Any competition, tournament, tour, event or equivalent that involves one or more Matches.*

**Ineligibility.** *Means the Participant is barred for a specified period of time from participation in the sport of cricket, as set out more specifically in Article 6.5.*

**Inside Information.** *Any information relating to any Match or Event that a Participant possesses by virtue of his/her position within the sport. Such*

*information includes, but is not limited to, factual information regarding the competitors in the Match or Event, the conditions, tactical considerations or any other aspect of the Match or Event, but does not include such information that is already published or a matter of public record, readily acquired by an interested member of the public, or disclosed according to the rules and regulations governing the relevant Match or Event.*

**Match.** *A cricket match of any format and duration in length in which two cricket teams compete against each other.*

**Participant.** *Any Player, Player Support Personnel Umpire, Match Referee or Umpire Support Personnel.*

**Player.** *Any cricketer who is selected (or who has been selected in the preceding twelve (12) months) in any playing or touring team or squad that is chosen to represent the BCCI or any of its affiliate and associate bodies in any international match or Domestic Match.*

**Player Support Personnel.** *Any coach trainer, manager, selector, team official, doctor, physiotherapist or any other person employed by, representing or otherwise affiliated to a playing/touring team or squad that is chosen to*

*represent a National Cricket Federation in any Domestic Match or International Match or series of such Matches.*

**Suspension.** *Means the Participant is temporarily barred from participating in the sport of cricket pending a decision on the allegation that he/she has committed an offence under this Anti-Corruption Code, as set out more specifically in Article 4.6.*

## **ARTICLE 2 - OFFENCES UNDER THIS ANTI-CORRUPTION CODE**

### **2.2.1 CORRUPTION:**

*2.1.1 Fixing or contriving in any way or otherwise influencing improperly, or being a part to any effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any Match or Event.*

*2.1.2 Seeking, accepting, offering or agreeing to accept any bribe or other Reward to fix or to contrive in any way or otherwise to influence improperly to result, progress, conduct or any other aspect of any Match or Event.*

*2.1.4 Soliciting, including, enticing, instructing, persuading, encouraging or facilitating (a) any Participant to commit an offence under any of the*

*foregoing provisions of this Article 2.1 and/or (b) any other person to do any act that would be an offence if that person were a Participant.*

### **2.2.2 BETTING**

**2.2.1** *Placing, accepting, laying or otherwise entering into any Bet with any other party (whether individual, company or otherwise) in relation to the result, progress, conduct or any other aspect of any Match or Event.*

**2.2.2** *Soliciting, including, enticing, instructing, persuading, encouraging, facilitating or authorising any other party to enter into a Bet for the direct or indirect benefit of the Participant in relation to the result, progress, conduct or any other aspect of any Match or Event.*

**2.2.3** *Ensuring the occurrence of a particular incident in a Match or Event, which occurrence is to the Participant's knowledge the subject of a Bet and for which he/she expects to receive or has received any Reward.*

### **2.3 MISUSE OF INSIDE INFORMATION:**

**2.3.1** *Using, for Betting purposes, any inside information.*

**2.3.2** *Disclosing inside information to any person (with or without Reward) before or during any*

*Match or Event where the participant might reasonably be expected to know that disclosure of such information in such circumstances could be used in relation to Betting.*

**NOTE:** *Any potential offence under this Article will be considered on its own set of facts and the particular circumstances surrounding any relevant disclosure. For example, it may be an offence under this clause to disclose inside information: (a) to journalists or other members of the media; and/or (b) on social networking websites where the Participant might reasonably be expected to know that disclosure of such information in such circumstances could be used in relation to Betting. However, nothing in this Article is intended to prohibit any such disclosure made within a personal relationship (such as to a member of the Participant's family) where it is reasonable for the Participant to expect that such information can be disclosed in confidence and without being subsequently used for Betting.*

**2.3.3** *Soliciting, inducing, enticing, persuading, encouraging or facilitation (a) any Participant to commit an offence under any of the foregoing provisions of this Article 2.3 and/or (b) any other*



*person to do any act that would be an offence if that person were a Participant.*

## **2.4 GENERAL**

**2.4.1** *Providing or receiving any gift, payment or other benefit (whether of a monetary value or otherwise) in circumstances that the Participant might reasonably have expected could bring him/her or the sport of cricket into disrepute.*

*NOTE: This Article is only intended to catch 'disrepute' that, when considered in all of the relevant circumstances, relates (directly or indirectly) to any of the underlying imperatives of and conduct prohibited by this Anti-Corruption Code (including as described in Article 1.1)*

*Where any substantial gift, payment or other benefit is received by any Participant from an unknown person or organization and/or for no apparent reason, such Participant is advised to report such receipt to the Designated Anti-Corruption Official (or his/her designee). Where such Participant does not make such a report, then that is likely to constitute strong evidence of the commission of this offence.*

**2.4.2** *Failing or refusing to disclose to the ACU BCCI (without undue delay) full details of any approaches or invitations received by the*

*Participant to engage in conduct that would amount to a breach of this Anti-Corruption Code.*

**2.4.3** *Failing or refusing to disclose to the ACU BCCI (without undue delay) full details of any incident, fact, or matter that comes to the attention of a Participant that may evidence an offence under this Anti-Corruption Code by a third party, including (without limitation) approaches or invitations that have been received by any other party to engage in conduct that would amount to a breach of this Anti-Corruption Code.*

*Note: All Participants shall have continuing obligation to report any new incident, fact, or matter that may evidence an offence under this Anti-Corruption Code to the ACU-BCCI, even if the Participants' prior knowledge has already been reported.*

**2.4.4** *Failing or refusing, without compelling justification, to cooperate with any reasonable investigation carried out by the Designated Anti-Corruption Official (or his/her designee) in relation to possible offences under this Anti-Corruption Code, including failure to provide any information and/or documentation requested by the Designated*

*Anti-Corruption Official (or his/her designee) (whether as part of a formal Demand pursuant to Article 4.3 or otherwise) that may be relevant to such investigation.*

**2.5.1** *Any attempt by a Participant, or any agreement between (a) a Participant and (b) any other person, to act in a manner that would culminate in the commission of an offence under this Anti-Corruption Code, shall be treated as if an offence had been committed, whether or not such attempt or agreement in fact resulted in the commission of such offence. However, there shall be no offence under this Anti-Corruption Code where the Participant renounces the attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement.*

**2.5.2** *A participant who authorises, causes, knowingly assists, encourages, aids, abets, covers up **or is otherwise complicit in any acts or omissions** of the type described in Articles 2.1 – 2.4 committed by his/her coach, trainer, manger, agent, family member, guest or other affiliate or associate shall be treated as having committed*

*such acts or omissions himself and shall be liable accordingly under this Anti-Corruption Code.*

## **ARTICLE 6 -SANCTIONS**

**6.1** *Where it is determined that an offence under this Anti-Corruption Code has been committed, the BCCI Disciplinary Committee will be required to impose an appropriate sanction upon the Participant from the range of permissible sanctions described in Article 6.2. In order to determine the appropriate sanction that is to be imposed in each case, the BCCI Disciplinary Committee must first determine the relative seriousness of the offence, including identifying all relevant facts that it deems to:*

**6.1.1** *aggravate the nature of the offence under this Anti-Corruption Code, namely;*

.....

