

**BEFORE JUSTICE VINEET SARAN
FORMER JUDGE, SUPREME COURT OF INDIA
ETHICS OFFICER, THE BOARD OF CONTROL FOR CRICKET
IN INDIA**

Complaint No. 04/2022

In re:

Complaint dated 05.11.2022 received from:

Mr. Sanjeev Gupta



...Complainant

In the matter of:

Mr. Roger Binny

President, BCCI



...Respondent

ORDER

[Dated 06.01.2023]

1. This complaint has been filed by Mr. Sanjeev Gupta against the respondent Mr. Roger Binny, alleging Conflict of Interest, primarily on the ground that his daughter-in-law Ms. Mayanti Langer is an anchor with Star Sports, which has a contract with BCCI, and the respondent Mr. Binny is the President of BCCI.

A handwritten signature in blue ink, appearing to read 'Saran'.

2. The complaint has been filed alleging the breach of Rule 38(1)(i) and Rule 38(2) of the BCCI Rules and Regulations.
3. Notice was issued on the complaint to which the respondent filed his reply. The complainant has also filed his rejoinder to the said reply.
4. I have heard Mr. Sanjeev Gupta, the complainant appearing in person, as well as Mr. Abhinav Mukerji, learned counsel appearing for the respondent, at length.
5. The submission of the complainant Mr. Gupta is that it is admitted by the respondent that he is the President of BCCI since 18.10.2022, and further it is also admitted by the respondent that his daughter-in-law Ms. Mayanti Langer is working on contract basis with Star Sports, which has the media rights contract of BCCI and IPL both. It is thus contented by Mr. Gupta that Mr. Binny being the President of BCCI and his daughter-in-law having been engaged by broadcaster of BCCI, would amount to direct conflict of interest and as such the provision of Rule 38(1)(i) of the Rules and Regulations would be attracted. He has thus prayed that the respondent be either suspended or removed from his post, or his daughter-in-law Ms. Langer be directed to relinquish her contract with Star Sports till the respondent remains as the President of BCCI.

6. Per contra, Mr. Mukerji, learned counsel for the respondent has initially raised a preliminary objection that since the complainant has been forwarding copies of the complaint and other communications to hundreds of other persons not connected with the case, (as would be evident from Annexure 'D' to the reply filed by the Respondent), this complaint should not be entertained, especially in view of the orders (dated 15.08.2020 and 16.01.2021) passed by the earlier Ethics Officer in Complaint No. 4/2020 titled Sanjeev Gupta vs Virat Kohli, filed as Annexure 'A' and 'B' to the reply of the respondent.

7. On merits, Mr. Mukerji has submitted that the complainant has not given any instance or any ground on which it could be said that a case of conflict of interest is made out, especially when the daughter-in-law of the respondent has been in the profession of sports anchoring and presenting for the last 16 years and has been hosting live broadcast and panels for Star Sports since 2014 and has a current contract with Star Sports for one (1) year w.e.f. from March 2022, which contract was entered into much prior to the respondent being elected as President on 18.10.2022. Mr. Mukerji has vehemently emphasized that the respondent has



not given a single instance of how the same has resulted in conflict of interest.

8. Lastly, it was urged before me that as the President of BCCI, the respondent individually does not have any decision-making power and all decisions are taken by the Apex Council, in which there are elected as well as independent members (including one nominated by CAG) and such decisions of Apex Council are also ratified by the General Body of BCCI. Mr. Mukerji thus contented that in the absence of any specific allegation or an instance of Conflict of Interest, the provisions of Rule 38 and 39 would not be attracted merely on surmises and conjectures.
9. Heard the parties and have perused the record.
10. The relevant Rule 1(A)(g), Rule 38(1)(i) and Rule 38(2) of the BCCI Rules and Regulations are extracted hereunder for ready reference:

Rule 1(A)(g)

1(A)(g) - *“CONFLICT OF INTEREST” refers to situations where an individual associated with the BCCI in any capacity acts or omits to act in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to*

apprehensions of, or actual favouritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkages, as set out in Rule 38.

Rule 38(1)(i)

38(1)- A Conflict of Interest may take any of the following forms as far as any individual associated with the BCCI is concerned:

- i.** *Direct or Indirect Interest: When the BCCI, a Member, the IPL or a Franchisee enter into contractual arrangements with entities in which the individual concerned or his/her relative, partner or close associate has an interest. This is to include cases where family members, partners or close associates are in positions that may, or may be seen to compromise an individual's participation, performance and discharge of roles.*

Illustration 1: *A is an Office Bearer of the BCCI when it enters into a broadcast contract with a company where A's son B is employed. A is hit by Direct Conflict of Interest.*

Rule 38(2)

38(2)- *Within a period of 15 days of taking any office under the BCCI, every individual shall*

disclose in writing to the Apex Council any existing or potential event that may be deemed to cause a Conflict of Interest, and the same shall be uploaded on the website of the BCCI. The failure to issue a complete disclosure, or any partial or total suppression thereof would render the individual open to disciplinary action which may include termination and removal without benefits. It is clarified that a declaration does not lead to a presumption that in fact a questionable situation exists, but is merely for information and transparency.

