

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

Reference No. 01/2022

[Arising out of Order dated 21.07.2022 Passed by the Bombay High Court in W.P. No. 78/2022 titled "Ajit Chandila vs. The Board of Control for Cricket in India"]

In the matter of:

Ajit Chandila



ORDER

1. The present matter arises out of Case Crime No 20/2013 dated 09.05.2013 registered with the Special Cell of Delhi Police against the Applicant on allegations of spot fixing in cricket matches of Indian Premier League ("IPL"). Pending inquiry, BCCI suspended the Applicant from all cricketing activities on 17.05.2013. Apart from the criminal proceedings initiated against the Applicant, Disciplinary proceedings were also initiated against him by BCCI.

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2. The BCCI Disciplinary Committee, vide Order dt. 18.01.2016, banned the Applicant for lifetime after holding him guilty of Misconduct and Corruption within the meaning of the following Articles of the Anti-Corruption Code, 2012:

- Article 2.1.1 – match/spot fixing
- Article 2.1.2 – accepting bribe to fix
- Article 2.1.3 – failing for reward to perform to one's abilities
- Article 2.1.4 - inducing and enticing fellow participants to fix.
- Article 2.2.2 – encouraging and facilitating other party to bet on an aspect of a match.
- Article 2.2.3 - ensuring the occurrence of a particular incident which aspect was the subject of a bet.
- Article 2.4.1 – receiving payment and gifts which brought disrepute to the sport of cricket

3. The Applicant had filed a Writ Petition before the Bombay High Court, being W.P. No. 78/2022 against BCCI seeking direction to BCCI to decide his Representation dated 04.11.2019 vis-à-vis reducing the punishment of life ban imposed on the Applicant. The Bombay High Court, vide Order dated 21.07.2022, referred the matter to me as the Ombudsman of BCCI for deciding the Representation of the Applicant.



4. By virtue of the present Representation dated 04.11.2019, the Applicant seeks modification/ reconsideration of the Order dated 18.01.2016 passed by the BCCI Disciplinary Committee wherein the Applicant was banned for lifetime from playing or representing cricket in any form or in any way whatsoever being associated with the activities of the Board and its affiliates.
5. I have heard Mr. Rakesh Kumar and Mr. Lav Dhawan, the learned counsel appearing for the Applicant, as well as Mr. Abhinav Mukerji and Mr. Prakhar Maheshwari, learned counsel appearing for BCCI, at length. Mr. Ajit Chandila, the Applicant in the present matter was also present.
6. The submission of the learned counsel for the Applicant is that by means of the present representation, the finding regarding the adjudication of guilt by the BCCI Disciplinary Committee in its Order dt. 18.01.2016 is not under challenge. Instead, the only prayer made is for the reduction of punishment of lifetime ban imposed on the Applicant. The learned counsel have primarily placed reliance on the Order passed by the earlier Ombudsman, in the case of Mr. S. Sreesanth, wherein by Order dated 07.08.2019, the Ombudsman reduced the quantum of punishment of life ban imposed on Mr. S. Sreesanth to a



period of seven (7) years from the date of the ban imposed by the Disciplinary Committee of BCCI in that matter. Thus, the Applicant in the present case seeks parity with case of Mr. Sreesanth by submitting that the charges levelled against the Applicant are similar to the ones against Mr. Sreesanth on whom also a punishment of life ban was initially imposed, which was subsequently reduced by the Ombudsman. Thus, it is prayed by the learned counsel that the case of the Applicant be also decided in a similar manner and his life ban be reduced accordingly.

7. In support of the above submission, the learned counsel for the Applicant has submitted the following mitigating factors in terms of Article 6.1.2 of the Anti- Corruption Code, 2012:

1. *There were no disciplinary proceedings against Mr. Ajit Chandila in the past by the disciplinary committee.*
2. *At the time of the alleged incident, Mr. Ajit Chandila was 30 years of age and had no idea of the Bookie nexus operating behind the scene.*
3. *Mr. Ajit Chandila had fully cooperated with the investigations initiated by the BCCI.*
4. *Mr. Ajit Chandila was not a part of the betting syndicate an at best could be alleged to have*

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the knowledge of the attempted fixing of the subject match.

