

2014

JUSTICE MUDGAL IPL PROBE COMMITTEE

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

Members:

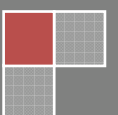
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I have had the privilege of going through the comprehensive report prepared by Mr Justice Mukul Mudgal and deem it necessary to add my thoughts on the subject.

GENESIS OF THE PROBE:

On the intervening night of 15/16.05.2013, a team of the Special Cell, Delhi Police (hereinafter referred to as the Delhi Police) apprehended and arrested four players (amongst others) in connection with FIR No. 20/2013 dated 09.05.2013 under Section 120B/420¹ of the Indian Penal Code, 1860 (hereinafter referred to as FIR 20/2013). The arrested players were namely:

1. S. Sreesanth, an International Indian cricket player playing for the Indian Premier League, (hereinafter referred to as IPL) team, Rajasthan Royals;
2. Ankeet Chavan, a player of the IPL team, Rajasthan Royals;
3. Ajith Chandela, a player of the IPL team, Rajasthan Royals;
4. Amit Kumar Singh, an ex-player of IPL team, Rajasthan Royals

The allegations as per the FIR No. 20/2013 against the players were that the players had allegedly indulged in spot/session fixing during certain matches played by IPL

¹Subsequently on 03.06.2013, after obtaining due approval from the competent authority, Section 3 and 4 of the Maharashtra Control of Organised Crime Act (hereinafter referred to as MCOCA) were added to the said FIR/ ongoing investigation.

team, Rajasthan Royals, in the ongoing IPL, Season 6 by underperforming or making other players underperform, in pre decided overs of the IPL matches. The Delhi Police, on the same day had also arrested a number of bookies, who were allegedly involved in conspiring with players to fix spots and using such advance informations, about the occurrence of an event, made windfall gains through illegal betting in the ongoing IPL matches.

Taking cognizance of the arrests of the aforesaid players by the Delhi Police in FIR 20/2013 on charges of spot fixing, the Board of Control for Cricket in India (hereinafter referred to as the BCCI) under its Rules and Regulations appointed a Commissioner, Mr. Ravi Sawani on 18.05.2013 to make a preliminary inquiry into *inter alia* the alleged acts of spot fixing and furnish a report within 30 days of its appointment. Mr. Ravi Sawani, submitted an interim report on 05.06.2013 and subsequently a final Report on 08.07.2013; and having found all the four arrested players guilty of offences under the BCCI Anti-Corruption Code for Participants, recommended to the Disciplinary Committee of the BCCI to impose such sanctions as may be commensurate to the offence committed, in order to send out a strong signal indicating a zero tolerance policy of the BCCI to any corruption in the sport.

On the basis of another independent investigation, the Crime Branch of the Mumbai Police (hereinafter referred to as the Mumbai Police) carried out a raid on 14.05.2013 on

the premises of one Ramesh Vyas, a known bookie in Mumbai, who was providing an illegal telephone exchange facility enabling connection between the Indian and overseas bookies, in connection with CR No 61/2013 under section 465,466,468,471,419,420,212, 34 read with Section 120 B of the Indian Penal Code read with Section 4,5 of the Bombay Prevention of Gambling Act read with Section 66(A) of the Information and Technology Act, 2000 (hereinafter referred to as CR No. 61/2013). Pursuant to this investigation, the telephone number of one Mr. Virendra Randhawa @ Mr. Vindoo Dara Singh (hereinafter referred to as Vindoo Dara Singh); a resident of Mumbai, had also been placed under interception by the Mumbai Police in the said case. The interception of the telephone number of Mr. Vindoo Dara Singh revealed links to Mr. Gurunath Meiyappan, an alleged Team Principal of IPL team, Chennai Super Kings, and the son in law of the BCCI President, Mr. N. Srinivasan, who was also the Managing Director of India Cements Limited, owner of IPL team, Chennai Super Kings. Subsequently, Mr. Gurunath Meiyappan was summoned by the Mumbai Police under Section 160 of the Code of Criminal Procedure Code (hereinafter referred to as Cr.P.C.) in the said case and after detailed interrogation and verification of prima facie evidence against him, placed him under arrest on 25.05.2013.

During the investigation of FIR No. 20/2013 by the Delhi Police, Mr. Raj Kundra, one of the owners of the Jaipur IPL

Cricket Private Limited, the franchisee who owns the IPL team, Rajasthan Royals, was summoned and examined on 05.06.2013. It was alleged by the Delhi Police that Mr. Raj Kundra had confessed to betting in some of the matches of IPL Season 6.

Subsequent to the aforesaid developments, i.e. arrest of Mr. Gurunath Meiyappan on alleged acts of betting by the Mumbai Police in CR No. 61/2013 and disclosures made by the Delhi Police to the media of the alleged involvement of Mr. Raj Kundra in betting activities, the BCCI, appointed a two Judges Commission comprising of Justice T. Jayaram Chouta (Retd) and Justice R. Balasubramanian (Retd.) on 29.05.2013 to investigate into the allegations against Mr. Raj Kundra, Jaipur IPL Cricket Private Limited, Mr. Gurunath Meiyappan and India Cements Limited under Clause 3.1. of Section 6 of the IPL Operational Rules 2013 (hereinafter referred to as the Operational Rules) for alleged acts of betting committed by Mr. Raj Kundra as owner of Jaipur IPL Cricket Private Limited, the franchisee for IPL team, Rajasthan Royals and Mr. Gurunath Meiyappan as Team Principal of IPL team, Chennai Super Kings.

The two-Judges Commission on 26.07.2013 submitted its Report stating that the BCCI could not make out a case against the aforesaid persons and recorded a finding that the Respondents thereto had not committed any offence nor could the Respondents be found guilty of violating

either the Operational Rules or any other Regulation of the IPL.

Pending the inquiry led by the two Judges Commission, a PIL Petition No. 55 of 2013 titled 'Cricket Association of Bihar Vs BCCI amongst others' came to be filed in the Hon'ble High Court of Bombay challenging the constitution of the two Judges Commission appointed by the BCCI to probe into the allegations of betting and spot fixing in IPL by Mr. Gurunath Meiyappan, son in law of Mr. N. Srinivasan and Jaipur IPL Cricket Private Limited.

The Hon'ble Bombay High Court, vide its Judgement dated 30.07.2013 held the constitution of the Commission to be ultra vires to the BCCI regulations and the Operational Rules. The Hon'ble High Court however, declined the prayer made by the Cricket Association of Bihar, the Petitioner, to grant a further relief sought, to constitute a panel of retired Judges to conduct an enquiry against Mr. Gurunath Meiyappan, owners of Chennai Super Kings and Jaipur IPL Cricket Private Limited with regard to their alleged involvement in spot fixing and betting and left it to the discretion of BCCI to constitute a fresh probe commission under Section 6 of the Operational Rules, if it deemed fit.

Against the Judgement dated 30.07.2013 of the Hon'ble High Court of Bombay in PIL Petition No. 55/2013, an SLP Civil No. 26633/2013 came to be preferred before the Hon'ble Supreme Court of India.

The Hon'ble Supreme Court, without casting aspersions on the two Judges Commission and on consideration of the fact that the Mumbai Police had submitted its charge sheet against Mr. Gurunath Meiyappan, constituted the present three member Probe Committee (hereinafter referred to as the Committee) headed by Mr. Justice Mukul Mudgal, retired Chief Justice of the Punjab and Haryana High Court vide its Order dated 08.10.2013 with a view to conduct an independent probe into the allegations which were the subject matter of PIL Petition No. 55/2013.

The other members of the Committee comprised of:

1. Mr. L. Nageswar Rao, Senior Advocate and Additional Solicitor General of India as Member;
2. Mr. Nilay Dutta, Senior Advocate as Member.

TERMS OF REFERENCE

The terms of reference of the Committee for investigation as directed by the Hon'ble Supreme Court were as follows:

1. The allegations of betting and spot fixing in the IPL matches against Gurunath Meiyappan, allegedly the Team Principal of Chennai Super Kings, 3rd Respondent (India Cements Limited), and the players and the 4th Respondent (Jaipur IPL Cricket private Limited) / team owner of IPL franchisee Rajasthan Royals.

2. The allegations against Gurunath Meiyappan, the respondent 3 and 4 with regard to their involvement in spot fixing and betting.

PROCEDURE ADOPTED BY THE COMMITTEE

The Committee commenced its inquiry on 11.10.2013. The Committee decided to avail the services of Mr. Vidushpat Singhania, Advocate, as the Secretary to the Committee. The Committee also engaged Ms. Abantee Dutta, Advocate and Mr. Gautam Bharadwaj, Advocate to assist the Committee as Research Associates.

By a Press Note dated 24.10.2013, the Committee appealed to and invited members of the public to come forth with any such information with regard to the aforesaid terms of reference. The Press Note was published and broadcasted widely in print and electronic media. The responses to this appeal were duly considered by the Committee.

The Committee, between 05.11.2013 to 08.02.2013, conducted wide-scale interactions with members of the cricket fraternity and supporters of the game, at different venues across India. The interactions spanned a cross section of people associated with cricket ranging from former and present International Indian cricketers, selectors, cricket administrators, commentators, journalists, anti-corruption officials, franchise owners and management as well as law enforcement agencies.

The interactions with the various persons in course of the Committee deliberations were tape recorded. It was made known to the interactors that such tape recordings would be stopped if they felt uncomfortable. There were occasions, when under the instructions of the interactors, the tape recordings were stopped in its entirety or partially. The committee documented the summary of these interactions, which were not required to be signed by the interactors.

The conclusions arrived at are placed herein below in three chapters. Chapter I deal with the terms of reference as directed by the Hon'ble Supreme Court while constituting the committee. Chapter II deals with certain serious issues which have emanated during the course of the deliberations of the Committee. These issues may not strictly have been part of the terms of reference. However, they reflect disturbing linkages between players/ administrators/ politicians and declared terrorists and the underworld. The issues also throw light for the need of a thorough professional approach on the part of the investigative agencies to these disturbing linkages which evidently indicate a serious threat to national security. Chapter III are certain suggestions/ recommendations which are consequent to the findings in Chapter I and II.

CHAPTER I**ANSWERS TO THE REFERENCES**

The terms of reference contain 2 questions. However, both the questions complement each other and substantially overlap. There would therefore be a consolidated answer to both the parts of reference. For convenience, the reference would be discussed under the following heads:

- I. The position of Mr. Gurunath Meiyappan in IPL team, Chennai Super Kings;
- II. The allegations of betting in the IPL matches against Mr. Gurunath Meiyappan;
- III. Allegation of spot fixing against Mr. Gurunath Meiyappan;
- IV. The allegation of betting and spot fixing in the IPL matches against the players of IPL team, Rajasthan Royals;
- V. The allegation of betting against Mr. Raj Kundra, owner of Jaipur IPL Cricket Private Limited, franchisee of the IPL team Rajasthan Royals.

I. POSITION OF MR. GURUNATH MEIYAPPAN IN IPL TEAM CHENNAI SUPER KINGS

At the outset, it is important to underscore a few relevant provisions of the Operational Rules in order to accurately assess the evidence that has been placed before this Committee.

- *Under Para 6.1.1 and 6.1.2 of the Operational Rules, the provisions of the IPL Code of Conduct for Players and Team Officials, the BCCI Anti Corruption Code for Participants, the BCCI Minimum Standards for PMOA at Matches as well as the Operational Rules in toto shall bind any person subject to the Operational Rules.*
- *Under Para 2.14 of the Operational Rules, each person subject to the Operational Rules shall not during a match or otherwise act or omit to act in any way which would or might reasonably be anticipated to have an adverse effect 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.*
- *Under Para 4.1.1 of the Operational Rules, each franchisee shall ensure that each of its team officials comply with the regulations including*

without limitation the BCCI Anti-Corruption Code for Participants.

