

**IN THE MATTER OF PROCEEDINGS BROUGHT  
UNDER THE ICC ANTI-CORRUPTION CODE**

**Between:**

**THE INTERNATIONAL CRICKET COUNCIL**

**and**

**MR PANDURANG SALGAONKAR**

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**Decision pursuant to Article 5.1.12 of the ICC Anti-Corruption Code**

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**Introduction**

1. The International Cricket Council (the "ICC") is the international governing body for the game of cricket and as such is responsible for the development, co-ordination, regulation and integrity of cricket worldwide.
2. As part of its continuing efforts to maintain the integrity, public image and popularity of cricket, the ICC has adopted and implemented the ICC Anti-Corruption Code for Participants (the "Code"), which sets out a framework of rules designed to provide: (a) an effective means to deter any Participant from engaging in any form of Corrupt Conduct; and (b) a robust disciplinary procedure pursuant to which all matters of Corrupt Conduct can be dealt with fairly, efficiently, and expeditiously.<sup>1</sup>
3. Pandurang Salgaonkar is a 68 year old Indian national who is the Pitch Curator at the Maharashtra Cricket Stadium in Pune, India (the "Pune Stadium"). He has held a number of other roles in cricket over his lifetime, including as a player, having played 63 First-Class cricket matches for Maharashtra from 1971-72 to 1981-82.

**Status as a Participant bound by the Code**

4. At all material times, through his position as Pitch Curator at the Pune Stadium, Mr Salgaonkar constituted a Participant for the purposes of the Code. As such, he was automatically bound by the Code and agreed, among other things, (i) to comply with the Code; (ii) not to engage in conduct that would constitute a breach of the Code; and (iii) to submit to the jurisdiction of the

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<sup>1</sup> Unless otherwise indicated in this decision, capitalized terms are defined terms and their respective definitions are set out in the Code.

ICC to investigate apparent or suspected Corrupt Conduct that would amount to a violation of the Code.

### **Summary of relevant background facts**

5. On 23 and 24 October 2017, Mr Salgaonkar met with two men at the Pune Stadium, having been put into contact with them by another pitch curator. Mr Salgaonkar states that he believed that the men wanted to meet with him because they were preparing a documentary and wished to speak to him about his career and experiences in cricket. However, the men were in fact undercover journalists engaged in a 'sting' operation for India Today. On both days, Mr Salgaonkar's meetings with the journalists were video recorded without his knowledge.
6. During his meeting with the two journalists on 23 October 2017, which took place at various places within the Pune Stadium (including on the playing surface), Mr Salgaonkar engaged in conversation with them about the condition of the wicket for the upcoming ODI match to be played at the stadium between India and New Zealand on 25 October 2017 (the "25 October Match"). In particular, Mr Salgaonkar told the journalists that he believed the condition of the wicket it was likely to lead to a high scoring game - in the region of 340 runs in an innings.
7. On 24 October 2017, Mr Salgaonkar met again with the journalists, this time in a car parked at or near the Pune Stadium. During this meeting, the journalists asked Mr Salgaonkar again about how the wicket would perform, asked him to confirm his previous prediction in relation to scoring, and then said that they would bet on that prediction. They also talked about sharing the benefit of any betting they undertook with Mr Salgaonkar.
8. During this conversation, the journalists asked Mr Salgaonkar specifically whether he could ensure that the pitch favoured New Zealand,<sup>2</sup> and its fast bowlers in particular, by getting some bounce into the pitch. Mr Salgaonkar responded "*it will be given*", and confirmed that New Zealand's bowlers would get help in the 25 October Match.
9. On 25 October 2017, India Today broadcast its report of the sting, referring to it as 'Operation Cricketgate', a "*big India Today exclusive*" that had uncovered a "*savage blow to the gentleman's game*", as a result of Mr Salgaonkar allegedly putting the pitch for the 25 October 2017 Match "*on sale*".
10. Following the publication of the allegations by India Today on 25 October 2017, Mr Salgaonkar was suspended from his membership of, and all positions he held, including that of the Pitch Curator with the Maharashtra Cricket Association, pending enquiry into the India Today allegations by the Maharashtra Cricket Association.