**6.1.1.4** *where the offence substantially damaged (or had the potential to damage substantially) the commercial value and/or the public interest in the relevant Match(es) or Event(s)*

**6.1.1.5** *where the offence affected (or had the potential to affect) the result of the relevant Match(es) or Event(s);*

**6.1.1.6** *where the welfare of a Participant or any other person has been endangered as a result of the offence;*

**6.1.1.7** *where the offence involved more than one participant or other persons; and/or*

**6.1.1.8** *any other aggravating factor(s) that the BCCI Disciplinary Committee considers relevant and appropriate.*

**6.1.2** *mitigate the nature of the offence under the Anti-Corruption Code, namely;*

**6.1.2.2** *the Participant's good previous disciplinary record;*

**6.1.2.3** *the young age and/or lack of experience of the Participant;*

**6.1.2.4** *where the Participant has cooperated with the Designated Anti-Corruption Official (or his/her designee) and any investigation or Demand carried out by him./ her;*

**6.1.2.5** *where the offence did not substantially damage (or have the potential to substantially damage) the commercial value and/or the public interest in the relevant Match(es) or Event(s).*

**6.1.2.6** *where the offence did not affect (or have the potential to affect) the result of the relevant Match(es) or Event(s);*

**6.1.2.8** where the Participant has already suffered penalties under other laws and/or regulations for the same offence; and/or

**6.1.2.9** any other mitigating factor(s) that the BCCI Disciplinary Committee.

**6.2** Having considered all of the factors described in Article 6.1.1 and 6.1.2, the BCCI Disciplinary Committee shall then determine, in accordance with the following table, what the appropriate sanction(s) should be;

<b>ANTI-CORRUPTION CODE OF OFFENCE</b>	<b>RANGE OF PERMISSIBLE PERIOD OF INELIGIBILITY</b>	<b>ADDITIONAL DISCRETION TO IMPOSE A FINE</b>
Article 2.1.1, 2.1.2, 2.1.3 and 2.1.4 (Corruption)	A minimum of five (5) years and a maximum of a lifetime.	AND, IN ALL CASES:  the BCCI Disciplinary Committee shall have the discretion to impose a fine on the Participant up to a maximum of the value of any Reward received by the Participant directly or indirectly, out of, or in relation to, the offence committed under this Anti-Corruption Code.
Article 2.2.1, 2.2.2 and 2.2.3 (Betting)	A minimum of two (2) years and a maximum of five (5) years.	
Article 2.3.1 and 2.3.3 (as it relates to an offence under Article 2.3.1) (Misuse of inside information)	A minimum of two (2) years and a maximum of five (5) years.	
Article 2.3.2 and 2.3.3 (as it relates to an offence under Article 2.3.2) misuse of inside information)	A minimum of six (6) months and a maximum of five (5) years.	
Article 2.4.1 and 2.4.2 (General)	A minimum of one (1) year and a maximum of five (5) years.	
Article 2.4.3 and 2.4.4 (General)	A minimum of six (6) months and a maximum of two (2) years.	

### III. CODE OF CONDUCT FOR PLAYERS AND TEAM OFFICIALS

The relevant definitions and clauses under the IPL Code of Conduct for Players and Team Officials has been defined in following terms as follows:-

#### **ARTICLE 2 -CODE OF CONDUCT OFFENCES**

*The Conduct described in Article 2.1 – 2.5, if committed by a Player or Team Official, shall amount to an offence by such Player or Team Official under the Code of Conduct.*

#### **LEVEL 3 OFFENCES:**

**2.3.3** *Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct that either; (a) is contrary to the spirit of the game; or (b) brings the game into disrepute.*

*Note: Article 2.3.3 is intended to be a ‘catch-all’ provision to cover all types of conduct of a very serious nature that are not (and, because of their nature, cannot be) adequately covered by the specific offences set out elsewhere in the Code of Conduct.*

*See guidance notes to Article 2.1.8 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.3.3.*

**LEVEL 4 OFFENCES:**

**2.4.4** *Where the facts of the alleged incident are not adequately or clearly covered by any of the above offences, conduct that either; (a) is contrary to the spirit of the game; or (b) brings the game into disrepute.*

*Note: Article 2.4.4 is intended to be a ‘catch-all’ provision to cover all types of conduct of an overwhelmingly serious nature that are not (and, because of their nature, cannot be) adequately covered by the specific offences set out elsewhere in the Code of Conduct.*

*See guidance notes to Article 2.1.8 for examples of conduct that may (depending upon the seriousness and context of the breach) be prohibited under Article 2.4.4.*



<i>LEVEL OF OFFENCE</i>	<i>RANGE OF PERMISSIBLE SANCTIONS (FIRST OFFENCE)</i>	<i>RANGE OF PERMISSIBLE SANCTIONS (ONE OTHER OFFENCES IN THE PREVIOUS SANCTION PERIOD)</i>	<i>RANGE OF PERMISSIBLE SANCTIONS (TWO OTHER OFFENCES IN THE PREVIOUS SANCTION PERIOD)</i>	<i>RANGE OF PERMISSIBLE SANCTIONS (THREE OR MORE OTHER OFFENCES IN THE PREVIOUS SANCTION PERIOD)</i>
<i>Level 3</i>	<i>The imposition of a suspension of between four (4) and eight (8) Matches.</i>	<i>The imposition of a suspension of between eight (8) Matches and a suspension of one (1) year.</i>	<i>The imposition of a suspension of between one (1) year and a lifetime.</i>	<i>n/a</i>
<i>Level 4</i>	<i>The imposition of a suspension of between eight (8) Matches and a lifetime.</i>	<i>The imposition of a suspension of between one (1) year and a lifetime.</i>	<i>n/a</i>	<i>n/a</i>

III. FRANCHISE AGREEMENT'S BETWEEN BCCI AND INDIA CEMENTS / JAIPUR IPL CRICKET PVT. Ltd

The Committee found that the following would be relevant clauses in the Franchise agreement/s:-

" 11. *Termination*

11.1 .....