- *Under the same Para 4.1.1, 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.*
- *Team official has been further defined as including interalia those persons who are accredited in connection with the league.*
- *Under Para 6.4.2 of the Operational Rules, the Disciplinary Procedure Commission constituted under Para 6.2.2 may through BCCI impose various sanctions under the Operational Rules.*
- *Under Para 6.4.4.2, the said Commission is authorised interalia to suspend a player or other persons from playing or otherwise being involved in matches for a specified period, suspend a team or franchisee from the league, impose a financial penalty payable to BCCI or any other person amongst others. The Commission is also authorised to impose any other sanction not listed in Para 4.4.2 that the Commission views as reasonable in the interests of justice.*

All franchisees in the IPL, have signed a Franchise Agreement with the BCCI. Under clause 11.3, the BCCI may terminate any Franchise Agreement with immediate effect by written notice if *interalia* the franchisee, any franchisee group company and / or any Owner acts in any way which has a material adverse effect upon the reputation or standing of the league, IPL, BCCI, the franchisee, the team or any other team in the league and/or the game of cricket.

It has been urged before the Committee that Mr. Gurunath Meiyappan was in fact, the owner of IPL team, Chennai Super Kings, within the meaning of the Franchise Agreement. If the offence of betting is proved against Mr. Gurunath Meiyappan, such action would definitely have a material adverse effect on the reputation or standing of the league. An attempt has been made to project Mr. Gurunath Meiyappan, as the owner of the franchisee of IPL Team, Chennai Super Kings, because in such event it would be open to BCCI to terminate the agreement with the franchisee with immediate effect by a written notice and this would not entail the procedure envisaged under Para 6 of the Operational Rules. The definition under clause 1.1 of the Franchise Agreement, states that an owner shall mean, any person who is the ultimate controller of the franchisee.

Various depositions would indicate that Mr. Gurunath Meiyappan was perceived as the “face” of IPL team, Chennai Super Kings. The perception arises out of the facts that he was found to have been sitting in the “owners

dug out” in the stadium, that he was representing the owner in various meeting of the IPL franchisee and emails in connection with such meetings of franchisee were sent to him by name on behalf of the franchisee, that he participated in the auction and raised the banner therein on behalf of IPL team, Chennai Super Kings, that his twitter account described him as the Team Principal of IPL team, Chennai Super Kings. It was also brought on record that the Mumbai police seized visiting cards of Mr. Gurunath Meiyappan which indicated that he was the Team Principal of IPL team, Chennai Super Kings.

Per contra, it has also been deposed before the Committee that Mr. Gurunath Meiyappan is not a shareholder of India Cements Limited, the franchisee which owns IPL team, Chennai Super Kings. He did not have any official position in India Cements Limited. He had no authority to decide on selection of players in the team auctions, he had no authority to decide team strategy nor did he attend any team meeting. He had no jurisdiction to decide on the Playing XI nor any individual players place in the batting or the bowling order nor was he privy to any such information.

The Committee was apprised that in the years 2008, 2009 and 2010, his accreditation card showed him as “owner”. However, from 2011 to 2013, he is not listed in the accreditation card as “owner” but as “Management Blue”. The committee was apprised on behalf of the IPL authorities as well as other interactors, that in the initial

years of IPL, there was only one set of accreditation cards and it was only subsequently that a distinction was being made between owners and other management representatives.

It has been brought on record that the obligations /rights and liabilities of the franchisee in IPL have been stipulated in their respective Franchise Agreements. In terms of the said agreement, India Cements Limited is the franchisee and owns the IPL team, Chennai Super Kings. Clause 1.1 of the agreement defines “owner”, which mean any person who is the ultimate controller of the franchisee. It is undisputed that Mr. Gurunath Meiyappan is not a shareholder of the franchisee i.e. India Cements Limited nor does he have any official position in the said Company. Under the circumstances, it is not possible to hold that he had any control over the franchisee i.e. the India Cements Limited and therefore Mr. Gurunath Meiyappan cannot be deemed to be “the owner” within the meaning of Clause 1.1.3 of the franchisee agreement.

However, the fact that Mr. Gurunath Meiyappan is not the owner of the franchisee will not make any substantial difference under the Operational Rules as to the liability of IPL team, Chennai Super Kings is concerned *vis a vis* Mr. Gurunath Meiyappan. In view of his accreditation as “Management Blue” under the IPL Accreditation Rules, it is absolutely incontrovertible that Mr. Gurunath Meiyappan was in fact a “Team official” of the IPL team, Chennai Super Kings within the meaning of the Operational Rules.

As already stated above, under Para 6.1.1.2, the BCCI Anti-Corruption Code for Participants bind any person subject to the Operational Rules. Mr. Gurunath Meiyappan was accredited on behalf of IPL team, Chennai Super Kings with a “Management Blue” pass and therefore he was a “Team official” within the meaning of the definition of “Team official” under Para 1.1 of the Operational Rules. As such, though under the definition of participant in Anti-Corruption Code for Participants, Mr. Gurunath Meiyappan was not a player, player support personnel, umpire, match referee or umpire support personnel, he would still be subject to the provisions of the BCCI Anti-Corruption Code.

Evidently, in the event of a finding that Mr. Gurunath Meiyappan had transgressed the provisions of Article 2.2 of the BCCI Anti-Corruption Code, the franchisee would remain liable within the meaning of the Operational Rules for its obligations under Para 4.1.1 of the Operational Rules.

II. **ALLEGATIONS OF BETTING, MISUSE OF INSIDE INFORMATION TRADING, AGAINST MR. GURUNATH MEIYAPPAN**

- *Article 2.1.under the BCCI Anti-Corruption Code for participants, defines an offence of corruption which would include interalia fixing or contriving*

in any way or otherwise influencing improperly or being a party in any way to fix or contrive in any way or otherwise influence improperly the result, progress, conduct or any other aspect of any match or event

- *Article 2.2.2 defines betting which would include interalia placing, accepting, laying or otherwise entering into any bet with any other party in relation to the result, progress, conduct or any other aspect of any other match or event.*
- *Article 2.2.3, defines the misuse of inside information which would include interalia, using for betting purposes any inside information or also disclosing inside information to any person 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.*

The materials against Gurunath Meiyappan on allegations of betting have been produced only by the Mumbai Police before the Committee. Others who have made allegations of betting against Gurunath Meiyappan have not produced any material in support thereof and have entirely relied on media reports.

The Mumbai Police has charged Mr. Gurunath Meiyappan on allegations of betting in IPL matches as well as for allegedly passing inside information to bookies. It is the allegation of Mumbai Police that Mr. Gurunath Meiyappan was in contact with one Mr. Vindoo Dara Singh through whom he placed bets in connection with IPL matches. In support of this allegation, certain phone calls which were taped under the authority of the competent authority have been cited. The transcripts of such interception, prima facie, reveal that discussions on betting took place and instructions as to how bets could be placed were also given. The transcribed transcripts indicate that the name Guru cropped up in the conversations. The allegations are that the taped phone calls belong to Mr. Gurunath Meiyappan and instructions were given by him for placing of bets. The only materials against Mr. Gurunath Meiyappan are the tapes. Unfortunately, the Mumbai Police did not place any scientific evidence before the Committee that the voice in the tape infact was that of Mr. Gurunath Meiyappan. According to the Mumbai Police, the results from the forensics were still awaited. Moreover, though account books were seized from bookies, no money trail from Mr. Gurunath Meiyappan was proved before the Committee by the Mumbai Police.

Mr. Gurunath Meiyappan exercised his constitutional rights to remain silent in the present proceedings in view of the said criminal proceedings. No indication was given by the Committee to Mr. Gurunath Meiyappan that any

adverse inference would be drawn in view of his silence. Moreover, any finding as to Mr. Gurunath Meiyappan's culpability in betting by this Committee without all the materials being placed before it might prejudice either the prosecution or the defence in the criminal proceedings. It would therefore not be fair on the part of this Committee to come to a conclusive finding that the voice in the tape is in fact that of Mr. Gurunath Meiyappan.

It is however reasonable to hold that in the event of the tapes being found to be genuine, un-tampered and reliable and in the event that the voice in the tape is proved to be that of Mr. Gurunath Meiyappan, there can be no iota of doubt that Mr. Gurunath Meiyappan was indulging in betting in IPL matches. The conclusion awaits a final determination in the criminal proceedings where evidently the raw footage and the tapes would be proved scientifically. It is in the interest of all concerned that the Hon'ble Supreme Court directs an expeditious trial on a day to day basis in the said criminal proceedings.

In *Rajan Dwivedi Vs CBI* cited in (2012) 8 SCC 495, the Hon'ble Supreme Court has stated in para 20:

*“The guarantee of a speedy trial is intended to avoid oppression and prevent delay by imposing on a court and the prosecution an obligation to proceed with the trial with a reasonable dispatch. The guarantee serves a threefold purpose. Firstly, it protects the accused against oppressive pre-trial imprisonment; **secondly,***

it relieves the accused of the anxiety and public suspicion due to unresolved criminal charges and lastly, it protects against the risk that evidence will be lost or memories dimmed by the passage of time, thus imparting the ability of the accused to defend him or herself. Stated another way, the purpose of both the criminal procedure rules governing speedy trials and the constitutional provisions, in particular, Article 21, is to relieve an accused of the anxiety associated with a suspended prosecution and provide reasonably prompt administration of justice.”

As regards the allegation of passing of insider information, the Mumbai Police makes out the following case.

- (i) On 12.05.2013, before match of IPL teams, Kolkata Knight Riders and Royal Challengers Bangalore, there was a call between Gurunath Meiyappan and Vindoo Dara Singh;
- (ii) On 12.05.2013, in the match between IPL teams, Rajasthan Royals and Chennai Super Kings, before the start of the match, Vindoo Dara Singh informed one Sanjay Jaipur that Chennai Super Kings was Gurunath Meiyappan’s favourite.
- (iii) On 12.05.2013, in the same match, 58 minutes from the start of the match, Gurunath Meiyappan revealed to Vindoo Dara Singh that the IPL team, Chennai Super Kings would make about 130-140 runs and IPL team, Chennai Super Kings ended up making 141 runs.

- (iv) *At 1 hour 9 minutes into the match on the same day, Gurunath Meiyappan told Vindoo Dara Singh “ RR is winning pucca”*
- (v) *On 13.05.2013, at 10:47, Gurunath Meiyappan told Vindoo Dara Singh that wicket at Ranchi was slower and that there was rain/cyclone at Chennai on that day.*
- (vi) *On 14.05.2013, in the morning of the match between IPL teams, Chennai Super Kings and Delhi Daredevils, Gurunath Meiyappan told Vindoo Dara Singh that there was an issue with the State Government over the withdrawal of the State certificate for the stability of the stadium.*
- (vii) *On the same day, Gurunath Meiyappan told Vindoo Dara Singh at 7:26 PM, that he saw the team in the hotel and Chennai Super Kings will win 100 %.*
- (viii) *On the same day, at 7:53PM, Gurunath Meiyappen informed Vindoo Dara Singh “no otherchange....i am giving you....weak link in bowling.”*

On the basis of these facts, it is the case of the Mumbai police that accused Gurunath Meiyappan was providing inside information to Vindoo Dara Singh to aid betting.

The term “inside information” would imply any such information on the game that is not in the public domain and that which would facilitate betting on the game. It would include informations pertaining to team strategies, team composition, physical fitness and temperamental status of the players, pitch and ground conditions, etc.

Evidently, this list is not exhaustive and would vary from case to case.