5. *The alleged act by Mr. Ajit Chandila had no material bearing on the public interest or Commercial value of the sport, more so, when it is in public domain that the revenue of IPL Matches during that season had not dipped despite the betting scam.*
6. *The alleged incident had no effect on the result of the match and the Team Rajasthan Royals won the game comfortably.*
7. *He is family man and a youth icon and therefore, there is no potential for his repeating the said offences.*
8. *That for the purpose of determination of appropriate sanction(s) as stipulated in Article 6.2 of the Code, what has to be borne in mind is the 'Sport Life' of the player and not his 'Biological Life'. Mr. Ajit Chandila has already suffered sufficient punishment for the alleged offences and therefore, he does not deserve further sanctions.*
9. *The applicant belongs to the humble family. The applicant is also working with the Air India.*
10. *The applicant still can play cricket and also can render help to budding cricketers by giving them coaching and he can also run a cricket coaching center. Because of the Ban imposed upon him he is not getting the opportunity for*

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his growth in cricket and for the growth of cricket in the society.

11. *That the Applicant has already suffered immensely. The applicant has also been discharged in the criminal matter. The economic condition of the Applicant is much poorer than Mr. S. Sreesanth.*
 12. *The applicant belongs to a Gujjar family based at village at Faridabad.*
 13. *That the applicant has still the potential to play cricket. The applicant is completely bodily and maintaining himself physically.*
8. During the hearing, learned counsel for the Applicant has also placed reliance on the Order dated 03.05.2021 passed by the earlier Ombudsman in the matter of Ankeet Chavan wherein the Ombudsman had granted Mr. Ankeet Chavan parity with Mr. Sreesanth vis-à-vis the reduction of the punishment of life ban imposed on him and thus restricted the ban on Mr. Ankeet Chavan to seven (7) years from the date of the ban imposed by the Disciplinary Committee of BCCI in that matter. It has thus been prayed that the Applicant be also given similar relief.
9. Per contra, Mr. Mukerji, learned counsel for the BCCI has submitted that the reliance placed by the Applicant on the Order dated 07.08.2019 passed in the matter of Mr.

S. Sreesanth is misplaced. It was further submitted that in the case of Mr.Sreesanth, even the Supreme Court upheld the decision of the Disciplinary Committee and set aside their order only to the extent of imposing sanction of life ban. Mr. Mukerji also submitted that the Inquiry Commission, while submitting the Interim reports in the inquiry in the present matter, categorically noted that "*there are no specific mitigating factors that would require any mercy while sanctioning the aforesaid guilty players.*". Relying on the Interim Report and the Supplementary Report submitted by the Inquiry Commissioner in the present matter, Mr. Mukerji submitted that the order of the Disciplinary Committee should not be read in isolation and must not be interfered with as the order relies on the said reports which have specifically considered the mitigating factors in the case of the Applicant and then imposed the sanction of life ban.

10. As regards the mitigating circumstances highlighted by the Applicant, Mr. Mukerji has submitted that there are multiple aggravating circumstances which justify the imposition of life ban on the Applicant. Mr. Mukerji has submitted, *inter alia*, that the age of the Applicant at the time of offence was 30 years and thus cannot be considered as a mitigating factor as he could not be termed as a young player who did not have understanding of the offence. Additionally, it was



submitted that the offence committed by the Applicant had the potential to not only affect the public interest in the relevant match, but also the interest of the league itself. In this context, reference was made to the Article 6.1.1.4 of the Anti-Corruption Code, 2012 that provides for, as an aggravating circumstance the “potential to damage substantially” and not the requirement of actual damage to have occurred on account of the offence. Lastly, it was submitted that the Applicant did not cooperate in the inquiry and evaded the initial part of the inquiry against him.

11. Heard the parties and have perused the record.
12. On 16.05.2013, three players of the team Rajasthan Royals, namely Ajit Chandila (*the Applicant herein*), S. Sreesanth and Ankeet Chavan were arrested on the charges of match fixing in the IPL. By different orders, the BCCI Disciplinary Committee imposed the punishment of life ban on all three of them. By orders dated 07.08.2019 and 03.05.2021 respectively, the earlier Ombudsman has reduced the quantum of punishment of life ban imposed on Mr. S. Sreesanth and Mr. Ankeet Chavan to a period of seven (7) years from the date of the ban imposed by the Disciplinary Committee of BCCI.