11.2 .....

11.3 *BCCI-IPL may terminate this Agreement with immediate effect by written notice if:*

(a) .....

(b) .....

(c) ***the Franchisee, any Franchisee Group Company and/or any owners acts in any way which has a material adverse effect upon the reputation or standing of the League, BCCI-IPL, BCCI, the Franchisee, the Team (or any other team in the League) and/or the game of cricket.***

11.4 .....

11.5 .....

11.6 .....

11.7 *For the purposes of this Agreement "Control" means in relation to a person the direct or indirect power of another person (whether such other person is the direct or indirect parent*

*company of the first mentioned person or otherwise) to secure that the first mentioned person's affairs are conducted in accordance with the wishes of such other person:*

- (a) by means of the holding of any shares (or any equivalent securities) or the possession of any voting power; or*
- (b) by virtue of any powers conferred on any person by the Articles of Association or any other constitutional documents of any company or other entity of any kind, or*
- (c) by virtue of any contractual arrangement and "Controlled" and "Controller" shall be construed accordingly and "Change of Control" shall occur if (i) a person who Controls another person ceases to do so; or (ii) a different person acquires Control of such other person (whether before or after or as a consequence of any Listing); or (iii) if any person acquires Control of another person in circumstances where no person previously Controlled such other person. For the purposes of this Clause 11.7 (and in connection with the use in its Agreement of the terms defined in this Clause 11.7) all of the members of any consortium, partnership or joint venture which has any interest (direct or*

*indirect) in the Franchisee shall be deemed to be one person.*

11.8 .....

11.9 .....

“Schedule 3

*Franchisee Obligations*

1. ...

2. *Operational*

*(j) that it shall and shall procure that all players and Team officials and/or employees and any other person acting for or on behalf of the Franchisee and/or the Team comply with the Regulations during each Season and that the Team complies with the Laws of Cricket during any Matches;”*

4. Whether, the allegations of betting and fixing in IPL matches stand proved against Mr. Meiyappan.

The Committee, while drawing its inferences in relation to this issue, is fully aware and conscious that there are criminal cases pending against Mr. Meiyappan and he being an accused is entitled to a fair trial.

An opportunity was given to Mr. Meiyappan to appear before the Committee, to ensure he was given a reasonable opportunity of being heard. However, he choose to submit a letter addressed by his Advocated dated 19.12.2013, which is extracted herein below;

*“Re: Communication dated 17<sup>th</sup> December, 2013 received by our Client Mr. Gurunath Meiyappan.*

*In response to the above communication, our client along with the undersigned is appearing before you today.*

*Our client desires to place on record that as our client is arraigned as Accused No.10 in the Criminal prosecution pending in the Court of the Learned Additional Chief Metropolitan Magistrate, 37<sup>th</sup> Court at Esplanade, Mumbai vide C.C.No. 738/PW/2013, he has been advised to maintain silence and **thus is not in a position to depose before you fill the trial in above prosecution is fully complete.**”*

Due to the said stand taken by Mr. Meiyappan, it was difficult for the committee to elicit any

response from Mr. Meiyappan in relation to other issues related to the terms of reference, though not directly related to betting and fixing, such as his role and involvement in Chennai Super Kings.

The Committee has carefully gone through the FIR, Charge Sheet filed by the Mumbai Police in C.C.No. 738/PW of 2013, the case property as was produced by the Mumbai Police, transcripts of telephone recordings as produced by the Mumbai Police, particularly the transcripts of telephone recordings between Mr. Meiyappan and Mr. Vindoo Dara Singh. The Committee has further perused the records as available with the Chennai Police in Crime No 1 of 2013, registered by the CBCID Branch. The Committee has also sought to elicit the views of other persons who deposed before them on the said issue and has come to the following inference:-

- a. That, Mr. Meiyappan was in regular touch with bookies and punters.
- b. That, there are several calls between Mr. Meiyappan and Mr. Vindoo Dara Singh, who was a punter himself and Mr. Singh was in very close proximity with several other

bookies, as is evident from the telephonic transcripts produced by the Mumbai Police.

- c. The Delhi Police also stated that Mr. Ramesh Vyas and Jupiter were acting for Vindoo Dara Singh who was also placing bets for certain IPL stakeholders and actors, which would include Mr. Meiyappan.
- d. That, Mr. Meiyappan was in close proximity with Mr. Vikram Agarwal who is a hotelier and an alleged punter operating from Chennai, as is evident from the Call Record Details produced by the Chennai Police in Crime No 1 of 2013, registered by the CBCID Branch.
- e. That, Mr. Meiyappan would regularly place bets in IPL matches both in favour of his team (i.e. CSK) and against his team. The said fact is clearly established from the various call records as produced by the Mumbai Police.
- f. That, Mr. Meiyappan would place bets through Mr. Vindoo Dara Singh and such bets were even placed during the course of

an IPL match, as is evident from transcripts produced by Mumbai Police.

- g. One such instance is when Mr. Meiyappan made certain predictions to Mr. Singh, regarding the score that would be scored in a match between CSK and R.R. that was held on 12th of May 2013 in Jaipur. Mr. Meiyappan had predicted a score of 130-140 runs and the said prediction happened to be close to the actual score of 141 runs scored by CSK. However, the committee is aware that such conversation per-se would not mean Mr. Meiyappan was involved in fixing a match.

The fact that Mr. Meiyappan had knowledge of or was in position to easily access sensitive team information, team strategies, knowledge about match conditions, etc., which knowledge/information was otherwise outside the preview of an ordinary person following the game of cricket.