### **Potential breaches of the Code and the ICC's investigation**

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<sup>2</sup> The fact that the journalists asked Mr Salgaonkar to prepare the pitch to favour New Zealand is clear from the unedited footage reviewed by the ICC (referred to in paragraph 12 below).

11. The allegations made by India Today suggested the following conduct, and potential breaches of the Code, might have been committed by Mr Salgaonkar:
  - 11.1. he had agreed to prepare the pitch for the 25 October Match in a manner that would suit New Zealand - a potential breach of Code Article 2.1.1;<sup>3</sup>
  - 11.2. he had accepted a bribe to prepare a pitch for the 25 October Match in a manner to suit New Zealand - a potential breach of Code Article 2.1.3;<sup>4</sup> and
  - 11.3. he had provided Inside Information concerning the state of the pitch to the journalists for use in connection with betting - a potential breach of Code Article 2.3.2.<sup>5</sup>
12. In light of the nature of the allegations, which had the obvious potential to severely undermine public confidence in cricket, the ICC's Anti-Corruption Unit (the "ACU") commenced an urgent investigation into Mr Salgaonkar's conduct. This investigation involved, among other things, (i) interviewing Mr Salgaonkar, the journalists, and the pitch curator who had originally put the journalists in contact with Mr Salgaonkar, and (ii) a review of the full and unedited footage of the journalists' meetings with Mr Salgaonkar (provided to the ICC by India Today).
13. Following the ACU's investigation, the ICC has determined that there is insufficient evidence to sustain a charge against Mr Salgaonkar in respect of any of Code Articles 2.1.1, 2.1.3 or 2.3.2, and therefore no charges will be brought against Mr Salgaonkar under these Articles. In short, the ICC has come to this determination because it is the ICC's view that on any fair consideration of the totality of the unedited footage, Mr Salgaonkar did not agree to fix or contrive or otherwise improperly influence any aspect of the 25 October Match, he did not agree to accept a bribe or other reward to do so, and he did not disclose Inside Information in circumstances where he knew or should have known that it might be used for betting on the 25 October Match.
14. In particular, and by way of summary, when the apparently incriminating content broadcast by India Today is viewed objectively in the context of the wider interactions between Mr Salgaonkar and the journalists:

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<sup>3</sup> Code Article 2.1.1 makes the following an offence: *'Fixing or contriving in any way or otherwise influencing improperly, or being a party to any agreement or effort to fix or contrive in any way or otherwise influence improperly, the result, progress, conduct or any other aspect of any International Match, including (without limitation) by deliberately underperforming therein.'*

<sup>4</sup> Code Article 2.1.3 makes the following an offence: *'Seeking, accepting, offering or agreeing to accept any bribe or other Reward to: (a) fix or to contrive in any way or otherwise to influence improperly the result, progress, conduct or any other aspect of any International Match; or (b) ensure for Betting or other corrupt purposes the occurrence of a particular incident in an International Match.'*

<sup>5</sup> Code Article 2.3.2 makes the following an offence: *'Disclosing Inside Information to any person where the Participant knew or should have known that such disclosure might lead to the information being used in relation to Betting in relation to any International Match.'*