In the interaction with the Committee, it was admitted by the Mumbai Police that informations pertaining to IPL teams, Kolkata Knight Riders Vs Royal Challengers Bangalore, would not be an “inside information” in so far as Mr. Gurunath Meiyappan is concerned. Infact, the transcript pertaining to 12.05.2013 indicates that Mr. Gurunath Meiyappan was telling Mr. Vindoo Dara Singh that they would stay quietly and do nothing. It is difficult to appreciate how in such circumstances the material of 12.05.2013 would amount to passing off inside information. However, that would again await a final determination by the criminal court.

As regards the match on 12.05.2013 between IPL teams, Rajasthan Royals and Chennai Super Kings, the transcripts indicate that at the start of the match Mr. Gurunath Meiyappan was of the opinion that IPL team, Chennai Super Kings, would win the match. As the match progressed, it is evident from the tape that when Mr. M.S. Dhoni and Mr. Suresh Raina fell at the 12th over, Mr. Gurunath Meiyappan was of the opinion that IPL team, Chennai Super Kings, would make about 130- 140 runs. By that time, Mr. Gurunath Meiyappan had already placed high bets on IPL team, Chennai Super Kings and anticipating huge loss, he started placing cover bets on IPL team, Rajasthan Royals. The transcripts would reveal that the odds by then however were being continuously lowered

on IPL team, Rajasthan Royals and so in spite of placing huge bets of Rs 1.40 crores on IPL team, Rajasthan Royals, Mr. Gurunath Meiyappan could not make up his previous loss on bets on IPL team, Chennai Super Kings and ultimately ended the day at a loss of about Rs 60 lacs. The pattern of betting and the calls reveal a constant discussion between Mr. Gurunath Meiyappan and Mr. Vindoo Dara Singh as regards the bets to be placed and the tenor of the transcript reveal that the bets on IPL team, Rajasthan Royals, were being made when panic buttons were being pressed. The discussions are more indicative of calculations made by a punter with a bookie, rather than any indication of inside information of the match being passed by Mr. Gurunath Meiyappan. This would also, however, be subject to all evidence being led and the final determination being made in the criminal proceedings.

The issue of stability certificate for the stadium was a matter of litigation in various superior courts and was the subject of extensive coverage in all newspapers covering IPL. The same was a part of common sporting knowledge and was discussed by everyone publicly and as such could not have been by any means an issue of inside information.

As regards, the call at 7:26 PM, the transcript reveals a forecast that IPL team, Chennai Super Kings, would win 100 %. In course of our deliberations, it has been the unanimous opinion of virtually all experts that it is impossible to fix the winning of the game while it is possible to fix a match by deciding to lose a match. Mr.

Gurunath Meiyappan's assurance therefore that IPL team, Chennai Super Kings, would win can only be his optimism and by no means be treated as an inside information.

The call at 7:53 PM as regards no change in the team is a statement of fact which was already in public knowledge, since in an IPL match the toss takes place half an hour prior to start of the match when the lists of the teams (playing XI) are officially exchanged and the same is disclosed in the electronic media. This was explained categorically by Mr. Harsha Bhogle. The match between IPL teams, Chennai Super Kings and Delhi Dare Devils, was scheduled to start at 8:00 PM and as such at 7:53 PM, the said information could not have been an inside information. This was further agreed to by the Mumbai Police officials when being questioned by the Committee. As deposed by Mr. M.S. Dhoni, in his interaction with the Committee, it was well known that the strength of IPL team, Chennai Super Kings, was in their batting line up and there was a weak link in their bowling strength. Evidently, any student of the game would be very well aware that there was a weak link in the IPL team, Chennai Super Kings bowling. People who put in their money in bets and bookies and kingpins in this trade would be ardent observers of the game. There would be nothing new to state that there is a weak link in IPL team, Chennai Super Kings bowling. This matter, again however, would be dependent on the outcome of the criminal proceedings.

From the discussions above, it would be difficult to off-hand conclude that any inside information was passed on by Mr. Gurunath Meiyappan. The final determination of this question will rest on the evidence led in the criminal trial and findings arrived at therein.

In the event of Mr. Gurunath Meiyappan, being found to be indulging in offences of betting as well as misuse of inside information, he would evidently suffer consequences under the provisions of the Operational Rules stated above. As already stated under Para 4.1.1, it was the burden of India Cements Limited, franchisee of IPL team, Chennai Super Kings, to have ensured that each of its team officials comply with the operational regulations including without limitation the BCCI Anti-Corruption Code for Participants. The liability of India Cements Limited would flow from Para 4.1.1.1 of the Operational Rules, as any finding against Mr. Gurunath Meiyappan as accredited agent of the franchise Indian Cements Limited, owner of the IPL team, Chennai Super Kings, under the BCCI Anti-Corruption Code for Participants would imply that India Cements Limited had failed to comply with its obligation under Para 4.1.1.1. **A finding against Mr. Gurunath Meiyappan would therefore necessarily entail a finding on the failure of India Cements Limited in carrying out its said obligations under Para 4 and necessary sanctions under Para 6 of the Operational Rules, against the franchisee**

will have to be considered within the provisions of Para 6.4.2 as may be reasonable in the interest of justice.

Mr. Gurunath Meiyappan is presently under suspension by the BCCI till a final decision is arrived at, as regards the allegations made against him. The standard of proof in a criminal proceeding is “beyond all reasonable doubt”. However, under Para 6.3.19 of the Operational Rules, the standard of proof in respect of all complaints brought under the Operational Rules shall be whether a Commission is “comfortably satisfied” bearing in mind the seriousness of the allegation that is made. This standard of proof shall be determined on a sliding scale from, at a minimum, a mere balance of probability for the least serious offences, upto proof beyond a reasonable doubt for the more serious offences. Moreover, the Commission would not be bound by judicial rules governing the admissibility of evidence as in a criminal proceeding and facts relating to an offence committed under the regulations may be established by any reliable means including admissions.

Evidently therefore, an acquittal in the criminal proceedings ipso facto will not bar a subsequent enquiry either by the BCCI under the Operational Rules, even if criminal proceedings fail. Moreover, it is not necessary for the BCCI to await the final decision in the criminal proceedings, since as already pointed out, the procedure in a Disciplinary enquiry under the Operational Rules and the standard of proof in such proceedings are substantially

different from that of a criminal proceeding. In similar circumstances, the BCCI had proceeded against the players of IPL team, Rajasthan Royals during the pendency of the criminal proceedings. **The BCCI should act in a similar manner in matters pertaining to allegations of betting and passing on inside information against Gurunath Meiyappan and need not await the conclusion of the criminal trial in CR No. 61/2013.**

III. ALLEGATIONS OF SPOT FIXING AGAINST GURUNATH MEIYAPPAN

The terms of reference of the Committee as directed by the Hon'ble Supreme Court include spot fixing in IPL matches by Mr. Gurunath Meiyappan. No allegation of spot fixing was made by anyone against Mr. Gurunath Meiyappan or IPL team, Chennai Super Kings.

However, in course of deliberations, a serious allegation pertaining to match fixing in the match between IPL teams, Chennai Super Kings and Rajasthan Royals on 12.05.2013 played at Jaipur was urged before the Committee.

“Match fixing” refers to fixing the final result of the game while “spot fixing” would involve fixing of certain events within a match which can be gambled upon, but which may or may not prove decisive in determining the final result of the game.

In view of the seriousness of the allegation made, as regards match fixing, it is deemed necessary to deal with this allegation also.

The charge sheet filed by the Mumbai Police alleges that on 12.05.2013 in course of the aforesaid match, Mr. Gurunath Meiyappan informed Mr. Vindoo Dara Singh that IPL team, Chennai Super Kings, would make about 130-140 runs and that IPL team, Chennai Super Kings, ended up making 141 runs. This allegation has been widely published in the media and based on such reports; a number of interactors raised this issue before the committee. Md. Abdi, a sports administrator from Rajasthan, who also acted as the constituted attorney of Mr. Lalit Modi, a former Chairman of the IPL Governing Council, developed this issue further and placed an analysis of the match in support of his contention that the match was fixed. The analysis indicated that by 02.05.2013, the IPL team, Chennai Super Kings, had already qualified. It was reiterated that IPL team, Chennai Super Kings, with its strong batting line up did not score a single six in the match while IPL team, Rajasthan Royals, in its innings, had scored 9 sixes and that there was no surge in the end of the innings of IPL team, Chennai Super Kings, even though wickets were in hand. It was alleged that the bowlers of IPL team, Chennai Super Kings, did not bowl to the field set, and that the field was not properly set keeping in mind the pace of the game. It was alleged further that the batsmen threw their wickets. It was urged

that IPL team, Chennai Super Kings, had been consistently coming up with huge scores and there was no explanation as to why IPL team, Chennai Super Kings came up with a below par score in the match.

A dispassionate analysis of the match in question would reveal that at the start of the 12th over, IPL team, Chennai Super Kings, was at a healthy score of around 85 for the loss of 1 wicket at a run rate of around 7.7 runs per over. It has been the consistent view of the interacting independent players including Mr. Rahul Dravid and Mr. Anil Kumble that it is the rule of the thumb that the score at the end of 12th over gets doubled at the end of 20th over. It can be safely assumed therefore that the score at the end of 11th over would have been doubled in normal course of events. However, both Mr. Suresh Raina and Mr. M.S. Dhoni fell within a span of one over in the 12th over. This resulted in a slowing down in the scoring of runs and it has been explained to the committee by the expert players that this is quite possible. Immediately at the start of the 17th over, Mr. Murali Vijay was out and during the period from 13th to 17th over, the rate of scores slumped to about 7 runs per over. From the 17th to the 20th over, the run rate per over continued at 7 runs per over.

It is evident that the sudden fall of wickets of Mr. M.S. Dhoni and Mr. Suresh Raina were the prime reasons for slowing down of the run rate. It was therefore felt necessary to examine the dismissals of Mr. M.S. Dhoni and Mr. Suresh Raina and the matter was specifically

discussed with Mr. Anil Kumble and Mr. Rahul Dravid. Mr. Anil Kumble based on an analysis of the video footage of the dismissals did not find anything suspicious in the dismissals and infact acknowledged the adroit role of Mr. Rahul Dravid in getting Mr. M.S. Dhoni trapped by a catch in the slips. Mr. Rahul Dravid, who was the captain of the IPL team, Rajasthan Royals in answer to specific queries also agreed that there was nothing suspicious about the fall of the two wickets and pointed out that it is always necessary to bring in a slip fielder during the opening stages of Mr. M.S. Dhoni's innings. This strategy apparently succeeded on that particular day.

As noted above, Mr. Gurunath Meiyappan, in fact, lost in course of the day's betting, if the tapes are to be believed. He was originally betting on the IPL team, Chennai Super Kings, to win but when Mr. M.S. Dhoni and Mr. Suresh Raina fell in the 12th over, he started to cover up his bets by betting on IPL team, Rajasthan Royals. It was only in the 13th over, that Mr. Gurunath Meiyappan informed Mr. Vindoo Dara Singh that the team would definitely score between 130 to 140 runs.

Was this a calculation by Mr. Gurunath Meiyappan, a mere forecast? Or, was it his prior knowledge of a fixed match? The interactors have uniformly taken up a position that without the involvement of atleast a couple of important players and more particularly the captain of the team, it would be highly improbable to fix a particular match. Md. Abdi in his FIR No. 269/2013 dated 01.11.2013, P. S.

Jyotinagar under Section 120B/420 IPC (hereinafter referred to as FIR No. 269/2013) has alleged *inter alia* that the match was fixed with the assistance of the players of the IPL team, Chennai Super Kings, who were wilfully not playing as per their capacity and that they played suicidal shots to lose their wickets in a pitch which was good for batting.

On notice to Jaipur Police, officers appeared before the Committee. From the materials produced, it was evident that no worthwhile investigation has been done as regards this match in the pending case in FIR No. 269/2013.

