

A BOARD OF CONTROL FOR CRICKET IN INDIA
v.
C CRICKET ASSOCIATION OF BIHAR & ORS.
(Civil Appeal No. 4235 of 2014)

B MAY 16, 2014.
[A.K. PATNAIK AND FAKKIR MOHAMED
IBRAHIM KALIFULLA, JJ.]

C *Public interest litigation – Betting and spot-fixing in IPL,*
D *2013, allegations of – Constitution of a panel of two retired*
E *judges of the Madras High Court by BCCI to probe into the*
F *allegations, against ‘GM’, the alleged Team Principal of*
G *Chennai Super Kings and the part-time owner of IPL*
Franchise Rajasthan Royals – PIL filed by Cricket Association
of Bihar contending that panel not constituted in accordance
with the Rules applicable to IPL – Direction sought against
BCCI to recall the probe panel – High Court though held that
the constitution of the probe panel not in accordance with
Rules applicable to IPL but rejected constitution of a fresh
panel to inquire into the said allegations since the constitution
of the probe panel was the prerogative of the BCCI under the
Rules – SLPs filed by Cricket Association of Bihar and BCCI
respectively – Constitution of Justice Mudgal Committee by
this Court – Directions issued to inquire into the allegations
against the aforesaid persons with regard to the involvement
in spot-fixing and betting – Submission of reports by the
Committee – Allegations of betting and passing on
information proved against ‘GM’ but allegations of spot-fixing
to be further investigated – Allegations of betting and spot-
fixing against ‘RK’, team owner of Rajasthan Royals to be
further investigated – Allegations against 13 persons
including ‘NS’, President of the BCCI came to the notice o
the Committee during the probe though not established –
Submission of report in sealed cover – As per the Committee

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the said allegations has relevance to the subject-matter of PIL and needs to be verified and investigated – Held: Allegations against the said 13 persons including ‘NS’ mentioned in the report submitted in the sealed cover should be investigated into by the Justice Mudgal Committee and the team of investigators – If a new Probe Committee is entrusted to inquire into the allegations, there is likelihood of the allegations being leaked to the public which would damage the reputation of the 13 persons beyond repair – Team of persons appointed by the Court to assist Justice Mudgal Committee – Necessary directions issued.

CIVIL APPELLATE JURISDICTION :Civil Appeal No. 4235 of 2014.

From the Judgment and Order dated 30.07.2013 in PIL No. 55/2013 of the High Court of Bombay.

WITH

C.A. No. 4236 of 2014.

Ajit Kumar Sinha, C. A. Sundaram, Shyam Divan, Mukul Rohtagi, Amit Sibal, P. S. Raman, V. Prakash, Ashok Desai, Gopal Subramaniam, Nalini Chidambaram, Rajat Sehgal, Chandrashekhar Verma, Gagan Gupta, Imran Ahmad Abbasi, Radha Rangaswamy, Akhila Kaushik, Rohini Musa, P. R. Raman, S.P. Arthi, Ranjeeta Rohtagi, Rahul Mascarenhas, Pratibha M. Singh, Tajveer Singh, Gaurav Sharma, P.B. Suresh, Vipin Nair, Udayaditya Banerjee (for Temple Law Firm), Amol Chitale, Prateek, Devanshu Popat, Pragya Beghel, Sandeep Sethi, Hari Shankar K., Aditya Verma, Anshuman Upadhyay, T.K. Bhaskar, K. Harishankar, S. Lakshmi, Devanshi Popat, Vikas Singh Jangra, Kirat Singh Nagra, Deep Roy, Monish Panda, Ksitij Karjee, Anish Dayal, Siddharth Vaid, Tamali Wad, Anshuman Srivastava, Abhishek Tewari, Vidhushpath Singhania, Gautam Bharadwaj for the Appearing parties.