However, the Committee feels that there is enough information available on record to indicate that a further investigation is required in respect of the match held at Jaipur, between Rajasthan Royals



and Chennai Super Kings on the 12.5.2013. The factors are as follows:

Factors that cast aspersions	Factors that indicate nothing was amiss
Batting first no sixes were hit by CSK who otherwise have proven six hitters.	Teams tend to relax in matches which are of no consequence post qualification for the knock out semi-final grounds
The Chennai Super Kings batting first were 89/1 in 11 <sup>th</sup> over yet ended up with the modest total of 141 for 4.	Rajasthan Royals have generally won all matches at Jaipur as deposed by Anil Kumble.
Lack of adequate acceleration in spite of having a six hitter like Ravinder Jadeja at the crease unbeaten when CSK had 6 wickets in hand.	Kumble stated that the ball in Jaipur swung in the latter half of the innings & Rajasthan Royals generally bowled well in the end overs as their frontline bowlers operated at this time
Communication by Gurunath Meiyappan to Vindoo Dara Singh that CSK would score between 135 and 140 runs and CSK ended up at 141 due to an edge on the last ball which went for a boundary	A side chasing can clamp up after losing key wickets like Hussey, Dhoni & Raina
Gurunath Meiyappan betting against his own team midway through the inning. Especially considering the fact that the odds had shifted and were stacked against the Rajasthan Royals and heavy gains were to be made by betting at this time on Rajasthan Royals.	Predication by Mr. Meiyappan was in the 12 <sup>th</sup> over and not prior to the match.

However, the Committee is not in a position to render any conclusive finding as to whether Mr. Meiyappan was involved in match fixing or spot fixing. Giving any finding as regards to fixing would mean that Mr. Meiyappan, had to have acted in connivance with a particular player/s. Since, the Committee has nothing on record to suggest the involvement of any player acting on the behest of Mr. Meiyappan, the Committee refrains from making any finding on his alleged involvement in spot/match fixing.

However, the Committee would like to state that there is a general perception amongst many persons who deposed before the Committee, that matches involving CSK and other IPL teams were fixed and required through investigation. The said observations were in fact made by 2 former presidents of BCCI. However, since it is impossible for this committee to make a roving enquiry into all matches, the committee is of the view that the said issue has to be taken up by concerned investigating agencies, if any specific allegation / leads are made available to them.

Thus, the Committee is of the view that for the acts of betting by Mr. Meiyappan, which is further accentuated by the position he held in CSK, which was held by Mr. Meiyappan with the implicit approval of the franchisee owner India Cements, Mr. Meiyappan is in violation of Sections **2.2.1 and 2.14** the IPL Operational Rules for bringing the game in disrepute, Articles 2.2.1, 2.2.2, and 2.2.3 of the IPL Anti Corruption Code for his acts of betting and Articles 2.4.4 of the IPL Code of Conduct for Players and Team Officials, for bring disrepute to the game of cricket. The said illegal acts further stand accentuated in light of his position/role in CSK. The Committee is also of the opinion that the franchisee owner of CSK is responsible for failing to ensure Mr. Meiyappan *(Team Officials) had complied with the BCCI Anti-Corruption Code, IPL Operational Rules, IPL Regulations and hence the franchisee's actions are in violation of Section 4.4.1 of the IPL Operational Rules and Clause 11.3 of the franchises agreement.*

However, it is for this Hon'ble Court to decide what penalty would be appropriate in case the Hon'ble Supreme Court accepts our findings.

It is made clear that the findings made herein are not meant in any manner to prejudice the criminal trial and hence elaborate and detailed reasons have not been given. However, since this issue is part of the terms of reference, as directed by the Hon'ble Supreme Court, the Committee has given a finding on the same.

5. Whether the allegations of betting and fixing in IPL matches against Raj Kundra stand proved.

When Mr. Raj Kundra appeared before us, he was questioned as to whether he had indulged in any betting activity in the IPL, to which he categorically answered in the negative.

The Committee however posed a specific query to him in relation to his confessional statement made before the Delhi Police under Section 161 of the Criminal Procedure Code, which was subsequently withdrawn by him, wherein he had admitted to betting in the IPL.

In response Mr. Kundra stated, that he had made the purported confession under Section 161, only while responding to a query from the Delhi Police, wherein he was informed that his friend Mr. Goenka had made a statement stating that Mr. Kundra was in the habit of betting. Mr. Kundra told us that while he was responding to the police, he said that "*If Umesh Goenka has said it, it must be true*", which was in fact a sarcastic statement made by Mr. Kundra and felt that it was highly unethical for it to be released to the press, by Delhi Police. Mr. Kundra told us that he consequently withdrew the statements made under Section 161 of CrPC.

However, having perused the 161 statement of Mr. Kundra which was subsequently withdrawn, the Committee is of the view that the statement recorded goes beyond mere admittance and records the manner in which and the amounts of bets placed, wherein he has stated that he had placed one such bet, from the phone of his wife Mrs. Shilpa Shetty, who he stated was not involved in any kind of betting. However the effect of the withdrawal of his Section 161 statement may be considered by the Hon'ble Supreme Court.

When Delhi Police appeared before the Committee, they stated that Mr. Umesh Goenka who was a friend of Mr. Raj Kundra, had given his statement under section 164 CrPC recorded by the Delhi Court (MM, SE Distt, Saket Court, New Delhi), He (Mr. Goenka) stated that Mr. Raj Kundra used to place bets. We have perused the 164 Statement of Mr. Goenka.

The Delhi Police told us that Mr. Umesh Goenka had stated that whenever he (Goenka) used to ask Raj Kundra any information relating to a team or a match, Mr. Kundra would tell him to directly contact the players. This is because Mr. Kundra knew that Mr. Goenka was friends with players. This is significant in light of Mr. Siddharth Trivedi's, statement under section 164 CrPC recorded by the Delhi Court (MM, has Saket Court, New Delhi), wherein he has confirmed that Umesh Goenka was asking him about the pitch conditions and players which Siddharth Trivedi declined to give.

The Delhi Police has informed us that they had no information on any match fixing or spot fixing in

so far as Mr. Kundra, is concerned. However, the Delhi Police informed us that Mr. Raj Kundra was placing bets of petty values in their region of Rs.1 lakh with his friends. The Delhi Police further informed us on interrogation they gathered that Mr. Kundra, being a U.K. citizen believed betting to be legal in India. However, the Committee finds the stand taken by Mr. Kundra unbelievable and needless to state ignorance of the law and the relevant regulations cannot be a ground to escape liability by Mr. Kundra.

The Delhi Police told us that have forwarded this information to the Commissioner of Police, Jaipur as they stated that the same is not within their jurisdiction. The Delhi Police also stated that Mr. Raj Kundra had many bookies on his friend list. Mr. Roy of Mumbai Police also informed the Committee that during the interrogation of Mr. Vindoo Dara Singh, he (Mr. Singh) had mentioned the name of Raj Kundra and his involvement in betting.

