

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

COMPLAINT 3/2019

In re:

**Complaint dated 17th April 2019 received from:
Mr. Sanjeev Gupta**

In the matter of:

Mr. Sachin Tendulkar

**ORDER
25.05.2019**

1. Complaint dated 17.4.2019 was received by the Ethics Officer of the Board of Control for Cricket in India (for short "the BCCI") from Mr. Sanjeev Gupta (hereinafter referred to as "the Complainant") under Rule 39 of the Rules and Regulations of the BCCI (for short "the Rules"), against Mr. Sachin Tendulkar alleging that Mr. Tendulkar occupies more than one post mentioned in Rule 38(4) of the Rules, at the same time and therefore, there is a "Conflict of Interest", as stipulated in the said Rule. The two posts, Mr. Sachin Tendulkar is stated to be occupying are:

- i. Member of the Cricket Advisory Committee (for short "the CAC") of the BCCI
- ii. Associated with 'Mumbai Indians', an Indian Premier League (for short "IPL") Franchise as its "Icon".

According to the Complainant, both the said two posts fall within the ambit of Rule 38(4)(b) and Rule 38(4)(j) of the Rules, and hence, there is a "Conflict of Interest".

2. Notices were issued to Mr. Sachin Tendulkar and the BCCI to file their responses to the said Complaint, on or before 28.04.2019, before the Ethics Officer, BCCI.

9

3. Mr. Sachin Tendulkar filed his written response to the Complaint, duly supported by his Affidavit, on 27.04.2019, refuting the allegations of any kind of "Conflict of Interest". Reply to the Complaint was also filed on behalf of the BCCI.
4. The BCCI and the Complainant were given an opportunity to respond to the Reply filed by Mr. Sachin Tendulkar, vide order dated 29.04.2019, on or before 01.05.2019. Thereafter, as prayed by the Parties, they were directed to appear before the Ethics Officer for a personal hearing on 14.05.2019.
5. On 14.05.2019, Mr. Sachin Tendulkar appeared in person along with his legal team, led by Mr. Amit Sibal, Senior Advocate. The complainant appeared in person. The BCCI was represented by its Chief Executive Officer- Mr. Rahul Johri along with Mr. Indranil Deshmukh, Advocate. All the Parties were heard at length. The Complainant, concluded his submissions. However, submissions on behalf of Mr. Tendulkar and the BCCI could not be concluded on 14.5.2019. Consequently, it was directed that further arguments in the matter would be heard on 20.05.2019.
6. On 20.05.2019, Mr. Tendulkar did not appear. However, a brief note of arguments was handed over on his behalf by Mr. Amit Sibal, Sr. Advocate. In the said note, while explaining the scope and purport of Rule 38 (4) in the context of the Rules, it is asserted that none of the provisions of Rule 38(1)(i) to (v) are attracted in the present case, for two principle reasons viz. (i) there are no terms of reference to compare the functions of the CAC and the functions as "Icon" of Mumbai Indians, and (ii) the role of the CAC, whatever may be, is no more than recommendatory or advisory as it does not take any decisions. The decisions are taken only by the Committee of Administrators and before

7

it, the BCCI. Simultaneously, a “STATEMENT ON BEHALF OF THE NOTICEE” was also filed by Mr. Sibal. The said statement reads as follows:

“Without prejudice to his rights and contentions in the present proceeding, Mr. Sachin Tendulkar wishes to reiterate that he has been requesting BCCI since the inception of the CAC that the terms of reference and his tenure is furnished to him. He has requested this repeatedly and several times over the years including as recently as on 7.12.2018. He is now left with no other choice but to communicate to BCCI that until and unless the BCCI furnishes the terms of reference and tenure of his appointment in the CAC, he has decided to not be part of any committee of the BCCI including the CAC. Once the BCCI furnishes such terms of reference and tenure, he will decide on the course of his participation in the same. Hence, at present and until terms of reference and tenure are acceptable to Mr. Tendulkar and are agreed upon with the BCCI, Mr. Tendulkar does not consider himself to be part of any Cricket Advisory Committee, and will not act as such. In consequence, the present complaint does not survive for adjudication.” (Emphasis supplied)

7. In my view, in the light of the afore extracted statement made on behalf of Mr. Sachin Tendulkar, wherein his Authorised Representative has categorically stated that Mr. Tendulkar has chosen not to be a part of any Committee of the BCCI including Cricket Advisory Committee and “will not act as such”, the issue of whether there is any “Conflict of Interest” on the part of Mr. Tendulkar does not survive and the Ethics Officer need not go into the said allegation.

7

8. Resultantly, the present Complaint is rendered infructuous and is disposed of, as such.
9. The copies of this order be sent to the Complainant, Mr. Sachin Tendulkar and the BCCI.

25th May 2019


(JUSTICE D. K. JAIN)
ETHICS OFFICER, BCCI