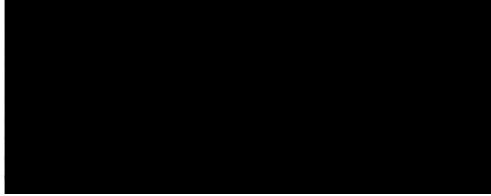


**BEFORE JUSTICE D. K. JAIN, FORMER JUDGE, SUPREME COURT OF INDIA
OMBUDSMAN, THE BOARD OF CONTROL FOR CRICKET IN INDIA**

REFERENCE 2/2019

IN RE:

Mr. K. L. Rahul



**ORDER
19.04.2019**

1. The Supreme Court appointed Committee of Administrators (for short “the COA”) of the Board of Control for Cricket in India (for short “the BCCI”) has made the present Reference to the Ombudsman under Rule 41 (c) of the Rules and Regulations of the BCCI (hereinafter referred to as “the Rules”), alleging certain acts of misconduct on the part of Mr. K.L. Rahul (hereinafter referred to as “the Player”).

2. The material facts leading to the present Reference, gathered from the documents sent along with the Reference, are as follows:

On 06.01.2019, the Player, along with Mr. Hardik Pandya, one of his teammates, appeared on a television show, titled as “Koffee with Karan”. It is alleged that in the interview with Mr. Karan Johar, the host of the show, the two Players made certain comments, which were sexist, disrespectful to women and racist. Taking cognizance of the same, on 09.01.2019, the BCCI addressed an e-mail to the Player asking him to explain his conduct and comments made on the said show. The Player responded to the said mail on 10.01.2019, apologising for any comments that may have hurt any sentiments. He further stated that it was his inexperience and naivety that kept him silent throughout the show and apologized for the same. Upon

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receipt of the said response, on 11.01.2019, the COA issued notice to the Player asking him to show cause within seven days as to why BCCI should not proceed against him for misconduct and indiscipline under Rule 41 of the Rules. On the same day, viz. 11.01.2019, in exercise of the power conferred under Rule 41(6) of the Rules, the COA suspended the Player with immediate effect from participating in any manner whatsoever in any match or function or event or activity that is authorized, organized, sanctioned, recognized or supported in any way by the BCCI, the ICC or any State Association, until final adjudication of the matter.

Pursuant to the said order, the Player was sent back from the ongoing tour in Australia, wherein he was representing the Country.

The Player responded to the aforesaid mail on 13.01.2019. In his response, the Player extended “an unconditional heartfelt apology for extremely unfortunate incident”. He stated that he was extremely ashamed and embarrassed as the said incident had caused disgrace and embarrassment to both the BCCI and the sport of Cricket. Elaborating further, the Player stated that it was a matter of immense pride for him to have been bestowed with the honour of representing India through the sport of Cricket which by no stretch of imagination could even be compared with his participation in any kind of shows or public appearances; Cricket was his life and he would never do anything to jeopardize its reputation in any manner; it was never his remotest of intent to bring disrepute or denigrate the image of BCCI and/or the sport of Cricket, which had brought recognition and meaning to his life; his participation in the show was purely by chance as his team was contacted by “Star” and in good faith he decided to participate, considering that it would, like any other show, contribute a bit towards promotion of the sport of Cricket; during his short cricketing career as member of the Indian Cricket team, he had never been involved in any kind of controversy,



whether on or off the field; the incident had been a learning experience for him and he would make all efforts towards sensitizing his fellow new comers in the team as well; he had personally gone through the transcripts of the show many a times since its telecast and found that at no point of time whether during the show or otherwise, he had ever intended to disrespect anyone, much less the Women of our society or the world over; he was blessed to be associated with the game of Cricket and he understands that he had a duty to be more cautious and extremely sensitive towards the sport, the BCCI, his fans and many other aspects attached to it and without joining any further issue he was once again apologizing for the inconvenience caused to the BCCI as a result of the incident. Finally he pleaded that considering the fact that he was a new comer, who had been caught in the cross fire, the incident may be considered as unintended and an unfortunate episode and the charges against him may be dropped and he be permitted to participate in the ongoing and all forthcoming series as part of the Indian team.

On 15.01.2019, the Player was informed that the Chief Executive Officer (for short "the CEO"), BCCI, had been asked to conduct a preliminary inquiry under Rule 41(1)(c) of the Rules. In furtherance thereof, on 15.01.2019 itself a video conference was held by the CEO with the Player when he was asked if he had anything further to say in the matter. Again, the Player apologized and stated that he meant no disrespect to women and did not make any statements, which were disrespectful to women and it was his inexperience that led him to be silent on the show. He pleaded that since he had missed a part of the Australia tour, no further penalty be imposed on him.