Though the Delhi Police has forwarded the statements of Mr. Umesh Goenka recorded under section 164 CrPC to the Jaipur Police vide letter

dated 25.6.2013, the Jaipur Police has not proceeded further and have closed the investigation. This has been disclosed to the Committee during the interaction with the Jaipur Police.

The Committee is of the view that the statements under S.164 CrPC made by Umesh Goenka clearly required further and serious investigation as Mr. Raj Kundra and his wife Ms. Shilpa Shetty are part owners of Rajasthan Royals. It is further to be noted that it is not clear whether the statement of Mr. Raj Kundra under section 161 CrPC and Mr. Siddharth Trivedi under section 164 CrPC were forwarded to Jaipur Police by Delhi Police.

The Committee is thus of the view that if the allegations of betting against Mr. Raj Kundra and Ms. Shetty who are part owners of Rajasthan Royals, stand proved the same would constitute a serious infraction of Sections **2.2.1 and 2.14 of** the IPL Operational Rules for bringing the game in disrepute, Articles 2.2.1, 2.2.2 and 2.2.3 of the IPL Anti Corruption Code for acts of betting and Articles 2.4.4 of the IPL Code of Conduct



for Players and Team Officials, for bring disrepute to the game of cricket.

Thus the Committee is of the view that after a thorough investigation, if the allegations of betting and/or spot fixing/match fixing can be proved, appropriate action should be taken against Mr. Kundra and Ms. Shetty as well as the franchise.

The Committee was informed that Mr. Raj Kundra has been suspended by BCCI and continues to be suspended pending the report of this Committee as disclosed by BCCI counsel and official on 8.2.2013.

6. The allegations of Match /Spot fixing against Players.

Match fixing / spot fixing came to the forefront in IPL in May 2013, when the Delhi Police arrested Rajasthan Royal players Mr. S. Sreesanth, Mr. Ajit Chandilia and Mr. Ankeet Chavan along with a former player turned bookie Mr. Amit Singh on the 16<sup>th</sup> of May 2013, in Mumbai, pursuant to investigations made in Crime No, 20 of 2013, registered by the Special Cell of the Delhi Police.

There were allegations in relation to Rajasthan Royals bowler Ajit Chandillia, relating to a match held in Jaipur on the 5<sup>th</sup> of May 2013, between Rajasthan Royals and Pune Warriors, where he had conspired with Mr. Amit Singh and agreed to concede 14 runs in the second over of his bowling spell, for which it was agreed that a sum of Rupees 20 Lakhs would be given in advance and 20 Lakhs after the match. The Police further told us that the Ajit Chandillia however forgot to give the required signal before bowling the over, where he conceded 14 runs. Delhi Police further informed us that a sum of Rupees 20 Lakhs was recovered.

BCCI has also conducted an inquiry wherein the said allegations were proved as found by the BCCI Commissioner of Inquiry, Mr. Ravi Savani and found Mr. Chandillia guilty of offences Article 2.1.1., 2.1.2. 2.1.3, 2.1.4, 2.2.3, 2.4.1, and 2.4.2 under the Anti Corruption Code.

There were allegations in relation to former India Cricketer and Rajasthan Royals bowler S. Sreesanth, relating to the match between Rajasthan Royals and Kings XI Punjab, held in Mohali on the 9<sup>th</sup> of May 2013, where he had

conspired with one Mr. Jiju Janardhan and a bookie by name Chandresh Patel, wherein it was agreed that Mr. Sreesanth would concede 14 runs in an over. The Delhi Police informed us that there were certain recoveries made from Mr. Sreesanth, which was the consideration for the said illegal acts.

BCCI has also conducted an inquiry wherein the said allegations were proved as found by the BCCI Commissioner of Inquiry, Mr. Ravi Savani and found Mr. Sreesanth guilty of offences under Article 2.1.1., 2.1.2, 2.1.3, 2.1.4, 2.2.3, 2.4.1, and 2.4.2 of the Anti Corruption Code.

There were allegations in relation to Rajasthan Royals bowler Mr. Ankeet Chavan in relation to the match between Rajasthan Royals and Mumbai Indians, on the 15<sup>th</sup> May 2013, where he had conspired with Mr. Ajit Chandillia and agreed to concede 12 runs in an over.

BCCI has conducted an inquiry wherein the said allegations stands proved by the BCCI Commissioner of Inquiry, Mr. Ravi Savani and found Mr. Chavan guilty of offences under Article

2.1.1., 2.1.2. 2.1.3, 2.1.4, 2.2.3, 2.4.1, and 2.4.2 of the Anti Corruption Code.

There were allegations in relation to Mr. Amit Singh a former player contracted with the BCCI, wherein it was alleged that he was acting in connivance with Mr. Ajit Chandilia and that a sum of Rupees Twenty Lakhs that was to be paid to Ajit Chandillia through Mr. Amit Singh.

BCCI has conducted an inquiry wherein the said allegations stands proved by the BCCI Commissioner of Inquiry, Mr. Ravi Savani and found Mr. Chavan guilty of offences under Article 2.1.1., 2.1.2. 2.1.3, 2.1.4, 2.2.3, 2.4.1, and 2.4.2 of the Anti Corruption Code.

There were allegations against Mr. Harmeet Singh a contracted player of Rajasthan Royals. However on further enquiry it was fund that the said allegation related to the fact that Mr. Harmeet Singh had not informed the concerned persons under anti corruption that approaches were made to him through Mr. Ajit Chandilla. The said allegations stands proved by the BCCI Commissioner of Inquiry, Mr. Ravi Savani and

found Mr. Harmeet Singh guilty of offences under Article 2.4.2 and 2.4.3 of the Anti Corruption Code.

There were also allegations against Mr. Siddharth Trivedi a contracted player of Rajasthan Royals. However on further enquiry it was found that the said allegation related to the fact that Mr. Trivedi had not informed the concerned persons that approaches were made to him through Mr. Ajit Chandilla. The said allegations stood proved by the BCCI Commissioner of Inquiry, Mr. Ravi Savani and found Mr. Trivedi guilty of offences under Article 2.4.1., 2.4.2 and 2.4.3 of the Anti Corruption Code.

The Committee interacted with Mr. Sreesanth, Ankit Chavan, Ajit Chandila, Mr. Siddharth Trivedi and Mr. Harmeet Singh and afforded them an opportunity of being heard.