11. It is an admitted position that the respondent was elected as the President of BCCI on 18.10.2022. It is also not disputed that the daughter-in-law of the respondent has been in the industry as sports anchor and broadcaster for more than 16 years and has been hosting live broadcast and panels for Star Sports since 2014 and has been currently engaged on contract by Star Sports from March 2022 for a period of 1 year, which ends in March 2023.

12. It is not the case of the complainant that Ms. Langer is involved in the production, marketing, sales, business or management of Star Sports. She is hosting live broadcast and panels for Star Sports. The fact that media rights for BCCI and IPL were awarded to Star

Haran

Sports on 05.04.2018 and 27.06.2022 respectively, is also not disputed. Hence, it cannot be said that as the President, the respondent has influenced the awarding of media rights to Star Sports or influenced the engagement of his daughter-in-law in Star Sports. Ms. Langer is not an employee of Star Sports and is only working on contract with Star Sports as an anchor. In the absence of any instance of Conflict of Interest having been cited in her working in such capacity with Star Sports, it cannot be presumed that there would be any conflict of interest or that the provisions of Rule 38(1)(i) would be attracted.

13. In this context, the burden of proof for making out a case for existence of conflict of interest is on the complainant, which in this case, he has failed to illustrate. The complainant could not establish the existence of the necessary prerequisites of Rule 38(1)(i) to make a claim for existence of a Conflict of Interest. Even otherwise, in light of the ratio of the Order in Sanjeev Gupta vs Rahul Dravid (dated 14.11.2019), the mere existence of a relationship between the respondent and Ms. Langer would not be sufficient enough to establish an instance of Conflict of Interest and that it will have to be demonstrated by the complainant that how does the said relationship lead to a compromise in respondent's participation, performance and discharge of duties. Such an interpretation is a *sine qua non* for



the harmonious and holistic construction of the provisions of the BCCI Rules and Regulations. In my view, a liberal interpretation has to be given to the provisions of Rule 38(1) and Rule 38(2) and not a strict interpretation.

14. In view of the above discussion, I do not find any merit in the complaint of Mr. Sanjeev Gupta. Further, since the complainant has failed to establish the existence of an instance of Conflict of Interest, Rule 38(2) would not be attracted in the present case.
15. Before parting with the matter, I may deal with the preliminary objection which was raised by Mr. Mukerji with regard to the complainant forwarding the complaint and other documents to hundreds of unconnected persons, which included media persons and others.
16. It is not denied by Mr. Gupta that he has been forwarding complaints and other documents to such unconnected persons, which he says is only to protect himself, as once the complaint is in public domain he would not be threatened, which if not done, he could be threatened and coerced to withdraw the complaint.
17. Directions have already been given by my predecessor in complaint case 4/2020 on 15.08.2022 and



16.01.2021 directing the complainant herein not to put the complaint and other information in public domain and if the same was done, it would be viewed seriously and dealt with severely, including not entertaining the complaint itself.

In order dated 15.08.2020, the earlier Ethics Officer had issued the following direction:

“the Complainant and other similarly placed persons are put to notice that if it is brought to the knowledge of the Ethics Officer (or the Ombudsman) that they have voluntarily put in public domain, any information relating to a pending Complaint/ Application filed by them, such conduct on their part shall be viewed seriously and dealt with appropriately including not entertaining the complaint itself.”

Subsequently, vide order dated 16.01.2021 in Complaint No. 04/2020, it was again observed that:

“4. Despite the afore extracted clear directions, the Complainant has failed to make amends. Evidently, apart from casting aspersions against the office of the Ethics Officer, possibly with a view to gain publicity, the complainant has again put the proceedings in this pending matter in the public domain by forwarding his email, containing the particulars of the complaint, to some persons, who were not parties to that complaint.

Asarav

5. I feel that such leaking out of information in a pending matter, apart from other serious other consequences, cause prejudice to the person complained against. Such leaks can cause irreparable loss to the reputation of the person complained against, as he may ultimately get exonerated in the Complaint. Precisely for this reason, a strict warning was issued to the Complainant to desist from putting information relating to pending matters in public domain. Having failed to comply with the said directions, the Complaint warrants outright rejection in terms of the directions dated 15th August 2020.”

18. The complainant does not dispute that such warnings have been given to him but contends that the same were in a different case. He has further accused the respondent of mud-slinging and questioned as to how he has got copy of such order in a case where the respondent was not even a party.
19. Be that as it may, the directions issued earlier to the complainant Mr. Sanjeev Gupta regarding not putting information in public domain is not disputed by him. In view of the facts and circumstances of the present case, I reiterate the views of my predecessor in the case of Sanjeev Gupta vs. Virat Kohli (*supra*) and strongly deprecate the practice of the complainant putting such documents in public domain, which should not be repeated by him in future. A stern warning is given to

Asara

the complainant not to voluntarily place complaints and other documents in public domain and that he should send copies of the same only to the parties concerned.

20. Accordingly, the complaint is devoid of merit and stands dismissed.



**[JUSTICE VINEET SARAN]
ETHICS OFFICER, BCCI**

Date: 06.01.2023