

JUSTICE VIKRAMAJIT SEN

Office: Administrator, DDCA, Feroz Shah Kotla Stadium

E-mail: justicesen.ddca@gmail.com, Tele: 26317274

JVS/DDCA/31/ 2017

17th June 2017

DIRECTION No. 16

Having learnt of an incident, which occurred when the team from DDCA was in Orissa, in which an altercation between Mr. Gautam Gambhir and Mr. Bhasker Pillai had transpired, and pursuant to a complaint received from Mr. Pillai, I met both persons on 10th March 2017. The matter could not be amicably and satisfactorily resolved. Keeping in perspective the deleterious effect that the altercation was bound to have on the functioning of DDCA in general, and on the conduct and performance of Delhi cricketers present and future in particular, I constituted an Enquiry Committee comprising Mr. Madan Lal, Chairman, Ambassador Rajendra R. Rathore and Ms. Soni Singh Advocate.

The Committee has submitted its Report & Recommendations dated 29th March 2017. I have perused the Report of the Enquiry Committee and am fully satisfied that it has been conducted in accordance with law. I am also in complete agreement with the conclusions arrived at by the Committee as well as the disciplinary punishment recommended by it.

I gave a personal hearing to Mr. Gambhir on 11th June 2017. I thought it prudent not to take a decision during the continuance of the Indian Premier League, for obvious reasons.

In the prevailing circumstances, I consider it appropriate and expedient, while accepting the Report & Recommendations of the Committee, to suspend the punishment for a period of two years ending on 30th March 2019 conditional on Mr. Gautam Gambhir accepting this order and provided he does not commit any similar transgressions.

Justice Vikramajit Sen (Retd.)
Administrator, Appointed by High Court of Delhi
Not signed because issued electronically

INQUIRY COMMITTEE: MR. MADAN LAL, CHAIRPERSON; AMBASSADOR RAJENDRA S.
RATHORE AND ADVOCATE MS. SONI SINGH

REPORT & RECOMMENDATIONS

29th March 2017

1. Pursuant to Direction No. 5 dated 12th March 2017 of Hon'ble Mr. Justice Vikramjit Sen (Former Judge, Supreme Court of India), the Inquiry Committee was constituted to conduct an inquiry as per directions.
2. The preliminary meeting of the Committee Members was held on 14th March 2017, when it was decided that the hearing of the parties would be held on 16th March 2017, as duly intimated to the parties.
3. Accordingly, the Committee Members gave a hearing to Mr. Bhaskar Pillai and Mr Gautam Gambhir ('the Parties'), who attended the hearing personally, on 16th March 2017 at 2:30 PM at the venue as decided.
4. At the outset, the parties were reminded that the Committee had been constituted to conduct an inquiry into the altercation between the parties, which got reported in news on 7th March 2017 and where after Hon'ble Mr. Justice Vikramjit Sen had met the Parties and passed the aforesaid Direction for conducting an inquiry into the issue in the interest of cricket.
5. The parties were informed during the course of hearing once again that the point of reference/issue before the Committee was as follows:

Whether there had been abusive and/or inappropriate behaviour on the part of Mr. Gautam Gambhir, a team member of DDCA (Delhi & District Cricket Association) towards the team coach, Mr. Bhaskar Pillai on 6th March 2017, i.e. the last day of Vijay Hazare Trophy match in Bhubaneswar?

6. The parties were also informed that they would both be given a chance to make their submissions, reply to submissions made by the other party/counter-submissions and rejoinder, if any, on the issue. Both the parties were agreeable to the procedure being adopted by the Committee Members for conducting the hearing.
7. The Inquiry Committee heard both the parties in great detail. The entire hearing with the parties has been audio recorded with the consent of the parties.
8. Salient submissions made by the parties on the point of reference / issue before the Committee are reproduced herein below:

- 8.1. It was submitted by Mr Bhaskar Pillai that on 06th March 2017, the day of the last game being played by the Delhi team in the Vijay Hazare Trophy in Bhubaneswar, during lunchtime one of the members of the team informed Mr Pillai that Mr. Gautam Gambhir had requested for a meeting after the match in the Dressing Room with him. Incidentally,

Mr Gambhir was not playing the match on the said day as he had fever since the previous evening. However, he came to watch the match from around lunchtime and was there till the match ended. It was further submitted by Mr Pillai that when he went to the Dressing Room after the match to meet Mr. Gambhir as per his request, Mr Gambhir came in and sent three players outside. Thereafter, as per Mr. Pillai, without any instigation or perceptible reason, Mr. Gambhir used abusive and foul words like Ma.... and B.... against the coach in front of all other team members who were present in the Dressing Room. Allegedly, Mr. Gambhir told Mr. Pillai that he will be out of the DDCA and he cannot continue here. He also commented on his credentials, such as the number of matches played/runs scored by Mr Pillai and his capability of being a coach. It was further alleged by Mr Pillai that Mr Gambhir also commented and made inappropriate remarks/abusive language against the family members of Mr Pillai. Mr Pillai, realising that things were getting out of control and allegedly at one point, Mr Gambhir moved towards Mr. Pillai in agitation but somebody stopped him and at this moment Mr Pillai to put an end to the situation left the Dressing Room. During this entire incident, as per Mr. Pillai, no one came forward in his support or to stop Mr. Gambhir. This incident went on according to Mr. Pillai for about 5 minutes.

8.2. Mr Pillai further submitted that while the incident of 6th March 2017 was without any instigation from his side on that day, Mr Gambhir's attitude towards him, since his appointment as coach of the Delhi had not been cordial. It was submitted that during his captaincy, Mr. Gambhir did not take the coach into confidence in his decisions regarding match playing and team selection strategies. Mr. Pillai further submitted that the players of the team were not properly recommended for selection by Mr Gambhir and he exercised favouritism towards certain members of his Club on account of which there was a lot of difference of opinion on the team that should be playing the matches with Mr Gambhir. However, as long as Mr Gambhir remained captain of the team, Mr Pillai went with his suggestions as regards match playing strategies and did not make any contrary recommendations to the selection committee for the matches. Mr. Pillai further submitted that Mr Gambhir later had been dropped from captaincy of the Delhi team on his recommendation. However, it was submitted that because of Mr. Gambhir a situation of tension / fear loomed in and outside the Dressing Room at all times and he exercised a lot of control over activities of the team, allegedly even after being dropped from captaincy, so much so that the Mr. Pillai was not able to manage the team properly. Allegedly, the Faculty, including physio, assistant coach and manager were also of Mr. Gambhir's recommendation and they also did not act as per instructions of the coach Mr. Pillai and he was not able to manage and control the team for such reasons.

8.3. In reply to allegations of Mr. Pillai, Mr Gambhir has outrightly denied that any abusive or foul language was used by him against Mr Pillai. However, he agreed that he had a 'heated argument' with the coach on the said date. He further agreed that he had requested for the meeting with Mr. Pillai on 6th March 2017 in the Dressing Room after the match. He submitted the fact that he had high fever the previous evening and was not fit to play the match on the day could be verified from the doctor who had examined him. On account of his illness, admittedly, he was not playing the match on the said day. It is also an admitted



position that Mr. Gambhir was not captain on the said date. Mr. Gambhir admitted that he sent 3 players outside the Dressing Room before interacting with Mr. Pillai as in his view they were too new in the team to witness what was about to transpire. He further admitted that during course of arguments with Mr Pillai, while no foul language as alleged by Mr. Pillai were used, at most he may have used the F... word in anger.