The Committee is of the view that the disciplinary action by BCCI in respect of allegations of spot fixing against the Mr. S. Sreesanth, Mr. Ankeet Chavan, Mr. Ajit Chandila, Mr. Amit Singh on the basis of evidence provided by Delhi Police and

enquiry conducted by Mr. Savani (ACU-BCCI) is adequate and satisfactory.

Mr. R.K. Singh, a former Home Secretary who had made a public statement that the Hon'ble Home Minister had stalled investigations into the allegations of IPL match fixing was asked to appear before this committee but declined to do so citing lack of time.

The Committee does not wish to further elaborate on details or discuss the evidence on record in detail, in light of the pending criminal proceedings.

As per the terms of reference, the Committee has a mandate to look into allegations of spot fixing and match fixing involving players, in the IPL. The Committee during its interactions and on review of documents provided to it has come across many allegations of sporting fraud. However as of now these are mere allegations' and we do not think it proper to cast aspersions on the persons named unless investigations are conducted. The names of the persons and allegations in view of the sensitive nature of the information are being provided separately in a sealed envelope.

Few persons have deposed before the Committee that in relation to some of the allegations made before us, information is said to be available with ICC-ACSU and BCCI's-ACU. However when the committee asked the ICC-ACSU for the required information that was in its possession, Mr. Y.P. Singh, the Director of ICC-ACSU, informed the Committee that information was available with Mr. N.S. Virk, the regional security officer and when Mr. Virk was contacted he stated that the said information if any, was not within his knowledge and was available with Mr. Y.P. Singh. Hence the Committees felt the officers of the ICC-ACSU were not very forthcoming. Only on the 9<sup>th</sup> of February the Committee received an e-mail from Mr. Y.P. Singh that no records in respect of tapes referred to in the Sports Illustrative Magazine and call records are not available with ICC ACSU.

It is also learnt that there is some information which needed further investigation which was also available with the Mumbai Police and Delhi Police and the Committee feels detailed enquiry in this regard needs to be carried out.

- II. Inferences indirectly related to the terms of reference.
  1. The present measures undertaken by BCCI in combating sporting fraud are ineffective and insufficient.

The Committee was informed from persons of the Board that BCCI has contracted all its anti-corruption measures in the IPL to ICC's Anti Corruption and Security Unit (ACSU) and the Anti Corruption Unit - BCCI (ACU) that is headed by Mr. Ravi Savani was only performing a supervisory role.

After carefully understanding the functioning and work undertaken by the ICC's ACSU and BCCI's ACU, the committee is of the considered opinion that role played by these units is far from satisfactory and ineffective. This view has been reiterated by, several former players of great eminence, administrators and sports journalists. However, since this issue does not pertain directly to the terms of reference, the committee refrains from elaborating on the same and has dealt with



this issue subsequently as a part of its general recommendations found in this report.

The Committee, in this context also notices that the ICC's ACSU and BCCI's ACU, appears to have restricted its scope of investigation to the players whose name have come up in the news and against whom Delhi Police primarily and Mumbai Police had already conducted some investigation, though it is abundantly clear from the Anti-Corruption Code itself, that their scope of investigation is much wider.

## 2. Need for stringent and effective control on Player' Agents.

The Committee received several recommendations that the agents of the players needed to be investigated in order to get to the root of this problem of match fixing and spot fixing, as they have easy access to player and most of their credentials are suspect.

Mr. Pradeep Magazine told us that even the agents had a number of conflicts of interest as these agents besides dealing with the players also dealt with the BCCI for their stadia advertisements,

sponsorships amongst other things. This conflict of interest made BCCI's stance with regard to these agents soft and BCCI tended to ignore a lot of discrepancies in its conduct with agents. There is thus a need to institutionalize a mechanism of selecting agents and set regulations to govern them. However, since this issue does not pertain directly to the terms of reference the committee refrains from elaborating on the same and has dealt with this issue subsequently as a part of its general recommendations found in this report.

3. Conflict of Interest and Amendment to Clause 6.4.2 of the Regulation for Players, Team Officials, Managers, Umpires and Administrators and BCCI Code:-

It was brought to the notice of the committee that there was an amendment to Rule 6.4.2, which enabled BCCI officials to own IPL teams.

The Committee in the interest of the game sought to ascertain as to how this amendment came about and posed queries in this regard to:-

- a. Mr. Chirayu Amin, expressed surprise on the amendment of Rule 6.4.2, which enabled BCCI officials to own teams. He stated that as far as he could recall there was no discussion on the amendment of the original rule.
- b. On the condition of anonymity a former administrator told us that that the decision to amend Rule 6.2.4 of allowing the BCCI administrators to own teams was taken during the presidency of Mr. Sharad Pawar. This was done at the behest of Mr. Lalit Modi who was not being able to get franchises.
- c. Mr. I.S. Bindra informed us that that the resolution that allowed the amendment of the BCCI regulations allowing BCCI administrators to own team was actually done in a meeting where a committee under Mr. Shashank Manohar and Mr. Shah was constituted to look into issues of anti-racism. Mr. Bindra further told us that the minutes of the AGM allowing the administrators to own teams was backdated whilst granting power to this committee to look into amendment of the BCCI regulations.
- d. Various persons who deposed before the Committee, including Mr. Muthia (former

BCCI President) gave a detailed note on conflict of interest, opined that a BCCI administrator should not be allowed to own a team or have commercial interest related to BCCI, as that gives rise to a serious issue of conflict of interest. A few persons went to the extent of saying that the match fixing and spot fixing allegations and the process followed in its investigation clearly highlight how a conflict of interest can harm the game.

- e. Many senior journalists and persons of respect stated before us, that the issue of conflict in so far as Mr. N Srinivasan, being the director of India Cements, which owns CSK and his role as the President of BCCI is a cause for serious conflict of interest.

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CONCLUSIONS OF THE COMMITTEE

- 1) The role of Mr. Gurunath Meiyappan in Chennai Super Kings as the team official stands proved and the allegations of betting and passing on information against Mr. Gurunath Meiyappan stand proved. However the allegations of fixing require further investigation.

The Committee is of the view that the material on record clearly indicates that Mr. Gurunath Meiyappan was the face of CSK and the team official of CSK.