Upon submission of the preliminary report by the CEO to the COA on 15.01.2019, on 24.01.2019, the COA lifted the suspension, imposed on the Player, vide its order dated 11.01.2019, pending



appointment and adjudication on the aforestated allegations, by the BCCI's Ombudsman, whose appointment was awaiting the directions of the Hon'ble Supreme Court of India.

As a result of his recall from the ongoing Australia tour, the Player missed out three One Day International (ODI) matches in Australia and two ODIs in New Zealand. It seems that on account of the said suspension, the total loss of earnings to the Player is stated to be in the range of ₹30 lacs.

3. After the appointment of the undersigned as the Ombudsman of the BCCI, by the Hon'ble Supreme Court of India, vide order dated 21.02.2019, the present Reference has been made.
4. Upon perusal of the material, accompanying the Reference, vide order dated 27.03.2019, the undersigned was of the *prima facie* view that a case requiring examination of the alleged acts of misconduct on the part of the Player had been made out. Accordingly, a notice was issued to the Player to appear before the undersigned on 09.04.2019 and present his version on the entire episode, either orally or in writing. A copy of the said notice was also marked to the BCCI with a direction that it may also place its stand on the Reference before the undersigned.
5. Pursuant thereto, the Player appeared before the undersigned and stated that he did not propose to contest the present proceedings. He further stated that what was said in the episode in question viz. "Koffee with Karan" aired on 06.01.2019, it was absolutely unintentional, without realizing that any comment/statements/gestures made during the course of the show would hurt the feelings and sentiments of any particular gender or any section of the society, including followers of the game of Cricket. He reiterated that during his short cricketing career as a member of Indian Cricket Team he



was never involved in any controversy, be it on or off the field; he understands his responsibility towards the game of Cricket and would make an endeavour that no action of his brings any disrepute either to the game or the BCCI, in future and that he shall always continue to conduct himself in a professional and civilized manner. He pleaded that since he had already undergone tremendous mental strain for the act of some indiscretion on his part and has already missed three One Day Internationals in Australia and two One Day Internationals in New Zealand, a sympathetic view may be taken in the matter.

6. In their written response to the notice dated 27.03.2019, the BCCI has stated that they will be guided by any decision, which may be taken and the directions issued by the undersigned in the matter. However, during the course of personal hearing on 09.04.2019, the CEO stated on behalf of the COA that the Committee feels that recall of the Player from the remaining tour of Australia and New Zealand; the loss of match fee and sitting out for five games was sufficient penalty for the acts of misdemeanour, if any, of the Player.
7. Having considered the entire matter in the light of the material placed before me and the aforementioned stand of the Player, I am of the opinion that since the Player has not contested the action initiated against him by the BCCI under Rule 41 of the Rules, it is unnecessary to return a categorical finding as to whether the remarks made by the Player during the course of the aforesaid chat show constitutes as an act of indiscipline or misconduct or violation of any of Rules and Regulations on the part of the Player, as contemplated under Rule 41(1)(c) of the Rules.
8. The game of Cricket enjoys huge popularity world over, and is a passion in the Country. In fact, in our Country, the game of Cricket



is often treated as religion and the Cricketers are idolised. The Cricketers wield immense influence in the Society, especially the youth, who look upon them as role models. Therefore, a player of international standing needs to bear in mind that he is shouldering a responsibility towards the society all the time, be it on or off the field, of motivating and inspiring right conduct amongst those young minds who look upon such prodigies as role models. These impressionable young adults try to emulate not only their style of playing but also their conduct and demeanour and therefore, they cannot be unmindful of the impact of their casual and off the cuff remarks.

9. In the instant case, undoubtedly, the Player owes his fame and status to the game of Cricket, and therefore, he has a greater responsibility to ensure that his conduct is befitting the status he has acquired and does not affect the reputation of the sport, he is associated with. I have no hesitation in observing that being an active participant in the show, in which certain unpalatable remarks/comments were made, even by his own admissions, he also offended sensitivities, which ought to have been avoided. Hence, he must, like his fellow colleague, make amends. Taking into consideration all these aspects, in particular the fact that he has tendered an apology for the incident without seeking to justify his action; and has missed out five ODIs, in the interest of justice and fair play, in order to purge his collective indiscretion, it would suffice, if the Player is directed to:

- (i) pay a sum of ₹1,00,000/- to each of the most deserving widows of ten Constables in para-military forces who have lost their lives while on duty, through the medium of “Bharat Ke Veer App”; and

- (ii) deposit a sum of ₹10,00,000/- in the fund created by Cricket Association for the blind for the promotion of the Game of Cricket for the blind.

The aforementioned amounts be paid/deposited within four weeks from the date of receipt of this order.

10. If the afore stated amounts are not paid/deposited by the Player within the time granted, the BCCI may deduct the said amounts from the match fees payable to the Player and pay/make the requisite deposits, as directed above.

11. The Reference is answered accordingly.



(JUSTICE D. K. JAIN)
OMBUDSMAN, BCCI

19th April 2019