8.4. Mr. Gambhir, however, submitted that the heated argument was not without justification, as according to him, ever since Mr Pillai had been appointed as the coach he had not been fulfilling his duties properly and would often recommend dropping of usual players from matches which, according to Mr Gambhir was not good for the performance of the team or the players. Mr Gambhir further narrated the incident of the coach approaching Mr Gambhir through a journalist, for the first meeting with him after being appointed, which he found highly inappropriate and was the reason that led to his discomfort with the coach in the very beginning. Mr Gambhir said that he still maintained communication with the coach and discussed match strategies and recommendations for the team selection with him during his captaincy. However, Mr Gambhir during his captaincy of the Delhi team strongly opposed the coach's frequent recommendations of dropping players of the team to take on board other players as he found such requests not being good for the team or the players in his wisdom. Mr. Gambhir explained that he called for the meeting with Mr. Pillai, because ever since he joined as coach of the Delhi team, he would frequently insist on recommending dropping players from the team to give chance to younger players. Mr Gambhir, during his captaincy of the Delhi team strongly opposed such recommendations of Mr Pillai on the ground that the players whom the coach wanted to replace were already in the range of 20 to 23 years and quite young and there was no need to replace or drop such players as they had been performing well and it would not be in the interest of the team or the players. He considered the meeting with the coach necessary because he felt that on account of some decisions of the coach, some young members of the team had suffered very harsh repercussions. For instance, in the opinion of Mr Gambhir, since a player was dropped from some of the matches of the Delhi team in the season on the recommendation of Mr Pillai, he had suffered serious setback in an opportunity of being selected for IPL. Mr. Gambhir said that in the context of dropping players arbitrarily by the coach, he did say to Mr. Pillai that what he would not have liked his own son to suffer, he should not make the team members suffer. He further submitted that in a few matches where the Delhi team lost very badly, Mr Pillai would not have any meeting with the team after the matches which was very discouraging and disappointing for the team members. Mr. Pillai's interaction with the team was not sufficient and encouraging for the team. Mr Gambhir submitted that over a period of time a lot of incidents had occurred where other players also expressed their exasperation and discontent over the attitude of the coach towards the team and Mr Gambhir being the senior most member of the team felt responsible to confront the coach on the issues at the end of the season. He explains that he waited for the last match of the Vijay Hazare Trophy because he felt that if he took any action earlier, the coach would blame the bad performance of the team over the season and possibly in the last few matches on such incident. Therefore, he did not think it prudent to raise the issue earlier than this.



- 8.5. Mr. Pillai, in reply to submissions of Mr. Gambhir, submitted that at the very beginning when he had been appointed as the coach of the Delhi team, someone (whom he refrained from naming) informed him that allegedly Mr Gambhir was not happy with his being selected as the coach of the Delhi team. Mr Pillai, then admittedly approached the journalist to organise a meeting between Mr Gambhir and Mr Pillai, which meeting ultimately could not be held because of unavailability of Mr Gambhir as he was busy in some matches. Mr. Pillai explained that he only recommended dropping or selection of players in his wisdom, but the ultimate decision was always with the selection committee. Mr. Pillai admittedly stopped having team meetings with the Delhi team after matches because in one particular match when the team performed very badly and he shouted at them, he was allegedly told by committee members who had selected him for the position of the coach, DDCA members and others that he could not do this and he thus became apprehensive of addressing the team members and gave it up altogether. In such circumstances, he admittedly stopped having team meetings after the team lost matches.
9. Mr Pillai and Mr Gambhir made submissions, submissions in reply and counter submissions in detail until close to 5:00pm on the date of the hearing. The parties were asked if they had anything else to say or submit on the issue. Both the parties submitted that they had no further submissions to make on the issue.
10. The parties were further asked if they wished to bring any witnesses before the Inquiry Committee in support of their cases. Both the parties submitted that they do not wish to bring any witnesses. In view of such submission, the hearing for the day was concluded.
11. The Committee Members had a meeting amongst themselves until 6:00 pm on the same day to discuss the hearing. Thereafter, the proceedings of 16th March 2017 were concluded.
12. The Committee Members met again on 18th March 2017 to have internal discussions. At such meeting, a consensus was reached amongst the Committee Members that in view of the submissions of the parties that they do not wish to make any further submissions or bring any witnesses and in the facts and circumstances as revealed in the hearing on 16th March 2017, no further hearing would be necessary in the case.