After perusing the information provided by the Delhi and Chennai Police, FIR and charge sheet filed by Mumbai Police, transcripts of telephonic conversations (though the voice samples have not been formally proved by forensic analysis, the committee after hearing the recorded conversation proceeds on the assumption, that the said voice is that of Mr. Gurunath Meiyappan), the following conclusions emerge:

- (a) That Mr. Meiyappan was indulging in betting through Mr. Vindoo Dara Singh who was in direct touch with the bookies and punters like Mr. Vikram Aggarwal.
- (b) Bets were placed by Mr. Meiyappan inter alia were not only in favour of CSK but also against it. In betting parlance betting for and against a team is called hedging bets;
- (c) Mr. Meiyappan also bet in matches of teams other than CSK;
- (d) In so far as the role of Mr. Gurunath Meiyappan and Mr. Vindoo Dara Singh are concerned, our conclusions are based on the testimony of the Police and charge sheets and are not meant in any manner to pronounce on the issue as to whether Mr. Gurunath Meiyappan and Vindoo Dara Singh are guilty of the offences charged with, which issue is entirely under the domain of the Criminal Court. We have based our conclusions only on the objective facts gathered during the course of our probe and contents of the charge sheet

and other documents produced by the investigating agencies.

- (e) On the issue of whether Mr. Gurunath Meiyappan was involved in match fixing and spot fixing, the issue has not been investigated thoroughly by the ICC-ACSU, BCCI's ACU or the Crime Branch Criminal Investigation Department of the Chennai Police even though some information was available for such an investigation to be conducted.
- (f) The Mumbai Police has provided some information on the alleged involvement of Gurunath Meiyappan in match fixing, however a conclusive inference cannot be drawn from their investigation;
- (g) The Committee sought from Ms. K.Bhavaneeswari (SP, Q Branch CID, Mylapore Chennai) the file relating to a fake passport case, which provided the police with further information in relation to match fixing in IPL 6. However, a copy of the file has not been provided to the Committee even after an assurance that it would be provided.

- (h) In particular, there seems to be enough information available on record to indicate that a further investigation is required in respect of the match held at Jaipur, between Rajasthan Royals and Chennai Super Kings on the 12.5.2013.
- (i) Mr. C.A. Sundaram Senior Counsel who appeared on behalf of BCCI stated that even if Meiyappan acting on behalf of CSK had resorted to betting it was not within the knowledge of or with the consent of India Cements where Meiyappan did not hold an official position. He also submitted that the team should not be inflicted a punishment which is disproportionate to the infraction by Meiyappan and not India Cements. When asked whether the precedent of a penalty of one year ban upon an Indian player and a reprimand to the Franchisee which sought his transfer contrary to Rules showed a dichotomy, he submitted that perhaps both the franchise and the player should have been given the same punishment, i.e. reprimanded.



- (j) However the Committee is of the view that the infraction of the rules prohibiting betting by a team official has clearly occurred and except on the 8<sup>th</sup> of February 2014, when Senior Counsel adopted a stance that CSK should not be punished for actions of Meiyappan, franchisee owners (Indian Cement) have defended the actions of the franchisee by contending/stating that Mr. Gurunath Meiyappan was not related in any way with the franchisee. The stand taken by the franchisee appears to be contradicting the factual position as has already been already been observed by this committee.
- (k) Thus, in conclusion the Committee finds that Mr. Meiyappan is in violation of Sections **2.2.1 and 2.14** the IPL Operational Rules for bringing the game in disrepute, Articles 2.2.1, 2.2.2, and 2.2.3 of the IPL Anti Corruption Code for his acts of betting and Articles 2.4.4 of the IPL Code of Conduct for Players and Team Officials, for bring disrepute to the game of cricket. The said illegal acts further stand accentuated in light of his position/role in CSK. The Committee is

also of the opinion that the franchisee owner of CSK is responsible for failing to ensure Mr. Meiyappan (*Team Officials*) had complied with the BCCI Anti-Corruption Code, IPL Operational Rules, IPL Regulations and hence the franchisee's actions are in **violation of Section 4.4.1 of the IPL Operational Rules and Clause 11.3 of the** franchises agreement.

- (I) However this Probe Committee can only report a violation of rules to the Hon'ble Supreme Court and does not have a mandate to impose any punishment. It is for the Hon'ble Supreme Court to decide what action if any, is to be taken pursuant to the report of the Committee.
- II) Allegations of betting and spot fixing against Mr. Raj Kundra, team owner of Jaipur Cricket Private Limited, need to be further investigated.
  - a) In so far as the role of Shri Raj Kundra is concerned, the fact that he resorted to betting through Mr. Umesh Goenka in the IPL

matches is evident from the statement of Mr. Umesh Goenka under section 164 CrPC recorded by the Delhi Court (MM, SE Distt, Saket Court, New Delhi);

- b) Statement of Delhi Police before us that Mr. Umesh Goenka had stated that whenever he (Goenka) used to ask Raj Kundra any information relating to a team or a match, Mr. Kundra would tell him to directly contact the players. This is because Mr. Kundra knew that Mr. Goenka was friends with players. This is significant in light of Mr. Siddharth Trivedi, statement under section 164 CrPC recorded by the Delhi Court (MM, has Saket Court, New Delhi), wherein he has confirmed that Umesh Goenka was asking him about the pitch conditions and player information, which Siddharth Trivedi declined to give.
  
- c) We are clearly of the view that the statements under S.164 CrPC made by Umesh Goenka clearly required further and serious investigation as Raj Kundra and his wife Shilpa Shetty are part owners of Rajasthan Royals. It is further to be noted that it is not

clear whether the statement of Mr. Raj Kundra under section 161 CrPC and Mr. Siddharth Trivedi under section 164 CrPC were forwarded to Jaipur Police by Delhi Police. The effect of the withdrawal of the statements under Section 161 by Shri Kundra is also required to be considered.

- d) Allegations of betting by Mr. Raj Kundra and Mrs Shilpa Shetty who are part owners of Rajasthan Royals, if found proved would constitute a serious infraction of Sections **2.2.1 and 2.14 of** the IPL Operational Rules for bringing the game in disrepute, Articles 2.2.1, 2.2.2 and 2.2.3 of the IPL Anti Corruption Code for acts of betting and Articles 2.4.4 of the IPL Code of Conduct for Players and Team Officials, for bring disrepute to the game of cricket.
- e) Mr. Raj Kundra has been suspended by BCCI and still remains suspended pending the report of this Committee as disclosed by BCCI counsel and official on 8.2.2013.