- 14.1. In respect of Code Article 2.1.1 (allegedly agreeing to prepare the pitch for the 25 October Match in a certain manner):
- 14.1.1. Mr Salgaonkar made a number of comments to the effect that the pitch had already been prepared for the 25 October Match, i.e., before his first meeting with the journalists;
  - 14.1.2. when Mr Salgaonkar said that the pitch will help fast bowlers, it is clear that what he was saying was that the pitch is always good for fast bowlers as a general fact, not because anything special was (or would be) done to it in order to benefit New Zealand's bowlers; and
  - 14.1.3. Mr Salgaonkar said that the pitch could not be altered because "*none of the wicket people will do that*" (i.e. none of his staff would alter the pitch to suit one team or the other).
- 14.2. In respect of Code Article 2.1.3 (allegedly accepting a bribe to prepare a pitch for the 25 October Match in a certain manner):
- 14.2.1. Mr Salgaonkar expressly rejected the offer of money on a number of occasions;
  - 14.2.2. there is no point where it could be said that Mr Salgaonkar clearly and unequivocally agreed or intended to agree to accept money from the journalists;
  - 14.2.3. Mr Salgaonkar never said he could or would do something to the pitch - to the contrary (as noted above), he said that "*none of the wicket people will do that*"; and
  - 14.2.4. (i) Mr Salgaonkar has stated clearly that he believed the journalists were documentary makers, and only began to suspect otherwise towards the end of the 24 October 2017 meeting, when the first mention of betting took place; (ii) the unedited footage does not contradict that claim; (iii) much of the later conversations (following mention of betting) took place in a confined space (the back of a car) where Mr Salgaonkar appeared to be visibly uncomfortable and frustrated with the questions being asked of him; and (iv) once Mr Salgaonkar left the car he was followed by the journalists who continued trying to engage him in conversation, but Mr Salgaonkar appeared anxious just to say anything to stop the conversation and get away.
- 14.3. In respect of Code Article 2.3.2 (alleged provision of Inside Information), while there is clear evidence that Mr Salgaonkar disclosed Inside Information relating to the condition of the pitch to the journalists, there is insufficient evidence that he knew or should have known when he did so that that information might be used to bet on the 25 October Match. Instead, the footage viewed as a whole appears to corroborate Mr Salgaonkar's

claim that at that point in their conversations he believed that he was talking to documentary makers, and therefore he had no reason to consider that the information might be used in relation to betting.

15. Further, a fair and objective review of the raw footage reveals - to Mr Salgaonkar's credit - that he (a) declared a sincere and altruistic commitment to the game; (b) expressed a commitment to preparing fair pitches that did not favour any side but instead simply encouraged entertaining cricket; (c) rejected any suggestion that he tamper with the pitch; and (d) rejected the idea of getting any money from betting on the game and expressed his disdain for betting on cricket.

#### **Code Article 2.4.4**

16. Code Article 2.4.4 makes the following an offence:

*"failing to disclose to the ACU (without unnecessary delay) full details or any approaches or invitations received by the Participant to engage in Corrupt Conduct under the Anti-Corruption Code."*

17. The explanatory note to Code Article 2.4.4 provides:

*"It is acknowledged that the fight against corruption requires prompt reporting of all such approaches and any such delay in doing so may undermine the effectiveness with which the ACU and other relevant anti-corruption bodies can protect the integrity of the sport. It is acknowledged that the assessment of whether there had been 'unnecessary delay' in each case will depend on its own circumstances, but it is always unacceptable (and will therefore constitute 'unnecessary delay') for a Participant to wait until after the match in respect of which he/she was invited to engage in Corrupt Conduct before reporting that approach to the ACU... ."*

18. The ICC concluded that Mr Salgaonkar had a case to answer for a breach of Code Article 2.4.4, because he failed to report immediately the apparently corrupt approaches he had received from the two journalists.
19. In his interview, Mr Salgaonkar acknowledged that (i) he did not report the approaches made to him by the journalists, (ii) he understood that he should have reported those approaches, and (iii) it was a mistake not to do so. It is also clear that Mr Salgaonkar failed to report those approaches and/or invitations to the ACU before the 25 October Match, a fact which Mr Salgaonkar also acknowledges.

#### **Disciplinary Proceedings**

20. On 18 February 2018, the ICC charged Mr Salgaonkar with a breach of Code Article 2.4.4, on the basis of his failure to disclose to the ACU (without unnecessary delay) the approaches and/or invitations made to him by the two journalists on 24 October 2017.

21. By way of a letter agreement dated 28 February 2018, Mr Salgaonkar formally admitted that he had breached Article 2.4.4 of the Code by failing to report the approaches and/or invitations made to him by the India Today journalists, and waived his right to a hearing before the Anti-Corruption Tribunal.
22. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Salgaonkar, for his admitted breach of Code Article 2.4.4.