13. Findings of the Committee Members:

- 13.1. In view of the submissions of the parties on the issue before the Committee Members, it is an admitted position that the relationship between Mr Pillai and Mr Gambhir had been not very cordial ever since the appointment of Mr Pillai as coach in the team. On 06th March 2017 admittedly on the day of the last match of the season when Mr Gambhir was not playing, he called for a meeting with Mr Pillai in the Dressing Room after the match. Mr Gautam Gambhir was the senior-most player of the team but not the captain of the team on the said date. He admittedly sent 3 young players outside of the Dressing Room who had spent only about one year with the team so that they do not have to witness the heated argument that was about to start at the instance of Mr Gambhir. Admittedly, Mr Gambhir was very angry with the coach for the reasons as explained above, and



particularly for dropping of some players from the team for some matches which according to him, had affected their career in serious manner. Mr Gambhir said that he admittedly mentioned family members of Mr Pillai during such argument, however explaining that it was not in any humiliating manner and he only said to Mr Pillai that the things that he would not do to his own son, who is a cricketer himself, he should not do with other young players also as it affects their career very seriously. Mr Gambhir, however, completely denied that any foul language or abuse words as alleged by Mr Pillai were used by him in his confrontation with the coach before the other team members except the 3 young players, who had been sent outside of the Dressing Room. At most he said he may have used the F... word.

13.2. In light of the above admitted position and admitted facts, it is clear that there were heated arguments between the coach and Mr Gambhir in front of other team members except three players on 6th March 2017. In fact, while Mr. Gambhir refers to the incident as 'heated argument', it is apparent from submissions of the parties that Mr. Pillai was at the receiving end of Mr. Gambhir's outburst in front of other team members and there was not much said by Mr. Pillai.

13.3. As both the parties opted not to bring any witnesses, in view of paucity of time and having heard the parties' submissions in great detail, no further enquiry was deemed necessary.

13.4. It is evident from the above that the actions/conduct of Mr Gambhir on 6th March 2017 against the coach and the confrontation were pre-meditated as he called for the meeting after the match at lunchtime on a day when he was not even playing the match and he had remained in the hotel, since about lunchtime. It is further evident that Mr Gambhir intended to use some very sharp/inappropriate language and admittedly the arguments between the coach and Mr Gambhir were expected to be so 'heated' that he thought it prudent to save some of the younger players from witnessing it and therefore sent them outside the Dressing Room before starting the confrontation.

13.5. The position of a coach amongst the team members is of high respect and dignity. It is a serious disgrace to a coach to be humiliated in front of team members by one of the team members, even though if it is a senior player. The actions of Mr Gambhir, however well intended, cannot be said to be in the interest of the team, or its performance or the game as it was done on the very last day of the season and therefore could not have been any corrective effect. The actions of Mr. Gambhir were not in the spirit of the game and setting an incorrect example of conflict management by a senior player before other team members.

13.6. The incident, even though occurred in the Dressing Room, was before the other team members where the coach has a standing and elevated position which cannot be open to outright disrespect, humiliation or inappropriate behaviour by any team member. In fact, the event within the Dressing Room after the end match and end of season as a calculated move, in contrast with on field outburst in the heat of the moment without any plan, is



liable to higher penalty. Such behaviour is not in the interest of the game and seriously hampers team spirit.

13.7. The grievances of the team members and Mr Gambhir, against the coach even if true and admitted, cannot justify the inappropriate action of Mr Gambhir, where he humiliated the coach in front of other team members and seriously discredited the position of coach and the respect that it deserves. Any grievances of team members against the coach must be represented and addressed by a due procedure to uphold the image and spirit of the game.