It is in the record of the Committee, through the deposition of Mr. G. Sampath Kumar, I.P.S, working as the Superintendent of Police, Railways Tiruchirappalli, Tamil Nadu, that the Q branch CID of the Chennai Police which looks after internal security, in course of its investigation into a fake passport racket, came across materials which indicated large scale betting in IPL matches. As per Mr. G. Sampath Kumar, one Mr. Utham Jain @ Kitty had been interrogated by Q branch in his presence and the said Kitty had disclosed, in course of his interrogation on 23.05.2013, that pursuant to a plan to fix the match between IPL teams, Chennai Super Kings and Rajasthan Royals, scheduled on 12.05.2013, he was informed by one Mr. Vikram Agarwal on 27.04.2013 at a dinner party that a deal had been worked out. He was also informed the same day by Mr. Gurunath Meiyappan that one senior member in the IPL team, Chennai Super Kings, had agreed to play

as per plan and the team will score 140 runs. This plan was communicated to one Sanjay in Jaipur over phone by Mr. Vikram Agarwal in presence of Kitty. The Committee was informed by the said police officer that all the officers who were in knowledge of the disclosures by Kitty were transferred out and the matter was in the meantime referred to CBCID, Chennai police. Curiously, this interrogation report of Kitty was not available in the records of CBCID when they produced the case file of CBCID C. No. 1/2013 before the Committee. Srimati Bhuvanewari, Superintendent of Police, Q Branch CID, admitted that there was another file in the Q branch pertaining to the investigation of fake passport case against Md. Jaffar alias Jaffarullah in connection with Q branch Case No. 1/2013. The Committee was assured that this particular file would be produced by the Q branch at 4 PM on 25.01.2013. Surprisingly, none appeared before the Committee and no record was produced before the Committee as assured. There has been absolutely no response/communication from the Q branch thereafter. The Committee is not in a position therefore to ascertain whether the interrogation report of Kitty as stated by Mr. G. Sampath Kumar in fact exists.

Under the circumstances, much as one would have liked to close the matter on the basis of the depositions of Mr. Anil Kumble and Mr. Rahul Dravid, in view of the curious conduct of the Q branch CID (Internal Security), and the CBCID Chennai Police as well as the sudden change in the

investigating machinery in this particular case under the Chennai Police and also in view of the records of the Jyotinagar Police Station, Jaipur in FIR No.269/2013, further investigation is necessary. **A totally independent investigating agency may be directed by the Hon'ble Supreme Court to investigate the allegations with full powers under the statutory laws including the Code of Criminal Procedure Code, which in the nature of the present probe was not available to the present Committee.**

IV. ALLEGATION OF BETTING AND SPOT FIXING IN THE IPL MATCHES AGAINST THE PLAYERS OF RAJASTHAN ROYALS

As indicated above, on the intervening night of 15/16.05.2013, a team of the Delhi Police arrested four players of Rajasthan Royals for offences in connection with spot fixing in IPL matches. Charge sheet has been filed against the players S. Sreesanth, Ankeet Chavan, Ajith Chandela and Amit Kumar Singh. Presently, trial in connection with the said case is pending before the Learned MCOCA Special Court, New Delhi.

The present Committee interacted extensively with the Delhi Police and the former Commissioner of Police, Mr. Neeraj Kumar. The Committee also met three of the players namely S. Sreesanth along with his counsel, Mr. Ankeet Chavan and Mr. Ajith Chandela. All three players exercised

their constitutional right to remain silent in the present proceedings in view of the said criminal proceedings. No indication was given to them that any adverse inference would be drawn in view of their silence.

As indicated by the Delhi Police and as is evident from the records of the case, the allegations against the players are as follows:

1. S. Sreesanth

(a) That S. Sreesanth was persuaded by his close aide accused P. Jiju Janardhanan to participate in spot fixing in lieu of Rs. 60 lakhs (cash) for giving 14+ runs on 09.05.2013 in the match between Kings XI Punjab and Rajasthan Royals.

(b) It was pre decided that S. Sreesanth will tuck in his hand towel, often used by cricketers, in his trousers, as a signal before the start of the “fixed” over. Also he was asked to take some time by doing extended stretching exercises before starting his over.

(c) Footage from the match played on 09.05.2013 between Kings XI Punjab and Rajasthan Royals show that S. Sreesanth could give only 13 runs in the second (fixed) over after giving the pre decided signal, despite his best efforts to give more than 14 runs.

- (d) *There are intercepted voice calls to show that the fixers appreciated the efforts of S. Sreesanth despite the fact that he gave one run less and therefore decided not to ask for refund of the advance of Rs. 10 Lakhs.*
- (e) *In the first week of May 2013, accused P. Jiju Janardhanan received 10 Lakhs in cash, on behalf of S. Sreesanth as an illegal consideration for spot fixing from accused Chandresh Patel @ Chand. With this cash, S. Sreesanth purchased 2 mobiles from Jaipur and further gave them to his two girlfriends namely Sakshi Jhala and Deepika both resident of Jaipur, which were subsequently recovered by Delhi Police from them at his instance. Further, there are intercepted call records between S. Sreesanth and accused P. Jiju Janardhanan, where the amount of Rs. 10 Lakhs received as advance for spot fixing has been discussed out of which Rs 3 Lakhs went to accused P. Jiju Janardhanan and Rs. 7 Lakhs to S. Sreesanth. The intercepted calls also show negotiation by accused P. Jiju Janardhanan on S. Sreesanth's behalf for fixing in future matches with bookies namely Manan and Chand.*
- (f) *There is also an intercepted voice call between accused Chandresh Patel @ Chand and a bookie, which shows that accused/fixer Chandresh Patel @ Chand was having full control over accused Ajith*

Chandela and S. Sreesanth. This call was intercepted at 1335 hrs before the match played between Rajasthan Royals and Chennai Super Kings played on 12.05.2013 at Jaipur from 1600 hours.

(g) S. Sreesanth along with accused P. Jiju Janardhanan had also spent about Rs. 1.93 Lakhs in cash for purchasing clothes at Diesel Store, Juhu, Mumbai. The remaining cash was subsequently recovered from accused Abhishek Shukla, an aide of S. Sreesanth, who had removed the cash from the hotel room of P. Jiju Janardhanan.

2. Ankeet Chavan

(a) Ankeet Chavan was found involved in spot/session fixing on 15.05.2013 at Mumbai during a match between Mumbai Indians and Rajasthan Royals in lieu of Rs. 60 Lakhs in cash.

(b) He had met bookie/accused Jitendra Kumar Jain @ Jeetu Tharad through accused Chandresh Patel@ Chand in Mumbai to join in the conspiracy for spot fixing in lieu of heavy consideration.

(c) In the month of March 2013, he had met bookies/accused namely Ajith Chandela, Ashwani Aggarwal @ Tinku Mandi and Kiran Dhole @ Munna in Delhi near Hotel Ashoka, Delhi. Records of Hotel Ashoka,

Delhi confirm that Ankeet Chavan had stayed in the hotel with his real brother Nihar Anil Chavan on 10.03.2013. Further, the call details of mobile numbers of accused Ankeet Chavan and bookies namely Ajith Chandela, Ashwani Aggarwal @ Tinku Mandi and Kiran Dhole @ Munna and others show that they had met them near Hotel Ashoka, Delhi.

(d) Intercepted voice calls among Ankeet Chavan and Ajith Chandela and bookies Chandresh Patel and others clearly show that he had agreed to participate in spot fixing in lieu of Rs. 60 Lakhs to be paid in cash. Further, scrutiny of call details record of numbers of Ankeet Chavan shows that he was linked with bookies for spot/session fixing on 15.05.2013.

3. Ajith Chandela

(a) There are call intercepts to establish that accused/bookie Sunil Bhatia and Kiran Dhole were in touch with Ajith Chandela during IPL season 6 through two other cricketer namely Manish Guddewar and Baburao Yadav.

(b) Telephone intercepts reveal that Ajith Chandela was also in touch with many bookies and was receiving huge amounts of money in lieu of spot/session fixing.

- (c) A watch make G Shock was found to have been purchased on 14.04.2013 by accused Chandresh Patel @ Chand from World Trade Park, Jaipur and gifted to accused Ajith Chandela as consideration for spot fixing. Another watch, make Diesel, was also found to be purchased on 28.04.2013 by accused Chandresh Patel and given to Ajith Chandela as advance for spot fixing. The payment receipts of these watches show that the payments had been made by Chandresh Patel, however, these watches were recovered from Ajith Chandela.
- (d) Bills/ records pertaining to Hotel JW Marriot, Jaipur of April/ May 2013 reveal that Ajith Chandela had stayed there as a member of IPL team Rajasthan Royals along with accused Chandresh Patel and Manan Bhatt to plan and execute spot fixing during IPL season 6.
- (e) Disclosures have been made by Ajith Chandela that apart from cash, he had received gifts as consideration in 2012 from underworld conduit Sunil Bhatia from an eye shop at Khan Market, Delhi. The shop during investigation has been identified as "Dayal Opticals" Shop H 1 Arcade, Khan Market, Delhi.
- (f) Disclosure made by Ajith Chandela that he had received a cash amount of Rs. 12 Lakhs from Sunil

Bhatia for spot fixing in IPL 5, which he was forced to return due to failure to provide the requisite under performance. Cheques of Rs. 4 lakhs were found debited from his ICICI account in favour of Sunil Bhatia. Two more cheques of 4 lakhs each issued in favour of Sunil Bhatia by Ajith Chandela were found to have been returned for insufficient funds.

(g) There is corroborative evidence to suggest that Ajith Chandela met Tinku Mandi before IPL 2013 at Hotel Ashoka, with Kiran Dhole and demanded 25 Lakhs, which was paid to him through hawala transaction by Tinku Mandi for spot fixing. However, as he failed to give the pre-determined signal in the matches being played on 05.05.2013 between Rajasthan Royals and Pune Warriors at Jaipur, he was threatened to return the money by Tinku Mandi, which he did through his friend Sukhram to one aide of Kiran Dhole and Sunil Bhatia namely Vivek at Khan Market.

(h) There are various intercepted call which reveal that Ankeet Chavan had been induced by Ajith Chandela for a sum of Rs. 60 Lakhs to give away 14+ runs in a pre-determined over in the match between Rajasthan Royals and Mumbai Indians played on 15.06.2013 at Wakhede Stadium, Mumbai,

- (i) *There is evidence to suggest that Ajith Chandela had received Rs. 15 lakhs for spot fixing in IPL 6 from another fixer Deepak Kumar @ Deepu.*
- (j) *There are intercepted call details to suggest that Ajith Chandela was linked to another group of fixers to whom he was linked through one Bhupender Nagar, whom he had met in various places in Delhi and in Jaipur along with other members of his cartel namely Vikas Chaudhury @ Vicky, Nitin Jain @ Susu and Vindo Sharma @ Monu.*

4. Amit Singh

- (a) *That Amit Kumar Singh had introduced bookie Manan U Bhatt with cricketer/accused Ajith Chandela with the motive of involving him in spot fixing.*
- (b) *The call details record of Amit Singh establishes his close links with other accused persons namely Chandresh Patel @ Chand, Jitendra Kumar Jain @ Jeetu Tharad, P. Jiju Janardhanan and Ajith Chandela.*
- (c) *A statement under Section 164 Cr.P.C. made by cricketer Siddhartha Kumar Trivedi shows that Amit Singh was inducing cricketers with the help of bookies for spot fixing.*

(d) Amit Singh was found visiting places like Jaipur, Kolkata and Mumbai along with arrested bookies and cricketers. The records of Hotel Royal Orchid, Jaipur shows that he had visited Jaipur and stayed there along with other accused persons for spot fixing. Expenses of his stay during such visits were borne by bookies. There are also air travel records and statement of one Hitesh @ Jimmy to indicate that accused Manan U Bhatt and Chandresh Patel @ Chand used to bear the costs of his air travels.