III) Allegations of Match Fixing and Spot Fixing against the players

- a) The Committee is of the view that allegations of spot fixing and match fixing against the players Mr. S.Sreesanth, Mr. Ankeet Chavan, Mr. Ajit Chandila, Mr. Amit Singh and Mr. Siddharth Trivedi, on the basis of evidence provided by Delhi Police are facing criminal trial and adequate punishment has been imposed upon them by BCCI;
- b) The Committee during its interactions and on review of documents provided to it, has come across many allegations of sporting fraud. However as of now these are mere allegations', we do not think it proper to cast aspersions on the persons named unless investigations are conducted. The names of the persons and allegations in view of the sensitive nature of the information are being provided separately in a sealed envelope;
- c) It is also to be noted that the BCCI's ACU, has suo motu restricted its scope of investigation to the players whose name had come up in the

news and against whom Delhi Police primarily and Mumbai Police had conducted some investigation. It is abundantly clear that as per the Anti-Corruption Code the scope of investigation of the BCCI's ACU was wider. In so far ACSU of ICC is concerned Mr. Y.P. Singh formed the Committee that information was available with Mr. N.S. Virk whereas Mr. Virk stated that the information if any was available with Mr. Y.P. Singh. On 9<sup>th</sup> of February, 2014 we received an e-mail from Mr. Y.P Singh stating that the ICC ACSU had no information as averred in Sports illustrated or the call records pertaining to the same.

### Other Issues

Most of the persons who were not connected with BCCI pointed out the issue of conflict of interest brought about by the ownership of Chennai Super Kings by India Cement, a company whose Managing Director Mr. N. Srinivasan, the current President of BCCI is. It was also pointed out that the conflict of interest was brought about by the amendment to clause 6.2.4 of the BCCI Rules and Regulations by which an office bearer of BCCI was

permitted to hold a commercial interest in the IPL and Champions League. The above amendment was the subject matter of a petition in the Hon'ble Supreme Court leading to a split verdict by two Hon'ble Judges, but the issue now stands unresolved due to the withdrawal of the proceedings which led to the above petition in the Hon'ble Supreme Court by Shri A.C. Muthiah, a former president of BCCI.

The issue of conflict of interest is Mr. N. Srinivasan being the BCCI President and CEO of India Cement has been raised by several persons who are neither in the BCCI hierarchy nor are beneficiaries of BCCI.

While it is evident that the questions raised before us about conflict of interest are serious and may have large scale ramifications on the functioning of cricket, we do not deem it proper to pronounce our opinion on this issue as it is not directly in our terms of reference. However, since several stakeholders repeatedly stressed on this issue, we thought it proper to bring this issue to the attention of this Hon'ble Court.

## RECOMMENDATIONS

The Committee is further of the view that it is essential that to deal with the malaise of spot/match fixing, Senior iconic players with unimpeachable integrity such as Sachin Tendulkar, Rahul Dravid, Sourav Ganguly, VVS Laxman, Venkatesh Prasad and Anil Kumble should advise and caution the various teams and in particular the younger players and debutants about the pitfalls of such malpractices. Our view is that such interactions with the legends of sport would be most effective and deter the potential wrongdoers. Furthermore the ACSU-ACU instructions should not be routine lectures by any foreign instructor but be disseminated by Indians in a more interactive meetings in a local language understood by all players.

Apart from the above conclusions arrived at by us we also recommend to the Hon'ble Supreme Court to consider the following suggestions which in our opinion may make the game of cricket a cleaner game so as to eliminate the evil of spot and match fixing:



- a. We would recommend that apart from instructions in the local language understood by the concerned players, the BCCI need not spend enormous sums of money on ICC deputed anti corruption instructors and reputed retired armed forces and police officers from India should be asked to do it after due training and sensitization in Indian languages;
- b. In order to instil some fear in the players and support personnel, an essential requirement is that leads and information that are received from players and other personnel should be kept confidential but must be necessarily be investigated and allegations should be put to a rest. The current practice of not investigating unless an outside agency (like media) brings forth a sporting fraud seems to be a reactive approach rather than a proactive approach;
- c. In order to detect sporting fraud, it has been pointed out by most investigating agencies that they lack the tools to know the name of the bookies, the amount that has been bet, detect a sporting fraud unless an intelligence

from other sources like phone tapping is available amongst other drawbacks. They have stated that legalizing sports betting would reduce the element of black money and the influence of the underworld besides help them in detection and focusing their investigation;

- d. An approach needs to be devised where different law enforcement agencies and the Anti-Corruption unit of the BCCI can share intelligence and conduct effective investigation;
- e. The investigative wing of the BCCI, should be clearly defined and no person holding office in the BCCI, should have the power to curtail, restrict or define any such investigation;
- f. IPL is a good format and has benefitted a number of players therefore there is a need to protect it. However in the interest of the league, IPL should be a stand - alone commercial entity with representatives from the franchises, BCCI, broadcasters and independent professional directors forming a part of the governing body of the IPL;

- g. BCCI should have a system of registering player agents. Before registering player agents there should be an examination of the agents to confirm their understanding of the rules and regulations of BCCI and IPL. Besides this the antecedents of the player agent should also be verified so that dubious elements of society with links to bookies or the underworld are not given a registration as a player agent;
- h. Player agents should not be allowed to travel with the team or stay in the same hotel as the team, especially when it is in proximity to the date of a match being played by a player who the agent represents;
- i. Players should not be allowed to own any stakes or interests in player agencies or companies involved with cricket unless such interests are in the nature of sponsorship or endorsements. Such interests should be declared by the player or his agent to the BCCI, within 15 days of such interest accruing. In particular employment of the

players in the franchise group companies should be avoided;

- j. Some franchises have drafted a code of conduct which regulates the activities of the players outside the ground during the IPL season. Any person who wishes to be associated with the team that is, wants to be a part of the dugout(s), team meetings, strategy discussions, regular player interactions during the IPL, also needs to sign the code of conduct and be liable to similar obligations as the players.

We, have examined the recommendations of Mr. Nillay Dutta as set out in Chapter III of his Report and approve the recommendations suggested by him.

The committee records its deep appreciation of the hard work put in by three young advocates Vidushpat Singhania (who also acted as the Secretary of the Committee), Abantee Dutta and Gautam Bharadwaj. Without the immense effort put in by these Advocates, the committee would not have been able to prepare the report within the

period of 4 months. The committee also records its appreciation of BCCI who fully cooperated with the committee. Particular mention needs to be made in this context of Sh. Anirudh Chaudhary and Mr. Mayank Parekh both of BCCI. The committee also appreciates the input of all other who participated in the deliberations of the committee.

(Retd. Justice Mukul Mudgal)

(L.Nageswara Rao)

Dated: 9<sup>th</sup> February 2014.