### **Agreed Sanction**

23. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Article 2.4.4 is a period of Ineligibility of a minimum of six (6) months and a maximum of five (5) years.
24. Code Article 6.1 sets out the relevant factors that the Anti-Corruption Tribunal would be required to consider in determining the relative seriousness of the offence and thereby arriving at an appropriate sanction within that range.
25. It is acknowledged by the ICC that any sanction imposed must be proportionate. In considering what is proportionate, the ICC is entitled to weigh against the impact of a ban on Mr Salgaonkar the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Salgaonkar, the need to deter others from similar wrongdoing, the need to protect the image of sport, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
26. The ICC notes that in order to seek to adequately and effectively protect the sport of cricket against the threat of corruption, it is of paramount importance that participants promptly report any approaches to engage in corrupt activity to the ACU without any unnecessary delay. It is for this reason that the non-reporting of such an approach is itself a serious offence under Code Article 2.4.
27. Relevant mitigating factors in Mr Salgaonkar's case include the following:
  - 27.1. Mr Salgaonkar's voluntary admission and cooperation during his interview with the ACU;
  - 27.2. Mr Salgaonkar's prompt admission of his breach following receipt of the Notice of Charge;
  - 27.3. Mr Salgaonkar's remorse and contrition;
  - 27.4. Mr Salgaonkar's previous good disciplinary record; and
  - 27.5. the fact that he has seemingly contributed a great deal to cricket over many years, principally as a volunteer.
28. In all of the circumstances of the case, including giving Mr Salgaonkar credit for agreeing an outcome that avoids the need for a hearing and so saves considerable time and money for use

elsewhere in the fight against corruption, the ICC considers that a period of ineligibility of six months is reasonable and appropriate. Mr Salgaonkar has agreed to this sanction. As such, a period of ineligibility of 6 months is imposed.

29. In accordance with Code Article 6.4, Mr Salgaonkar's period of ineligibility shall commence on the date of this decision, but the period of suspension that he has served pursuant to the decision of the Maharashtra Cricket Association on 25 October 2017 shall be credited against the total period of ineligibility to be served. As such, Mr Salgaonkar's period of ineligibility will expire at midnight on 24 April 2018.
30. During his period of ineligibility, Mr Salgaonkar's status is as set out in Code Article 6.5 of the Code. This provides:

*"No Participant who has been declared Ineligible may, during the period of Ineligibility, play, coach, officiate or otherwise participate or be involved in any capacity in any capacity in any Match or any other kind of function, event or activity (other than authorized anti-corruption education or rehabilitation programs) that is authorized, organized, sanctioned, recognized or supported in any way by the ICC, a National Cricket Federation, or any member under the jurisdiction of a National Cricket Federation, or receive accreditation to provide media or other services at an official venue or Match. National Cricket Federations shall take all reasonable steps within their powers to give effect to this Article 6.5 to the extent that they have the jurisdiction, power or ability to do so."*

31. In accordance with Code Article 7.2 neither Mr Salgaonkar nor the ICC shall have any right of appeal against this decision.

## **Conclusion**

32. To summarise:
  - 32.1. Mr Salgaonkar admits that he has committed a breach of Code Article 2.4.4, in that he failed to disclose to the ACU approaches and/or invitations received by him to engage in Corrupt Conduct under the Code.
  - 32.2. A period of Ineligibility of six (6) months is imposed pursuant to Code Article 6.2, commencing on the date of this decision, with credit being given for the period of suspension served by Mr Salgaonkar following its imposition by the Maharashtra Cricket Association on 25 October 2017, so that the period of ineligibility will expire at midnight on 24 April 2018.
  - 32.3. Mr Salgaonkar's status during the period of Ineligibility is as set out in Code Article 6.5.
  - 32.4. This decision constitutes the final decision of the ICC in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ICC's website.

32.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

**Dubai, 6 March 2018**



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**David Richardson**  
**Chief Executive**  
**International Cricket Council**