(e) There are call intercepts between Amit Singh and Ajith Chandela as well as P. Jiju Janardhana which suggest that accused Amit Singh was engaging them for spot fixing.

Mr. Ravi Sawani in his report stated that all the four players have been guilty of the offences under the BCCI Anti-Corruption Code for Participants.

The specific offences found to have been committed by the players are as follows:

1. S. Sreesanth:

Guilty of offences under Article 2.1.1, 2.1.2, 2.1.3, 2.2.3, 2.4.1 and 2.4.2 of the BCCI Anti-Corruption Code

2. Ankeet Chavan:
Guilty of offences under Article 2.1.1, 2.1.2, 2.1.3, 2.2.3, 2.4.1 and 2.4.2 of the BCCI Anti-Corruption Code

3. Ajith Chandela:
Guilty of offence 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 BCCI Anti-Corruption Code

4. Amit Singh:
Guilty of offences under Article 2.1.1, 2.1.2, 2.1.4, 2.4.2 and 2.4.3 of the BCCI Anti-Corruption Code

It is on record that during the pendency of the criminal proceedings, the Disciplinary Committee of the BCCI comprising of Mr. N. Srinivasan, Mr. Arun Jaitley and Mr. Niranjana Shah after due consideration of the report submitted by Mr. Ravi Sawani, imposed the sanctions on the players on 13.09.2013. Mr. S. Sreesanth and Mr. Ankeet Chavan were banned for life from all cricketing activities of the BCCI and Mr. Amit Singh was banned for a period of 5 years. Disciplinary proceeding against Mr. Ajith Chandela is pending.

It appears that the BCCI has already reached a definite conclusion that the players involved were indulging in spot/session fixing in IPL matches. Punishments have already been imposed on three players on the basis of such findings. There is no reason whatsoever to differ from the conclusions arrived at by the BCCI and therefore the disciplinary proceedings against Mr. Ajith Chandela should

be taken to their logical conclusion at this stage. The criminal culpability of the players would await a final determination in the criminal proceedings. It is in the interest of all concerned that the Hon'ble Supreme Court directs an expeditious trial in the said criminal proceedings as discussed above.

The BCCI has already held the aforesaid players of IPL team, Rajasthan Royals, to be in violation of the Code of Conduct for Players. All the players were accredited to be representing the IPL team, Rajasthan Royals, under the Operational Rules. Under Clause 3.2.1 of the Minimum Standards for Players and Match Officials, they are required to display their players' accreditation cards prior to entry into the said Players and Match Officials Area (PMOA). For purposes of the Operational Rules, the players are persons who are accredited in connection with the IPL as contemplated by para 1.1 of Section 4 of the said Rules. Under this provision, it would be the liability of the franchisee, Jaipur IPL Cricket Private Limited, to ensure that each of its players complies without limitation the BCCI Anti-Corruption Code for Participants. **The aforesaid four players of IPL team, Rajasthan Royals, having been found guilty by the BCCI of violation of the BCCI Anti-Corruption Code for Participants, it would be incumbent on the BCCI to initiate proceedings to ascertain the culpability of the concerned franchisee in this matter under the Operational Rules and to award such sanctions as may be deemed appropriate.**

V. ALLEGATION OF BETTING AGAINST MR. AND MRS. RAJ KUNDRA, OWNERS OF JAIPUR IPL CRICKET PRIVATE LIMITED

During the investigation conducted by the Delhi Police in FIR 20/2013, the name of one Mr. Umesh Goenka surfaced as a person who had attempted to seek inside information from a player of the IPL team, Rajasthan Royals. In his statement recorded under Section 164 Cr.P.C., Mr. Umesh Goenka disclosed that Mr. Raj Kundra was a close friend of his and also revealed that on various occasions when he had visited Jaipur to witness cricket matches being played there, he had placed bets on behalf of Mr. Raj Kundra through local bookies, the prominent among them being one Mr. Puneet Pahwa @ Kaku Jaipur. Mr. Umesh Goenka also revealed that once Ms. Shilpa Shetty, wife of Mr. Raj Kundra had also placed bets through him. Both Mr. Raj Kundra and Ms. Shilpa Shetty are stated to have financial interests in the ownership pattern of the franchisee, Jaipur IPL Cricket Private Limited, owner of IPL team, Rajasthan Royals.

The confessional statement of Mr. Umesh Goenka, recorded by the Special Cell, Delhi Police on 04.06.2013 in FIR No. 20/2013 and his subsequent statement under Section 164 Cr.P.C. disclosed that he had been betting on cricket matches since the last 6 years. In the IPL matches of Season 3, in the year 2010, some of the matches were

played in Ahmedabad. Since Mr. Raj Kundra was a close friend, he started going for the matches with Mr. Raj Kundra which were being played at Ahmedabad. In season 4 in 2011, he went to watch matches in Jaipur. It was then that Mr. Raj Kundra started discussing betting with Mr. Umesh Goenka and took a keen interest in betting and enquired about betting rates of the ongoing matches. In IPL season 5, in the year 2012, Raj Kundra informed Mr. Umesh Goenka that he intended to place huge bets. As Goenka's capacity to bet was limited, Mr. Raj Kundra introduced him to one Mr. Puneet Pahwa @ Kaku of Jaipur, who according to Mr. Raj Kundra, was a trusted bookie and could be used for placing huge betting amounts.

It is also on record that one Mr. Siddhartha Trivedi, a player of IPL team, Rajasthan Royals in his statement under Section 164 Cr.P.C. recorded on 05.06.2013 by the Learned Magistrate reveals that he was introduced to Mr. Umesh Goenka by Mr. Raj Kundra, co- owner of Rajasthan Royals after match party of IPL. Mr. Umesh Goenka according to him was a close friend and business partner of Mr. Raj Kundra. He disclosed that Mr. Umesh Goenka very frequently came to watch cricket matches at the stadium and was seen with Mr. Raj Kundra and Ms. Shilpa Shetty most of the time. Mr. Raj Kundra had also introduced Mr. Umesh with other team players of IPL team, Rajasthan Royals, like Mr. Ajith Chandela and others. He stated that one day Mr. Umesh Goenka called him asking

for the information about the team composition but he refused and didn't give any information because he was not sure for what the information was required. Later in many occasions he used to call Mr. Sidharth Trivedi asking about the pitch conditions but he used to avoid him and didn't give any information. He stated further that there was one occasion when Mr. Umesh Goenka called him and stated that Mr. Raj Kundra was aware of him asking all these information from Mr. Sidharth Trivedi.

In his statement recorded on 05.06.2013 before the Delhi Police, Mr. Raj Kundra admits to placing friendly wager of not more than Rs. 2 Lakhs on some matches in IPL 6 through his friend Mr. Umesh Goenka as well as of having introduced Mr. Umesh Goenka to one Kaku. However, he denied having approached or asking Mr. Umesh Goenka to approach these players to spot fix. This statement recorded under Section 161 Cr.P.C. was subsequently sought to be withdrawn by Mr. Raj Kundra by a letter, a copy of which has been placed before this Committee.

The Delhi Police informed the Committee that based on such disclosures made by Mr. Umesh Goenka, Mr. Raj Kundra and Mr. Sidharth Trivedi they had forwarded this information to Jaipur Police vide letter dated 25.06.2013 for necessary action.

The Delhi Police on 09.05.2013 registered FIR No. 20/2013 u/s 120 B/420. Subsequently on 03.06.2013 after

obtaining due approval from the competent authority, Section 3 and 4 of the MCOCA were added in the said case. The statement of Mr. Raj Kundra was recorded on 05.06.2013 by the Delhi Police. This statement of Mr. Raj Kundra, which is on record before the Committee does not indicate that the statement was recorded under the provisions of Section 18 of the MCOCA. It is surprising that in spite of addition of MCOCA provisions, the Delhi Police did not take any steps whatsoever to get the statement recorded under Section 18 of the MCOCA nor was any statement of Mr. Raj Kundra recorded under Section 164 of the Cr.P.C. It is on 25.06.2013, i.e. after 20 days, that the Delhi Police referred the matter to Jaipur Police for investigation. No action is thereafter found to have been taken in connection with Mr. Raj Kundra, either by the Delhi Police or the Jaipur Police.

There seems to have been an effort to cover up the involvement of Mr. Raj Kundra in betting. In terms of the regulations in force of the BCCI, even legal betting is not permitted on the part of an owner of a franchisee. No benefit would accrue to Mr. Raj Kundra by an attempt to show that bets were placed through legal betting methods in other countries. **There are materials on record which justify an appropriate investigation to ascertain the culpability of Mr. Raj Kundra and his wife Ms. Shilpa Shetty in placing bets as owner of a franchisee in IPL. Any such culpability on the part of the Kunderas would fasten liability on the franchisee, Jaipur IPL Cricket**

Private Limited and it would be incumbent to ascertain such liability of the franchisee for purposes of appropriate sanctions under the Operational Rules and/or the Franchise Agreement. The Committee understands that the suspension imposed on Mr. Raj Kundra by the BCCI is still in force. The BCCI must take a zero tolerance position as regards corruption in cricket and any possible violation of the BCCI Anti-Corruption Code and the Operational Rules by any person. It goes without saying that Mr. Raj Kundra and his wife Ms. Shilpa Shetty Kundra were owners as per the Franchise Agreement and accredited as such under the IPL Operational Rules. They are Team officials within the meaning of the said Rules. Being Team officials they are subject to the Code of Conduct for Players and Team Officials prohibiting betting in course of IPL matches and would face appropriate sanctions under the Operational Rules. It would be in fitness of things that pending final determination of the culpability of the Kundras, they be kept suspended from participating in any activity of the BCCI including the IPL matches in view of the materials on record.

It may be put on record at this stage that Mr. Sundar Raman, the Chief Operating Officer, IPL, had deposed before the Committee that Mr. Y.P. Singh from ICC ACSU had verbally informed him earlier that there were reports alleging that a number of owners/team officials were involved in betting on IPL matches. Mr. Sundar Raman and the BCCI apparently enquired from Mr. Y. P. Singh as to

the authenticity of these reports and were informed by Mr. Y. P. Singh that there was no actionable information. This is also an arena which requires further detailed investigation, since only a proper, independent enquiry / investigation with statutory powers can unravel actionable information.

CHAPTER II

I. INVOLVEMENT OF THE UNDERWORLD, BOOKIES AND PLAYERS

Betting in cricket in India is not legal. But there is a huge illegal betting market in cricket matches and more particularly in the IPL. The amounts involved are mind boggling. **The Delhi Police estimates that in one IPL match the total bets would be around Rs. 150 crores.** Such an illegal betting market survives and flourishes by the muscle power of the underworld. The various police officials with whom the Committee interacted unanimously endorsed the existence of the muscle power of the underworld in running the betting syndicate.

Investigations by the Delhi Police have revealed that the illegal cricket betting crime syndicate is being headed by Dawood Ibrahim Kaskar, who is a known declared terrorist, based abroad. The investigation of the Delhi Police has disclosed the involvement of several former players who were used by bookies/ fixers to gain access to various players and induce them to join this syndicate. According to the Delhi Police, the modus operandi of this syndicate was using expensive gifts/ cash/ girls to induce young cricketers to join this syndicate. This organised crime syndicate, besides controlling illegal betting was indulging in fixing performances of players and also the rates of betting. The rates of betting were communicated from abroad to various mega bookies. The syndicate of

Dawood Ibrahim Kaskar was also using musclemen and henchmen like Shaikh Shakeel @ Shakil Babu Mohiddin Shaikh @ Chotta Shakeel to intimidate various actors of this syndicate to comply with their directives. Threats of use of violence were used to settle disputes connected with payments as well as to intimidate players who failed to perform after accepting gifts/ girls/money. The integration of the markets along with streamlining of money transfers through hawala transactions and certainty of settlements by muscle power opened up a huge avenue of making windfall gains for this syndicate. This led to an amalgamation of multiple sub conspiracies, all controlled and directed by the mega conspiracy of which Dawood Ibrahim and Chotta Shakeel are the prime movers. The conspiracy unfolds in various layers – initiators abroad such as Dr. Javed Chutani, major Indian bookies like Ashwani Agarwal @ Tinku Mandi, Ramesh Vyas, Chandresh Jain @ Jupiter, fixers/ henchmen such as Chandresh Patel, Jitendra @ Jeetu Tharad, ex-players and lastly the players.