13.8. While it is evident that there was inappropriate behaviour by Mr. Gambhir towards the coach with pre-meditated intent to humiliate, it is difficult to determine in view of his denial and no further evidence to the contrary that any abusive or foul language as alleged by Mr Pillai was used by Mr Gambhir on 6th March 2017. Mr Pillai stated that he did not wish to call any witnesses in support of its case, despite being given the opportunity, as he believed that the 15 or so team members who were in the dressing room at that time are not likely to come forth in his support. It is to be noted that when Mr Pillai was asked how the same journalist who was approached by him to arrange the meeting between Mr Pillai and Mr Gambhir was seemingly the first journalist to report the incident of 6th March 2017, when he was not even covering the match. Mr Pillai responded that he did not inform the said journalist about the incident. He submitted that Mr Gambhir had been shouting so loudly that his words may have been heard even outside the Dressing Room where there were several people and any of such people may have reported the incident. Mr Pillai did not opt to have even any of such people, who were standing outside, according to him, and would have heard what transpired inside the Dressing Room as his witness.

13.9. Some admitted actions of Mr Pillai such as his very first approach to have a meeting with Mr Gambhir through a third party who was not even a close common friend or a close friend of Mr Gambhir, on the basis of things that he had heard from un-named persons, appears quite unbecoming on the part of a coach, which seems to have resulted in burning of bridges rather than breaking of any ice. Mr Pillai's admission and explanation of not having team meetings after matches were lost by the Delhi team also appears to indicate that he was not able to manage the team very well and gave up on his responsibilities. The Committee Members consider it important to make such observations, based on admitted facts, as they are important to balance the positions of the parties and require necessary consideration by DDCA.

13.10. Having said that, as noted above, Mr Gambhir's behaviour towards the coach on 6th March 2017 was highly inappropriate and cannot be condoned. Even in the event of serious disagreement on important issues with the coach, it could not have been dealt with in a manner as resorted to by Mr. Gambhir. The pre-meditated 'heated argument'/confrontation of the coach by Mr. Gambhir in the presence of other team members and faculty, was an act of humiliation and lowering the dignity of the coach before team members, which is not desirable in the interest of the game and must be



deprecated. Such behaviour of Mr. Gautam Gambhir on 06th March 2017 was very distinct from a healthy argument between team members for improving the team performance or for formulating strategies of the team and such other issues in the interest of the game. Mr. Gambhir as a senior and experienced player is deemed to be aware that such behaviour towards the coach was highly inappropriate.

14. Recommendations of the Committee Members:

14.1. The Committee Members agree that considering the above facts and circumstances that have come to light, Mr. Gambhir's actions towards Mr Pillai with premeditated intent to humiliate the coach on 06th March 2017 were highly inappropriate and of serious nature. It is recommended that such inappropriate behaviour requires to be penalised not only in a proportionate manner, but in a manner that has a deterrent effect so that it is not repeated and such issues are taken seriously by all team members. The Committee Members feel the necessity of deterrent effect of penalties on account of such seriously inappropriate behaviour to inculcate discipline within the team and in the interest of the game of cricket.

14.2. Having such considerations and findings as above in mind, the Committee Members recommend that Mr Gautam Gambhir should not be allowed to play in 4 (four) First Class matches of the Delhi team at the start of the next season, i.e. 2017-18 on account of his deliberate and pre-meditated inappropriate behaviour towards and confrontation of the coach on 6th March 2017 before other team members.

14.3. The Committee also recommends, in view of the significant grievances raised by Mr Gambhir during the hearing, which seem to have been given vent to in an inappropriate manner on account of lack of a proper grievance redressal system for the team members, that a grievance redressal system within the team is urgently required.

14.4. It is also recommended that disciplinary action rules and mechanism of imposing penalty are required to be formulated to inculcate discipline in the team members and for predictability and deterrence, where players know that an act of indiscipline would have serious repercussions and are therefore deterred from committing them.

15. The Committee Members extend their gratitude to Hon'ble Mr. Justice Vikramjit Sen (Former Judge, Supreme Court of India) for entrusting the significant task upon them, which we have tried to perform with utmost care and responsibility.



Madan Lal
Chairperson



Rajendra S. Rathore
Member



Soni Singh
Member