13. It is an admitted position that the Applicant is not disputing the findings regarding his guilt in the order dt. 18.01.2016 passed by the BCCI Disciplinary Committee. The present representation is only for the narrow purpose of seeking parity of punishment with Mr. S. Sreesanth and Mr. Ankeet Chavan. Thus, the heavy reliance of the learned counsel of BCCI on the Interim report and Supplementary report in the matter is misplaced, since it is not the case of the Applicant that the Disciplinary Committee erred in holding him guilty of the offence. Therefore, since the scope of the present representation is with regard to the quantum of punishment, it may not be required to go into the specific findings of the Inquiry Commissioner against the Applicant.
14. Notably, the scope and ambit of the relevant Article 6 of the Anti-Corruption Code, 2012 has been extensively explained by my predecessor in the orders dated 07.08.2019 and 03.05.2021, passed in the matters of Mr. S. Sreesanth and Mr. Ankeet Chavan respectively. Thus, there appears to be no need to burden the present order with a similar discussion, especially in light of the fact that the main prayer of the Applicant is seeking parity with the abovementioned specific orders passed in the matters of Mr. Sreesanth and Mr. Ankeet Chavan.



15. It is not in dispute that the Applicant and both Mr. Sreesanth and Mr. Ankeet Chavan faced disciplinary proceedings under identical provisions of the Anti-Corruption Code, 2012 and that similar punishments were awarded to all three of by the BCCI Disciplinary Committee.
16. Having considered the facts of the present case in specific light of the orders passed in the matters of Mr. Sreesanth and Mr. Ankeet Chavan (dated 07.08.2019 and 03.05.2021 respectively), I am of the view that the Applicant herein has also been able to establish sufficient mitigating circumstances, as enumerated in Article 6.1.2 of the Anti-Corruption Code, 2012, entitling him to be given the same relief as has been given to Mr. Sreesanth and Mr. Ankeet Chavan.
17. Notably, similar to the case of Mr. Sreesanth, BCCI has referred to Applicant's negative temperament in the form of anger, frustration and arguments with other players, but has brought nothing on record to show that any sanction for such behavior was imposed on him in the past. Although, the submission of BCCI that the Applicant at the time of offence was 30 years old and thus his age cannot be considered as a mitigating factor, appears to have some substance, BCCI has failed to point out sufficient aggravating circumstances that make out a case for life ban on the Applicant and differentiate his



case from that of Mr. Sreesanth and Mr. Ankeet Chavan, especially when all three players faced disciplinary proceedings under identical provisions of the Anti-Corruption Code and received similar punishments by the BCCI Disciplinary Committee. Pertinently, akin to the case of Mr. Sreesanth, BCCI has not been able to controvert the specific plea of the Applicant that the offences committed by him did not substantially damage the commercial value or public interest in the relevant match, or even the final result of the match in question. Additionally, the submission of the counsel for the Applicant that by virtue of the Applicant being situated in a village and being educationally backward, he could not participate in the initial part of the inquiry, also seems to have substance.

18. In view of the above, I am convinced that the mitigating circumstances as enumerated in Article 6.1.2.2, Article 6.1.2.4, Article 6.1.2.5 and Article 6.1.2.6 are attracted in the instant case, making the Applicant eligible for the same relief as has been granted to Mr. Sreesanth and Mr. Ankeet Chavan.
19. Thus, I am of the opinion that it would be in the interest of justice to restrict the lifetime ban imposed on the Applicant from participating in any kind of commercial cricket or from associating with any activity of the BCCI or its affiliates, to a period of seven (7) years from



18.01.2016, i.e. the date from which the ban was imposed on the Applicant by the BCCI Disciplinary Committee.

20. Accordingly, the Applicant's Representation dated 04.11.2019 is accepted and his prayer for granting him parity with Mr. Sreesanth and Mr. Ankeet Chavan is allowed. The life ban imposed on him by Order of BCCI Disciplinary Committee dated 18.01.2016 is reduced to a period of seven (7) years from 18.01.2016.
21. The Representation is allowed to the extent indicated above.



[JUSTICE VINEET SARAN]
OMBUDSMAN, BCCI

Date: 10.02.2023