Investigations further revealed that Dawood Ibrahim and his aides decide the initial betting rates for each match, which as the match progresses move closer towards the rates which actually reflect the real status of the match. It is during this initial period that the bookies of the D Company make huge profits. The rates fixed by the D Company have credibility as a large number of matches/ sessions in cricket matches are fixed by them and therefore

they need not reflect the actual betting market sentiments observed and followed world over by gamblers who access a huge number of websites which are legal in their host countries such as Betfair.

The Delhi Police states that Mr. Chandresh Jain @ Jupiter is an important member of this criminal syndicate which was involved in spot / session fixing of players and in manipulation of the illegal betting market for making windfall gains. During investigation made by the Delhi Police it was revealed that on 20.04.2012, Mr. Chandresh Prakash Jain @ Chandresh Jain @ Jupiter was arrested along with his six other associates namely Prahlad Aggarwal, Vishnu Aggarwal, Sushil Maru, Bal Kishan, Sushil Aggarwal and Ankit Jain by the Jaipur Police in FIR No. 176/12 u/s 420/467/468/471/120B IPC, P.S. Vaishali Nagar, Jaipur, Rajasthan for offence of illegal betting in the then on going IPL 5, T 20 cricket match being played between IPL teams, Kings XI Punjab and Royal Challengers Bangalore. They were subsequently released on bail and Jupiter was again back in business and indulging in illegal betting and engaging in high level fixing of players in IPL 6.

The confessional statement of Mr. Ramesh Vyas recorded under Section 18 of the MCOCA by the Delhi Police revealed that it was Jupiter who had introduced him to Dr. Javed Chutani and had facilitated Ramesh's entry into the syndicate and thereafter with the approval of Dawood

Ibrahim and Chota Shakeel, Ramesh Vyas had gradually taken over the Mumbai turf.

The confessional statement of Chandresh Jain @ Jupiter indicates the prominent position occupied by accused Ashwani Aggarwal @ Tinku Mandi in the syndicate being run by Dawood Ibrahim and Chota Shakeel.

The call transcripts between accused Ashwani Aggarwal @ Tinku Mandi on mobile number 8447111113 and Chandra Prakash Jain @ Chandresh Jain @ Jupiter on 11.05.2013 at 19: 33:19 hours mention the **name of a star Indian cricket player** in their conversation.

Further, an intercepted voice calls between Mr. Chandra Prakash Jain @ Chandresh Jain @ Jupiter and accused Mr. Ashwani Aggarwal @ Tinku Mandi on 15.05.2013 at 0042 hours shows *interalia* the involvement of Mr. Chandresh Jain in trans hawala operations, high level fixing of players (**names being taken of two international level Indian cricketers**) and connections with Pakistan and Dubai based members of the syndicate. The Delhi Police in their deposition before the Committee took a position that they were aware that **conversations between certain bookies had disclosed contact of bookies with two former star Indian players**, but did not take the information forward as they thought that the bookies were generally in the habit of boasting. According to Delhi Police, lot of players had received gifts from businessmen/jewellers. The Delhi Police stated that there

was a photograph of Mr. Chandresh Jain @ Jupiter with an International foreign player.

In course of interception of phone calls between bookies, punters as well as foreign bookies in Pakistan etc, the Mumbai Police had unearthed references made by bookies to connections of some Indian and foreign players with betting activities. Officers of the Mumbai police indicated that such investigations were not carried out because there were no corroborations. It appears further from the deposition of officers of the Mumbai Police that these informations were not taken forward in connection with such names, because in view of the considered opinion of the Mumbai Police, the bookies were simply “boasting” to increase their own influence.

It would therefore appear that all investigations made by Delhi Police and Mumbai remained confined to fringe players and localised investigation into the activities of bookies and fixers. It would appear that what was investigated was merely the tip of the iceberg. **Names of various other national and international players came up in course of the investigations but these informations have not been investigated by any agency.** The Delhi Police disclosed that Mr. S. Sreesanth had given them information to the effect that three famous players representing the Indian team were also involved with bookies and were getting flats and gifts from them. Save and except questioning one of these three players, no further action was initiated by the Delhi Police. According

to Mr. Neeraj Kumar, former Commissioner of Police, Delhi if a player's name features in any conversation between bookies, there is a thread of suspicion. According to him, it is important to ascertain the identities of the persons concerned and follow up investigation into information in the present transcripts needs to be done.

Evidently, the betting syndicate is today operating virtually in the entire country and more particularly in mega markets of Delhi and adjoining areas, Mumbai, Chennai, Indore, Ahmedabad, Jaipur, Goa, Pune etc. Extensive use of electronic channels facilitates instant betting and settlement of dues. The betting organised by this huge structure involves a turnover of thousands of crores and the windfall profit thereof ultimately benefits known terrorists, who route the money to indulge in terrorist activities and thus poses a serious threat to national security.

Compared to the perils of this serious threat, the response of the law enforcement agencies does not inspire confidence. The various local law enforcement agencies are working independently of each other and sometimes in cross purposes. Informations though transferred between such law enforcement agencies are viewed with suspicion and are not followed through in the manner as are required to be done. This is adequately brought out in the following two significant instances.

- (i) Mr. Chandresh Patel, according to Delhi Police is one of the key henchmen / fixer of Dawood Ibrahim. He was in direct contact with the bookies in Pakistan, and it was through him that the crime syndicate operated by Dawood initiated spot fixing by Rajasthan Players. Curiously, Chandresh Patel though known to the Mumbai police to be a co-conspirator with Vindoo Dara Singh is shown only as a witness and not as an accused in the Mumbai chargesheet.
- (ii) The other significant case is of one Mr. Ramesh Vyas. The statement under Section 18 made by Ramesh Vyas under MCOCA in the Delhi case states that, Ramesh Vyas was introduced to one Dr. Javed Chutani, the alleged right hand man of Dawood Ibrahim by Chandresh Jain @ Jupiter who facilitated his entry into the syndicate. Thereafter, with the approval of Dawood Ibrahim and Chota Shakeel, Ramesh Vyas had gradually taken over the Mumbai turf, which had earlier been run by one Firoz. This statement of Ramesh Vyas was available to the Mumbai Police being forwarded by the Delhi Police. The same is admissible in evidence in any criminal trial where Mr. Ramesh Vyas is an accused. Yet curiously, the Mumbai police negate any connection between Ramesh Vyas and Dawood Ibrahim and have denied before the Committee any knowledge that Mr.

Ramesh Vyas was in charge of the betting operations of Dawood Ibrahim in the Mumbai turf. Ramesh Vyas, according to the Mumbai chargesheet is projected to be only a bookie and an exchange operator. It is also pertinent in this connection to point out that the Q branch CID, Chennai Police which looks after internal security already had Ramesh Vyas in its radar and it has been disclosed before the Committee by Shri G.Sampath Kumar that Chennai Police was aware that Ramesh Vyas was linked with Dawood.

The fact that Mumbai police did not accept the role of Dawood Ibrahim in the betting racket in Mumbai evinces that the Delhi Police and Mumbai police are working at cross purposes in so far as the link to Dawood Ibrahim is concerned. In such a grave matter of national security pertaining to involvement of a terrorist gang in running illegal hawala operations in the lucrative betting market in cricket, the two top police organisations, one of the political capital and other of the financial capital of India cannot be permitted to work at cross purposes. It is not surprising that all the accused persons in both the cases are presently on bail and possibly back in business for the coming IPL season.

The investigating agencies have also been frustrated in their attempts, more often than not, in view of the absence of an appropriate substantial law on the matters of betting and fixing in sports. It is necessary that the law

enforcement agencies find a level playing field to eradicate corruption in cricket.

II. ROLE OF POLICE

There are certain aspects of investigations conducted by various police authorities which have drawn the attention of this Committee and is required to be highlighted.

(i) Role of Crime Branch, Mumbai Police

A. In course of interception of phone calls between bookies, punters as well as foreign bookies in Pakistan etc, the Mumbai Police had unearthed references made by bookies etc. to connections of some Indian and foreign players with betting activities. Officers of the Mumbai Police indicated that investigations into such information were not carried out because there were no corroborations. It appears further from the deposition of the officers of Mumbai Police that these informations were not taken forward in connection with such names because in view of the considered opinion of the Mumbai Police the bookies were simply “boasting” to increase their own influence. This position of the Mumbai Police is difficult to accept. If the transcripts of such interceptions revealed any criminality, and betting in sports within Maharashtra being a criminal offence, investigation ought to have ensued and corroboration was required to be found,

if available, through such investigations. The approach of the Mumbai police appears very curious and more so keeping in mind the abrupt voluntary statement of the Mumbai Police before the Committee that their focus in the said investigation was Gurunath Meiyappan.

- B. On being questioned by the Committee based on earlier media reports, it was admitted by the Mumbai Police that the I.PAD of Vindoo Dara Singh was seized and the deleted data therein was sought to be retrieved through forensic examination. This data would definitely reveal the various contacts and persons who were betting through Vindoo Dara Singh, who was already referred to in the CBI investigation report in 2000. Curiously, the Mumbai Police has not charged anyone else except Gurunath Meiyappan for laying bets in IPL matches through Ramesh Vyas, Vindoo Dara Singh and others. It is absolutely unbelievable that Mumbai Police has failed to locate all such other persons who were involved in this betting racket. It is inconceivable such a huge betting syndicate would function for the benefit of only one person, Gurunath Meiyappan. The Mumbai Police has either been extremely naive in pursuing their investigation or they have deliberately not investigated the entire betting operations. Possibly, their statement that Gurunath

Meiyappan was the focus is relatable to such shoddy investigation.

- C. It is revealed from the investigation of the Delhi Police that Ramesh Vyas was the main kingpin of the betting operation maintained by Dawood Ibrahim in Mumbai. The Delhi police claims that whatever information it had on Dawood's operations have been handed over to the Mumbai police. The Mumbai Police however, informed the panel that they have no conclusive material that Dawood Ibrahim was linked with the betting operations in Mumbai. Mumbai Police admitted that protection by the underworld i.e. muscle power is essential to run an organised betting syndicate in Mumbai. The Mumbai police failed to inform the panel as to which gang give this protection to the betting operations in Mumbai. There is therefore cause for a distinct impression that for reasons not satisfactorily explained, the Mumbai Police was not willing to investigate the involvement of Dawood Ibrahim in the betting racket. In the entire charge sheet filed by the Mumbai Police, only one person who has laid bets has been charged as an accused, whereas all other accused are part of the betting syndicate. Evidently Mumbai police is protecting lots of persons who were participants of betting activities through this syndicate. The quantum of bets allegedly made by Gurunath Meiyappan as per the transcripts will

amount to a negligible fraction of the total betting in one IPL match as disclosed by the Delhi Police and other available literature on betting in sports.

D. It may also be pointed out that information on proposed fixing of Mumbai Indians and Rajasthan Royals match on 15.05.2013 was available to Mumbai Police on 12.05.2013 through the intercepted conversations of Asad Rauf, the umpire for the match. Yet, Asad Rauf was never detained by the Mumbai Police and was allowed to leave the country on 19.05.2013 after completing his pre fixed assignments. Even a discreet look out notice was not issued in the name of Asad Rauf. The extreme reluctance to address the issue of involvement of Dawood Ibrahim and the curious failure of Mumbai police to detain Asad Rauf, a Pakistani umpire, indicates possibilities which may require further investigation, keeping in mind the recent disclosure by the Home Minister of the India that Dawood Ibrahim is presently based in Pakistan.