The Order of the Court was delivered by

A. K. PATNAIK, J. 1. The Cricket Association of Bihar

A filed PIL No.55 of 2013 in the Bombay High Court challenging
the constitution of a panel of two retired judges of the Madras
High Court by the BCCI to probe into the allegations of betting
and spot-fixing in IPL, 2013 against Mr. Gurunath Meiyappan
as the alleged Team Principal of Chennai Super Kings and the
B part-time owner of IPL Franchise Rajasthan Royals contending
that the panel was not constituted in accordance with the
Operational Rules applicable to IPL. The Cricket Association
of Bihar accordingly made a prayer in the PIL that the BCCI be
C directed to recall its order constituting the probe panel and by
the impugned judgment dated 30.07.2013, the High Court held
that the constitution of the probe panel was not in accordance
with the Operational Rules applicable to the IPL. The High Court,
however, declined to constitute a fresh panel to inquire into the
aforesaid allegations and took the view in the impugned
judgment that the constitution of the probe panel was the
prerogative of the BCCI under the Operational Rules applicable
to the IPL.

2. Aggrieved by the impugned judgment of the Bombay
High Court insofar as the High Court declined to constitute a
E fresh panel, the Cricket Association of Bihar has filed SLP (C)
No.26633 of 2013 (now Civil Appeal No.4236 of 2014).
Aggrieved by the impugned judgment of the High Court insofar
as it held that the constitution of the probe panel by the BCCI
was not in accordance with the Operational Rules applicable
F to the IPL, BCCI has filed SLP (C) No.25027 of 2013 (now Civil
Appeal No.4235 of 2014). Both the special leave petitions were
heard and on 08.10.2013, this Court passed an order
constituting a Probe Committee comprising (i) Mr. Justice
Mukul Mudgal, retired Chief Justice of Punjab & Haryana High
G Court, as Chairman, (ii) Mr. L. Nageshwar Rao, Senior Advocate
and Additional Solicitor General, as Member and (iii) Mr. Nilay
Dutta, Senior Advocate, Gauhati High Court, as Member. By
the said order dated 08.10.2013, this Court directed that the
Probe Committee will inquire only into (a) the allegations of
betting and spot-fixing in the IPL matches against Mr. Gurunath
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Meiyappan, allegedly the Team Principal of Chennai Super Kings and the players and the allegations against the team owner of the IPL Franchise Rajasthan Royals and (b) the allegations against Mr. Gurunath Meiyappan and the team owner of the IPL Franchise Rajasthan Royals with regard to their involvement in spot-fixing and betting. A
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3. Pursuant to the order dated 08.10.2013, the Probe Committee (hereinafter referred to as 'the Justice Mudgal Committee') inquired into the allegations and submitted two reports. In one report, the Justice Mudgal Committee concluded that the role of Mr. Gurunath Meiyappan in Chennai Super Kings as the team owner as well as the allegations of betting and passing on information against him stands proved but the allegations of spot-fixing requires further investigation. The Justice Mudgal Committee also observed that the allegations of betting and spot-fixing against Shri Raj Kundra, team owner of Jaipur Cricket Private Limited (Rajasthan Royals), need to be further investigated. Copies of this report were furnished to all the parties. In the other report, the Justice Mudgal Committee referred to allegations against 13 persons including Mr. N. Srinivasan, the President of the BCCI, which came to the notice of the Committee during the probe but the Committee made it clear that they were only allegations and were not established and, therefore, the report was being submitted in sealed cover so as not to sully the reputation of any innocent person. According to the Justice Mudgal Committee, these allegations in the report submitted in sealed cover require verification and investigation. C
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4. We have looked into the allegations against the 13 persons including Mr. N. Srinivasan in the report submitted in sealed cover and we find that the allegations have relevance to the subject-matter of PIL No.55 of 2013 and require to be verified and investigated before the civil appeals arising out of the impugned judgment of the High Court are finally heard and disposed of. Accordingly, on 29.04.2014, we took the view that G
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A until a duly constituted Probe Committee investigates into the
allegations made against the 13 persons including Mr. N.
Srinivasan as mentioned in the report and until the Probe
Committee submits a report, this Court cannot come to the
findings necessary to finally decide these civil appeals. On
B 29.04.2014, we also heard learned counsel for the parties on
what should the proper composition of the Probe Committee
which should undertake the investigation into the allegations
against the 13 persons including Mr. N. Srinivasan. Learned
counsel appearing for the BCCI and Mr. N. Srinivasan
C submitted that the BCCI has constituted a Probe Committee
comprising Mr. Justice J.N. Patel, former Chief Justice of
Calcutta High Court, Mr. R.K. Raghvan, former Director of the
CBI, and Mr. Ravi Shastri, former player and captain of the
Indian cricket team. On request by this Court, Mr. Gopal
D Subramaniam, learned Senior counsel appearing for the
Justice Mudgal Committee, sought instructions from the Justice
Mudgal Committee and submitted that the Justice Mudgal
Committee is willing to undertake the investigation. He
submitted a written note of the persons who can be appointed
E to assist the Justice Mudgal Committee in the investigation and
the manner in which the investigation is to be done. On
29.04.2014, we reserved the matters for orders on the
composition of the Probe Committee for investigation into the
allegations against the 13 persons including Mr. N. Srinivasan
in the report kept in the sealed cover and other incidental
F matters.

