

Gopal Subramaniam

Senior Advocate, Supreme Court of India

16, Sunder Nagar,
New Delhi - 110003, India.
P: +91 11 2435 5121 -24
F: +91 11 2435 5125
E: gsl@gschambers.org

27th December 2015

Respected Chief Minister,

I am in receipt of your kind letter D.O. No. P-1(8)/CMCO/Misc/2015/936 dated 20th December 2015. In the said letter, you have mentioned that complaints have been received by the Government of National Capital Territory of Delhi by Indian cricketers about alleged malpractices and financial irregularities in the functioning of the Delhi & District Association ("**DDCA**") and the maladministration of the game of cricket in Delhi. A similar letter appears to have been received by your Government in July 2015 by which the Central Government has in fact asked you to take appropriate action into matters of irregularities committed by DDCA.

You have mentioned that you have acted with circumspection by appointing a 3-Member Committee. The said Committee has made certain recommendations and one of the recommendations is to appoint a Commission of Inquiry under the Commissions of Inquiry Act, 1952.

I accept the decision of the Government of NCT and the Cabinet decision, in particular, to appoint a Commission of Inquiry, which Commission of Inquiry would be chaired by me. As pointed out in your letter, *".....It's not just the interests of players, of the spectators and of the administrators which is at stake, the very faith of the people in this glorious game of cricket which is only next to religion in our country is at danger of being lost...."*.

I would entirely agree with the aforesaid observation that cricket is an

Gopal Subramaniam

Senior Advocate, Supreme Court of India

16, Sunder Nagar,
New Delhi - 110003, India.
P: +91 11 2435 5121 -24
F: +91 11 2435 5125
E: gsub@schambers.org

extremely popular game in India for more than one reason. In ancient times (not too far away), cricketers inspired character. Great cricketers like Polly Umrigar, Vijay Merchant, Vijay Hazare, Col. C.K. Naidu and a great many other players really built human character. In fact, I still remember the numerous discussions which Polly Umrigar used to voice when he told what should be the life of a cricketer.

I must also tell you that having been a great cricket lover, I have also followed the development of cricket in India, the importance of fairness and the sporting spirit in which it is played, the unity and integrity of the team, the pride of representing the nation and above all the moral codes which were observed. I may remind you that Conrad Hunt, who was a great West Indian cricketer, led a moral re-orientation mission to fight apartheid. He symbolised to me what cricket can stand for. Cricket is indeed an extremely valuable medium not only to provide joy, but also provide inspiration to develop certain basic and fundamental traits of human character. Therefore, I do appreciate that it is the faith of the people in the game, which is far more important.

I must also add that there is a lot of hero worship of cricketers. If cricketers indeed stood up for what Polly Umrigar, Vijay Merchant and the great writers of cricket used to mention, you will find that the youth also would be considerably advantaged. Therefore, I do appreciate your sincerity in looking at the subject in its true spirit.

As I made it clear that the purpose of the inquiry must be the game, the benefit to the game as well as the restructuring of the DDOCA in the event of such need being present. The terms of inquiry, which you have indicated in your letter, are acceptable. In particular, I must add

Gopal Subramaniam

Senior Advocate, Supreme Court of India

16, Sunder Nagar,
New Delhi - 110003, India.
☎: +91 11 2435 5121 -24
☎: +91 11 2435 5125
✉: gillgichambern.org

that there is a great deal of fairness in the reference term [c] which indicates the ability to identify the quality of acts and omissions and the manner in which they should be pursued.

I am very happy to say that the terms of reference are indeed set out to obtain a level of fairness and objectivity in the inquiry.

I have also been informed that the Cabinet Committee of the Government of NCT and the Legislative Assembly has approved the appointment of the said Inquiry Commission. In view of a resolution being passed by the Legislative Assembly by virtue of Section 3(1) of the Commissions of Inquiry Act, 1952, there is an obligation upon the Government of NCT to set up a Commission of Inquiry.

I also learn that both the minutes of the Cabinet meeting as well as the proceedings of the Legislature have been forwarded to the Lt. Governor in accordance with the Rules of Business who must have initialed his perusal of them. This receipt of information both from the Cabinet and allowing the Legislature to proceed forward clearly indicates that the Lt. Governor, *prima facie*, has consented to the appointment of the Commission.

I do not wish to make any comments on the media reports, which I see later to the effect that the Lt. Governor considers that the constitution of the Commission of Inquiry by the Government of NCT is not proper since it is not a State but a Union Territory, is correct or not.

In any view, I have taken the opinion that in view of the express words of Article 239AA of the Constitution of India and in particular the Legislative Assembly being treated as a State Legislature for the

Gopal Subramaniam

Senior Advocate, Supreme Court of India

16, Sunder Nagar,
New Delhi - 110003, India
P: +91 11 2435 5121 -24
F: +91 11 2435 5125
E: gs@gscchambers.org

purposes of Article 324 to 326 and 329 of the Constitution, I am left in no doubt that this is a State Legislature for all practical purposes. It would also be contrary to the Constitution that a democratically elected body, which is empowered by the Constitution to deal with matters within the State List as well as the Concurrent List, subject to the limitations imposed upon the Constitution, cannot set up a Commission of Inquiry. However, this is only my opinion which is based upon my understanding of the Constitution.

Therefore, I proceed to accept the assignment of the Chairman of the Commission of Inquiry set up by the Government of NCT vide Notification No. F01/66/2015/DOV/15274-15281 dated 22nd December 2015. I have a copy of the Notification published in the Official Gazette.

I shall be following up with the officers of the Government of NCT shortly and would indicate the infrastructure which would be necessary, the procedural orders which would have to be issued, appointment of Counsel and the investigation teams under the provisions of the Commissions of Inquiry Act, 1952, and the public hearings, which would be held at the earliest by me.

I also would like to make it clear that I have already promised a public inquiry. The same should be held at a suitable place. I offer it to be televised because I would like anybody in the world to watch how the Commission is proceeding to deal with this matter. I have always believed that in many parts of the world where proceedings of Courts have been televised particularly in Britain and also in Canada, the Judiciary has only stood to gain by being utterly transparent. I do not see why a matter which involves cricket and in particular which has long term implications must not be dealt with in the same fashion.

Gopal Subramaniam

Senior Advocate, Supreme Court of India

16, Sunder Nagar,
New Delhi - 110003, India.
P: +91 11 2435 5121 -24
F: +91 11 2435 5125
E: gs@gschambers.org

I also wish to assure you that I am keeping a completely open mind and I am starting with my work on a totally clean slate. I have already expressed in the media and I wish to assure you that I have no bias of any kind against DDCA or its office bearers or anyone. I shall investigate the facts to the best of my ability in accordance with due process and will arrive at conclusions which would stand scrutiny in front of any judicial forum.

With warm personal regards,

Gopal Subramaniam
GopalSubramaniam