(ii) **Role of the Special Cell, Delhi Police**

A. The Special Cell of the Delhi Police has done a commendable job in bringing to light the involvement and control of the organised crime syndicate led by Dawood Ibrahim in the betting and fixing of cricket games in India. Having said that, it is necessary to deal with a few significant facts

relating to the investigation conducted by the Delhi Police. The Delhi Police themselves claim that the four players were merely the tip of the iceberg. They had materials on record which suggested that there were definitely more players involved in spot / match fixing. Infact, S. Sreesanth had given them information that three prominent players representing India were also involved with bookies and were getting flats and gifts from them. Curiously, the Delhi Police failed to investigate all such players whose names had cropped up during investigation. Only one such player was summoned for questioning by the Delhi Police. No further action was initiated. The transcripts of tape-recorded conversations between bookies, by Crime Branch Delhi Police also mention two other Indian stars. Delhi Police did not take all such information forward and explained their conduct by saying that they had only limited information and because they were aware that the bookies were generally in the habit of boasting. It is difficult to accept such explanation and in fact Mr. Neeraj Kumar, formerly, Commissioner of Delhi Police stated in his deposition that further investigation should have been made as regard these references of bookies to players. If the tapes indicate criminality it is the responsibility of the investigating agency to make proper investigations so as to ascertain the truth.

- B. The Delhi Police did not record the statement of Mr. Raj Kundra, either under Section 164 Cr.P.C. or under Section 18 of MCOCA. No explanation for this failure was forthcoming. After about 20 days, all informations pertaining to Mr. Raj Kundra were transmitted to the Commissioner of Police, Jaipur.

(iii) Role of Jaipur Police

- A. The information pertaining to Mr Raj Kundra was forwarded by the Delhi Police to the Commissioner of Police, Jaipur on 25.06.2013. No fruitful investigation was carried out in this connection by the Jaipur police.
- B. Md. Abdi had filed a written complaint in the matter of match fixing between IPL teams, Chennai Super Kings and Rajasthan Royals played on 12.05.2013 at Jaipur. The complaint was filed before the Court of competent jurisdiction, which forwarded the said complaint under Section 156(3) Cr.P.C. to Jyotinagar police station wherein case no 269/2013 u/s 420/120B IPC was registered. No record has been placed before the Committee to show that any worthwhile investigation was carried out in this case as well and the serious allegations made therein possibly remain un-investigated.

(iv) **Role of Chennai Police**

- A. The Committee desired to verify the interrogation report pertaining to Utham Jain @ Kitty in connection with Q branch CID case no. 1/2013 u/S 120B 468,471 IPC and the Passports Act 1967 as deposed by G. Sampath Kumar. The Superintendent of Police Q Branch CID (Internal Security) appeared before the Committee at 11:00 AM on 25.01.2014. She admitted that there was a file in the Q branch pertaining to the aforesaid case. The Committee was assured that the file would be produced at 4 PM by the Q branch CID (Internal Security) and the investigating officer would be present. Thereafter, no one appeared before the Committee from Q branch at 4 PM and the concerned file was not produced. There was no information and/or any communication conveyed to the Committee either.
- B. The incident is important because the then Superintendent of Police of the Q Branch who had submitted the interrogation report on 23.05.2013 had deposed before the Committee that Shri Utham Jain @ Kitty had stated about a match fixing deal concluded on 27.04.2013 which implicated on important Indian player, Gurunath Meiyappan and one Shri Vikram Agarwal. The non-production of the said interrogation report is therefore highly suspicious and there seems to be a deliberate

intention to cover up the match fixing deal allegedly arrived at on 27.04.2013.

- C. Shri Utham Jain @ Kitty after his interrogation by the Q branch was handed over to the CBCID branch of Chennai police. Apparently, no investigation on the match fixing was ever carried out by the Chennai Police and the officers who were privy to the contents of the Kitty's statement under Section 161 of the Cr.P.C. were immediately transferred out from their respective positions. Curiously, the interrogation report of Kitty by the CBCID Branch of Chennai Police do not reveal anything about any deal on 27.04.2013.
- D. This matter is of grave significance. There is a necessity for a further probe into the matter and the same may therefore be directed by the Hon'ble Supreme Court.

III. ALLEGATIONS AGAINST OTHER PLAYERS

Both Mumbai Police and Delhi Police have stated before the Committee that the conversations as recorded in the tapes indicate connections of some Indian and Foreign players with betting activities. Infact, Delhi Police has disclosed that according to Mr. S. Sreesanth, three prominent Indian players were involved with bookies. There are further

allegations that in an under-cover investigation carried out by the Sports Illustrated magazine wherein tape recordings were made, a prominent Indian capped player was recorded interacting with the bookies. A journalist who apparently was connected with recording of tapes for Sports Illustrated revealed that the said investigation found links to Dawood Ibrahim and that the money laundered through booking activities were being used for funding terrorist activities. The journalist could not further identify the voice of the player and stated that the player was part of the Indian squad which played the World Cup and is part of the present Indian team. The journalist also stated that the tapes had been handed over to ICC ACSU. The journalist refused to disclose the names of the Indian players involved. In spite of repeated requests to put the name of the said player in a sealed cover for perusal before the Hon'ble Supreme Court, the journalist appeared terrified and was very reluctant to do so and pleaded that it would be dangerous for the journalist concerned.

Mr. I. S. Bindra, an ex-President of the BCCI also made similar allegations and stated that he had always kept the Anti Corruption and Security Unit of the ICC (hereinafter referred to as ICC ACSU) in the loop. He stated that he knew another former prominent Indian player was involved in match fixing and was aware of his alleged involvement with bookies along with a former reputed Indian player. It is worthwhile to recollect at this stage that in the transcript

of the tape recordings between Mr. Chandresh Jain @ Jupiter and Ashwani Aggrawal @ Tinku Mandi at 0042 hrs on 15.05.2013, there are references to high level fixing of players where the names of two international Indian players were mentioned.

It thus appears that names of six prominent Indian capped players are available in tapes in connection with dealings with bookies while two of these prominent Indian capped players have also been named by none other than a former President of BCCI.

Another former President of BCCI, Mr. Shashank Manohar also stated that all matches in IPL need to be investigated.

IV. ALLEGATIONS AGAINST OTHER IPL TEAMS

There has been allegation made before the present Committee that the players of another IPL team were also involved in spot/match fixing and the same was being investigated by the Pune police. However, due to paucity of time, the Committee could not probe into that aspect of the matter.

It is also required to be pointed out that the statement made by Chandresh Patel @ Chand Bhai to the Special Cell, Delhi police reveal that a prominent businessman from Hyderabad who is also a politician, was actively involved in fixing of players. It has been stated that this

person had attempted fixing of certain players of another team playing in IPL, for which meetings were held in five star hotels in Pune and Chennai. The meeting was attended by Chandresh Patel and Jitendra Jain @ Jeetu Tharad, who are allegedly the fixers/ henchmen to fix players for the Dawood betting syndicate. There are corroborative statements by accused Mohd. Yahiya, Syed Durrey Ahmed@ Sohaib and Babu Sunil Chander Saxena, recorded by the Special Cell, Delhi Police, who confirm this incident.

There has been entirely no investigation at any stage as regards the veracity of such claims/allegations. It is necessary to delve deep into the matter in as much as, if the allegations are found to be true after a proper investigation, drastic deterrent action can be taken. However, if the allegations are found to be untrue on any such proper investigation, the cloud of suspicion which has engulfed the game of cricket will stand dissipated.

It has been brought on record that the Anti-Corruption unit of BCCI or the ICC Anti-Corruption and Security Unit are technically not qualified to make such an investigation in depth. The foundation for their constitution did not envisage such wide investigative powers and the officials of both the unit have expressed their helplessness/ limitation before the committee to make any such investigation in absence of any legal mandate. It is not surprising therefore that none of the cases presently being criminally prosecuted were detected by the BCCI Anti Corruption Unit

(hereinafter referred to as BCCI ACU) or the ICC ACSU. All these aberrations came to light only due to information received by the concerned police authorities by accident in course of surveillance of telephonic communication in entirely different circumstances. The spot fixing matter was detected by Delhi Police in course of interception of telephones kept under surveillance due to information provided by the central security agencies as being numbers of Dawood Ibrahim. The Q branch stumbled onto Kitty in connection with surveillance of telephones arising out of a fake passport case. Apparently Mumbai police is oblivious of the links to Dawood Ibrahim.

The Hon'ble Supreme Court may therefore consider directing a comprehensive investigation into the entire betting and match fixing episode in cricket and in particular in IPL by a competent statutory investigative agency with a view to identifying and prosecuting the criminals involved.

CHAPTER III

RECOMMENDATIONS

The Committee sought the assistance of the various interactors, who have generously given their invaluable suggestions and recommendations. The Committee has also perused and considered the suggestions made by Mr. Y. P. Singh, ICC ACSU² and Mr. Ravi Sawani, BCCI ACU³ in the light of the allegations of corruption that struck IPL. These ardent supporters of the game have unanimously and compellingly articulated that there should be an admonition to all concerned that the game of cricket is under serious threat.

The consolidated set of recommendations and suggestions in this report are thus aimed at ensuring that corruption/malpractice such as those that have already been disclosed in the Report, be eradicated from the game of cricket and the game of cricket and in particular, the IPL be cleansed.

The recommendations may be broadly categorised as:

I. INVESTIGATION AND PROSECUTION

- (i) Betting and gambling being a State subject in the 7th schedule of the Constitution of India, there is

² Anti- Corruption Security Unit

³ Anti-Corruption Unit

no consolidated uniform law applicable to the entire country. In view of the specific requirements stipulated in Section 415 read with Section 420 of the Indian Penal Code the applicability of these provisions in matters of fixing of games/ spots/ sessions is debatable. The status of law in regard to betting and fixing has therefore created operational impediment on the part of investigating and prosecuting agencies in combating these corrupt influences in the sport. It is most imperative to enact a substantive law making all forms of manipulation of sports, corruption and malpractices a criminal offence. The law so enacted must be applicable uniformly in the country and should stipulate the creation of an independent investigating agency, a dedicated prosecuting directorate and a separate judicial forum for expeditious trials. The law must provide for stringent deterrent punishments, similar provisions as in Section 18 of the MCOCA and restrictive bail provisions as in NDPS and other similar enactments. This is necessary because influx of hawala money and involvement of terrorist elements in matter of betting and fixing of sports is causing serious threat to national security. In view of the national interest involved, it would be necessary to explore the options available to the Parliament and the Legislatures of

various States to adopt the procedure stipulated in Article 252 of the Constitution of India.

- (ii) The BCCI must adopt a “Zero Tolerance Policy” in matters of corruption in the game. It must adopt a far more pro-active role. Pending enactment of such law by the Parliament it is necessary that the Anti-Corruption Unit of the BCCI be substantially strengthened with immediate effect. The BCCI should create a dedicated fund for development of sophisticated investigating machinery responsible for preventing betting and fixing in cricket matches as well as for investigating any information to this effect available from players or any other source. The ACU must establish a system of accountability in the performance of its Anti-Corruption officers and also create an exhaustive database of bookies, fixers, kingpins of illegal betting and match fixers and make such information available to all stakeholders.