5. We are of the considered opinion that the allegations
against the 13 persons including Mr. N. Srinivasan mentioned
in the report submitted in the sealed cover should be
G investigated into by the Justice Mudgal Committee and the
team of investigators because if a new Probe Committee is
entrusted to inquire into the allegations, there is likelihood of
the allegations being leaked to the public and such leakage will
damage the reputation of the 13 persons beyond repair.

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6. In the written note submitted by Mr. Gopal Subramaniam appearing for the Justice Mudgal Committee, it is suggested that the Justice Mudgal Committee be assisted in the investigation by the following persons: A

- (i) Shri M.L. Sharma, IPS (Retired); B
- (ii) An officer from Mumbai Police (preferably not below the rank of Assistant Commissioner of Police);
- (iii) An officer from Chennai Police (preferably not below the rank of Assistant Commissioner of Police); C
- (iv) An officer from Delhi Police (preferably not below the rank of Assistant Commissioner of Police); and D
- (v) A former cricketer of repute and integrity.

In view of objections made on behalf of the BCCI and Mr. N. Srinivasan, we are of the view that instead of Shri M.L. Sharma, IPS (Retired), Shri B.B. Mishra, IPS of the 1983 batch of Assam-Meghalaya Cadre who has a vast experience in investigation including experience in the CBI and who is presently working as Deputy Director General, Narcotics Control Bureau, New Delhi, should head the investigation team. The other officers from Mumbai Police, Chennai Police and Delhi Police and a former cricketer of repute and integrity mentioned against serial Nos. (ii) to (iv) above will be chosen by the Justice Mudgal Committee in consultation with Shri B.B. Mishra. E F

7. We further direct that the competent authority of Government of India will pass appropriate orders placing the services of Shri B.B. Mishra at the disposal of the Justice Mudgal Committee till completion of the investigation and submission of the report to this Court. Shri B.B. Mishra and the other officers of the investigating team will have the powers to H

A investigate, require attendance of witnesses, the power to examine witnesses, the power to search and the power to seize and all other powers necessary for investigation except the power to arrest and the source of these powers of investigation will be this order passed by this Court. All concerned persons including the BCCI, Mr. N. Srinivasan and the cricket players will co-operate with the investigation in all respects. In case of any difficulty, the Justice Mudgal Committee may apply to this Court for necessary orders for the purpose of completing the investigation. After investigation, the report will be filed in this Court by the Justice Mudgal Committee by the end of August, 2014 in a sealed cover and the Members of the Committee and the investigation team will not reveal anything regarding the investigation to others and the media and will maintain absolute confidentiality.

D 8. As directed in our earlier order dated 08.10.2013, the BCCI will bear all the expenses of travel, boarding and lodging of the Chairman and Members of the Justice Mudgal Committee as well as Shri B.B. Mishra and other officers of the investigation team. The Chairman and Members of the Committee will also be entitled to fees of Rupees One lakh per working day from the BCCI. The Central Government as well as the concerned State Governments will continue to pay the salary and other allowances to be paid to Shri B.B. Mishra and to all other officers of the team of investigation and the BCCI will reimburse the appropriate Government accordingly. The cricketer who is included in the team of investigation will also be entitled to fees of Rupees One lakh per working day from the BCCI apart from expenses of travel, boarding and lodging.

G 9. The matters will be listed in first week of September, 2014 for further hearing before the appropriate Bench. In the meanwhile, Mr. Sunil Gavaskar and Mr. Shivrul Yadav will continue to exercise the powers of the President of the BCCI as per the order dated 28.03.2014 of this Court.