- (iii) As have been noted the betting and fixing racket in sports functions most efficiently as one well-oiled machine throughout the country. The law enforcement authorities on the other hand reveal lack of coordination and trust amongst themselves and more often than not function at cross purposes. This has resulted in increasing the vulnerability of the country’s economy and

remains a matter of concern for national security. It is necessary that the Hon'ble Supreme Court may create a Special Investigation Team or a Joint Investigation Team so as to include officers from all specialised agencies such as enforcement directorate, Directorate of revenue intelligence, income tax authorities etc. The JIT may have either the CBI or the NIA as the nodal agency. The SIT or the JIT will take over all pending cases and investigate all available information in the various tapes referred to earlier and submit its report to the Hon'ble Supreme Court within a stipulated time frame so as to obtain appropriate orders for prosecution and trial.

II. **ACCESS TO PLAYERS**

It is evident that access to players, more so during the IPL, is far too free and easy leading to significant number of approaches being made to fix players or lure them to join the illegal betting syndicate. Supervision of players and an increased measure of control over their activities, though may be a sensitive issue, is necessary.

The BCCI ACU and the ICC ACSU have *interalia* made various recommendations pertaining to hotel accommodation of players, visitors access to their hotel rooms, temporary leave of players from hotels and attachment of security and anti-corruption officers with all

IPL teams constantly. The proposals merit serious consideration by the BCCI subject to the caveat that while ensuring that the players are protected from contact of undesirable elements, the restrictions themselves should not be such which may ultimately affect the morale of the team. It is necessary to remind ourselves that the players are ambassadors of their country and the sport. The restrictions therefore ought not to isolate them or expect them to lead a monastic existence. The aim obviously is to prohibit unauthorised access by unsuitable /unscrupulous persons under unsuitable circumstances.

Measures which can be considered in this regard include:

- (i) The introduction of an accreditation system; only BCCI/IPL/ Team Management accredited persons should be permitted access to players, in circumstances approved by the team management.
- (ii) Prohibition on access to player's hotel rooms except for immediate family members.
- (iii) Strict control of telephonic access; only cellular telephones issued to players by the BCCI should be allowed and details of calls made and received should be available so as to allow monitoring by the BCCI. Possession of an unauthorised cell

phone should be a punishable offence which automatically will entail deterrent punishment.

- (iv) Contact by players with media representatives, representatives of sponsors and the public generally should be through the team management specifically.

III. DISCLOSURES BY PLAYERS

Another set of measures, aimed at reducing the possibility of players being vulnerable to improper approaches, include:

- (i) The imposition on all concerned of an obligation to report, not only instances of approaches to himself, but also any information which he receives and any knowledge he obtains, however far-fetched he personally may regard it, concerning any other person including a colleague, which is suggestive of improper conduct. This is a sensitive issue amongst players. As experienced by the Committee and lucidly explained by Mr. Andre Oosthuizen and Mr. Gavin Tinkler in their book, “The Banjo Players” on the Hansie Cronje match fixing scandal :

“It’s not difficult to understand this close, undying loyalty. To be a member of a national team involves admission to a brotherhood that is based on staunch allegiance. The players in the national squad spend something in the order of 26 weeks of the year in each other’s company. That time sees them living, travelling and eating together practicing at the nets for hours on end, day after day; venturing into distant countries and cities where the only familiar faces are those of their team members. Teamwork and team spirit is the bedrock of their lives...”

Further,

“But the same strong and abiding loyalty to the team and to the captain creates a series of problems when any of the players decide, as Cronje did, to involve themselves and attempt to involve their team members in things like match fixing or other forms of corruption. The squad doesn’t turn its back on the sinner, throw him out or cut him down. Their entire existence is about being together, remaining loyal and helping each other. Blowing the whistle on the offender is against team spirit. In the eyes of the players, the newspaper reporters, cricket administrators and the team’s medical staff are

all outsiders, people who live on the fringes of the team but are not, in any true sense, part of the elite. It requires special courage for a player to break rank and to report on any skulduggery that's going on within the team. By so doing, he opens himself up to abuse and misunderstanding....

This factor, the ties of brotherhood that bind the team members to each other, is going to be one of the very real problems confronting the cricket world as, in years ahead, attempts are made to wipe out the match fixing scourge.”

Thus, it is not difficult to understand the fact that there is an instinctive reaction against “whistle-blowing” on friends and colleagues. It must be part of a player’s education and training that this is not disreputable conduct. On the contrary, it is the decent and honourable thing to do, in the greater interest of the game and all who have to do with it. Consideration should be given to rewarding persons who report misconduct, actual or potential, Consideration should be given to anonymous reporting.

- (ii) It is important to create a schedule of events which are “notifiable events’ and reports of such instances are to be made compulsory, with the sanction of penalties to be imposed for non-reporting. Such events would include any approach (of whatever nature) by a bookie; punter; colleague; official or anyone else making any such attempts to the player even though the same may said to have been made casually. This requirement be made applicable for all cricketers at all levels of the game.

- (iii) It should be made mandatory to make full and immediate disclosure by players and officials of any gifts received (possibly above a certain value) or additional income earned besides the contracted fee. It must be clarified that “gifts” would mean any interest or income or other unusual benefit which is not cricket related. If a player has any doubt about the propriety of anyone’s conduct with regard to an offer, or potential offer, of a gift, he should immediately report it to the concerned official or the IPL Integrity Unit (if such exists) alternatively to the team manager and the captain of the team.

- (iv) The BCCI Anti-Corruption Code for Conduct for Participants should be incorporated by reference in the player’s contract and the player is to

acknowledge therein that he knows and understands the contents of the BCCI Anti-Corruption Code, the obligations it places on him and the penalties for disobedience thereto including forfeiture of the contracted fee etc.

- (v) Access to bank accounts and other financial documentation should be available to the BCCI ACU with the player's prior consent; this consent could be incorporated into the player's contract. Access and information received from such access must be kept absolutely confidential. Access to similar documents of a player's immediate family members and/ or other members of the family or their respective agents may well be justified in appropriate circumstances.

IV. CONTROL AND SUPERVISION

- (i) It is necessary to incorporate comprehensive and stringent rules and regulations in the Operational Rules so as to bind all the stakeholders including journalists, commentators, broadcasters, etc.
- (ii) The BCCI/IPL should frame specific rules for assessing/ evaluating the credibility of owners in order to prevent unscrupulous entities from purchasing a franchise. It has been recommended by the ICC ACSU and BCCI ACU that any auction

in this regard should be subject to a pre auction verification of the intending participants at such auctions.

- (iii) A separate Code of Conduct should be enacted for Owners and Team officials, similar to the Minimum Standards for players and match officials with a specific provision prohibiting owners and team officials from betting. The Code should also prescribe sanctions/ punishments.
- (iv) A separate code should be enacted for the registration and accreditation of Players agents/Managers by the BCCI, where no player should be allowed to align with an agent not registered and accredited by the BCCI. Before accreditation of players agents, their credibility should be ensured by the appropriate authority. Accreditation should be time specific and subject to renewal after review of the performance and integrity of the agents/managers.

V. EDUCATION & TRAINING

- (i) It has come to the notice of the Committee that bookies maintain a close vigil on players from an early stage in their career and lure them with gifts and cash for a sustained period of time and eventually introduce them into illegal betting and

fixing syndicate. It is therefore critical that cricketers from their earliest days in the game, in addition to learning how the game is played, be made aware of the spirit of the game and the rules of fair play, honesty and integrity to the game. This education in the ethics of fair play should be ongoing, bearing in mind that the further a cricketer progresses, the greater are the pressures put upon him. Education programs such as the BCCI ACU Education module needs to be imparted to player's right from the beginning of their training days, and be extended to include cricket schools and academies both run privately as well as run by the State associations.

- (iv) The BCCI should monitor continuous education of all registered cricket players in the country, from the club level onwards and disseminate educative materials in form of booklets to all budding cricketers of the country. The BCCI may like to explore the possibility of authoring a cricketer's handbook incorporating FAQs for the young Indian Cricketers in the line of the Athletes Handbook 2013 published by the Go Sports Foundation, Bangalore.
- (ii) There has been a unanimous appeal to create an Integrity Unit by the BCCI, quite apart from the

IPL governing Council, comprising of former senior players such as Shri Sachin Tendulkar, Shri Saurav Ganguly, Shri Rahul Dravid, Mr. V.V.S Laxman, Mr. Anil Kumble and any such other persons with impeccable character, integrity and honesty. Induction of such players into the unit will give greater credibility and command the respect and confidence of the teams and find acceptance. Such a unit will be able to counsel and mentor young players, who are suddenly caught in the midst of fame and glory of IPL making them extremely vulnerable to temptations.

- (iii) There has been a split response to the Anti-Corruption education that is being imparted to players by ICC ACSU during the IPL season. The critique of the Education module has been primarily based on the fact that education is imparted in English by facilitators/ trainers to players who are not well versed with the language. This criticism has been taken note of and it is recommended that if BCCI continue with the services of ICC ACSU and continue to impart its Education Program during the IPL season, the same be conducted in vernacular languages as well along with English. The Integrity Unit can be associated with this program.

- (iv) There is a huge disparity of contract money paid to IPL players due to the distinction between capped and uncapped players. Reputed players, particularly those who enjoy international status, are well very paid. However, it is also a fact that the professional life span of a cricketer is short and it covers a crucial period of their lives when they might otherwise be qualifying themselves for their life's work, in a profession or other calling. The fact that there is a palpable financial insecurity amongst general and fringe players is undeniable. It is important therefore to ensure the financial security of players both in the immediate and the long term future in order to curb corruption in cricket.

VI. OPERATIONAL MECHANISMS

- (i) There should be a complete ban on post-match parties or any other parties organised by private individuals or sponsors. In any official function, no outsider may have access without official authorisation.
- (ii) BCCI while entering into contracts with its official sponsors should incorporate prohibition on availing the services of any banned player by the official

sponsor in any manner, including as TV/radio commentator, during the period of such ban.

- (iii) Players should receive ongoing psychological support concentrating particularly on stress management and counselling with regard to the pitfalls of success and vulnerability to approaches from unsuitable people.
- (iv) It has been disclosed to the Committee that the BCCI ACU maintains a database incorporating therein the names and details of undesirable elements like bookies, fixers etc. Similarly ICC ACSU also maintains a separate database. It is surprising that the details of the database are not shared by the Anti-Corruption unit with the players, match officials, administrators etc. Some of the players with whom the Committee interacted have stated that though they have been told to report any approach by such undesirable elements, they were not aware as to who these undesirable elements are. On being questioned as to why such databases are not shared with concerned stakeholders the officers replied that they were concerned with possible retaliation by actions of defamation. Under the Indian laws, this is incorrect, since a number of exceptions to Section 499 of Indian Penal Code take care of such concerns. The concern being totally misplaced, it

is imperative that the details of such unscrupulous undesirable elements be shared with all stakeholders including players, umpires, match officials, support personnel, administrators etc.

VII. PUNISHMENTS AND SANCTIONS

It is incumbent upon the IPL Governing Council and the BCCI to send a clear and emphatic message that dishonesty in cricket will not be tolerated and the most effective way of conveying this message is by the prescription and imposition of severe and stringent punishment. Most significantly, the punishment must be a deterrent; which implies that it should deter not only the offender but also others, like minded, from offending. It is important to inform players that, where appropriate, an act of misconduct shall be referred to the Police, in addition to whatever internal disciplinary measures are taken. It is desirable that the various forms of punishment be clearly delineated; ranging from the lightest to the most severe.

CONCLUSION

One notes with utmost pain, that the folklore of corruption and such other malpractices that has come to surround the game of cricket and in particular, IPL, unfortunately has a ring of truth to it. Roots of corruption and

malpractices have crept in deep into the game of cricket, more particularly, the IPL, and are seeping into the game at an alarming rate. If unchecked, the same would be damaging for the game of cricket and defeat public confidence in the integrity of the game. The problem is required to be addressed with absolute seriousness and with a strong determination to cleanse the game. Any complacency is sure to shake public confidence. It would be worthwhile to remind ourselves that the game of cricket is only as strong as the support it receives from the public.

(NILAY DUTTA)
Member

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