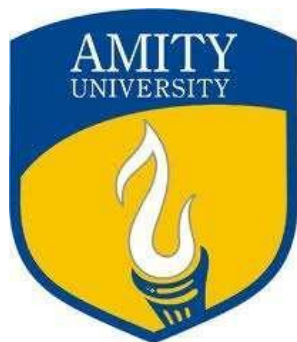


International Moot Court Competition 2016



**4th AMITY INTERNATIONAL MOOT COURT
COMPETITION 2016**

On Sports Law

On 10th, 11th and 12TH March 2016

Organized by

AMITY LAW SCHOOL, CENTRE -II

AMITY UNIVERSITY

NOIDA

UTTAR PRADESH

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MOOT PROPOSITION

- 1) Godam Premier League (hereinafter referred to as GPL) has successfully completed its 6th edition and was few months away from its 7th edition going to be held in Burgan. Godam Premier League is a one of its kind event and proved out to be big money 20-20 extravaganza, where film stars and the richest cricket board were involved.
- 2) Where B.C.CGo¹ is the parent body responsible for all the activities related to cricket in Godam subcontinent, where cricket is nothing short of a religion, GPL is its brain child to showcase the shortest version of the game of cricket in its 20-20 format.
- 3) GPL was launched in the year 2009 and it has been a hit ever since its inception. Despite of smooth launching, GPL did face some turbulence in the 5th edition, 2013 where a club named as Kondra Ranges (KR) was found guilty of match fixing and spot fixing. Kondra Ranges was owned by a media tycoon 'Takishi' who also owned an airline Company named 'Pace Airways'. Pace Airways was the official partner of the competition.
KR ever since the inception was always in the lime light, sometimes because of being the best teams available and sometimes because of wrong reasons like non following the Anti-Corruption Code of Conduct formulated by International Federation of Cricket (IFC).
- 4) Every time any allegation popped up, it was always subdued by sufficient explanations from Takishi and clean chit was given to KR by B.C.CGo. Out of the 5 editions played by KR, it went five times into the finals and won GPL three times.
- 5) Xerxese Morennio, was the Commissioner of GPL, who also was a potent business entity who motivated many business federations to invest into the game of cricket.

¹ Board of Cricket control of Godam

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Xerxese and Takishi were batch mates from the same business school and took out many business endeavour together. Xerxese was also business development manager of B.C.CGo and looking down his talent he was given such task to develop GPL as a cash yielding property of B.C.CGo.

- 6) KR was questioned many a times in the past due to irregularities shown by it, as in matters related to submission of franchise money, sometimes related to misconduct shown by its players, sometimes due to involvement in offences like match-fixing and spot-fixing. It won't be incorrect to state that KR and controversies are alien to one another.
- 7) When the competition was into its 5th edition, general elections were supposed to be held. This time Chairman for five years of B.C.CGo, Niladris² was dethroned and 'Don Makofusa' came to power. The change in rein was well received in media and this was the time when many controversies mushroomed up.
- 8) For the first time allegations on KR were taken seriously and notice to show cause were issued against KR. KR was also asked to explain the violation of certain IFC's Anti-Corruption Code protocols³ thus was banned by IFC to take part in any activity related to cricket. Thus KR could not take part in the 6th edition of GPL. Apart from it a penalty of Rs 60 crore as a fine was imposed on it. This needs to be submitted with a period of 4 months.

KR had an option either to go into appeal to the 'CAS⁴', within 21 days from the order but in spite of it, KR chose to serve the punishment and subsequently paid the sum of Rs 60 crore within a month. Also to everyone's surprise KR came up with a press release withdrawing its contention from GPL and declaring dissolution. 'Takishi' was also banned by IFC to take part into any activity related to GPL, though his company continued to remain as the official partner of the competition and official sponsor of the national team.

² Takishi was related to both Niladris and Don Makofusa. Niladris was his father in law and Don Makofusa was his first cousin.

³ Certain players were involved in bypassing security measures on and off the grounds, skipping WADA check-ups and giving abrupt statements to media.

⁴ Court of Arbitration of Sports

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9) For the 6th edition, proposals were invited for re auction of clubs and players. This time a new team named as 'Mandeva Kites (MK)' entered the competition as a new franchise. The team involved 8 players who were ex players of KR including the captain of KR who was purchased for a record price. The majority shares were held by Tutis Olanga who was the step son of the IFC Chief 'Putul Tutis Olanga'. Tutis Olanga declared in a press conference that they will be going public. The major share owners of K.R. were the sweat equity share holders of the new 'Mandeva Kites' i.e., Zia Kuriet, wife of Rajgopala who was a member of parliament and a renowned politician, Kaifi Shaik, owner of 'Betsbet' a betting portal incorporated in Netherlands where betting is legal, and Gogo Morrenio who was the cousin of Xerxes Morrenio the GPL commissioner.

10) MK played in the 6th edition of GPL and qualified for the semi finals. They lost the semi-finals by 95 runs against Canoro Bulls where MK scored 65 after fall of 10 wickets amongst which 8 wickets fell due to run out. The same situation had arose twice in the seasons play off's where MK lost matches due to low run after fall of all the wickets involving mostly run outs. This so called ambiguity somewhere showed some malpractice on behalf of MK and became a celebrated issue in media. The questions related to transfer of liability arose and speculations were made that MK should also be made to answer the bar imposed on KR because the new club MK was a result of manipulation of the existing system. MK answered the speculations saying that the club is a new entity, with a new constitution, with a new article of association and with a different governing board of directors, so liability by all means should not be imposed on us.

11) When teams were organized or reorganized Xerxes Morrenio always had a say in selecting the support staff. To give a world class exposure to the competition he recruited top professionals of their respective fields, let it be the coach, physios, dieticians, technical staff. He appointed Peter Woodford to coach KR for the 5th edition of GPL. Woodford, once a highly envied batsman was a bad boy of cricket he never had a clean image and faced many discipline and corruption charges in his illustrious career. The appointment was highly criticised by the media over which Xerxes organized a press conference and answered that 'the allegations were made but none were proved and,

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Woodford is a person who is much needed by the game thus GPL is in this regard is fortunate to have his presence'. A news article was published by a senior journalist Altaf Aslam according to which GPL was dwelling under the shades of demons of match-fixing and spot-fixing and levels of corruption are absolutely high.

When asked by a news anchor in a talk show Woodford negated to comment on any question which projected towards his difference towards organizing committee of GPL.

When KR was banned by IFC and before MK was registered as a new club in the 6th edition a shocking incident took place. Peter Woodford was found dead in his hotel room. The news report explained the scene of crime as the dead body was found naked with apart from his luggage his laptop, 2 mobile phones, and very expensive watches were recovered. Before his death he made several calls, out of which some were made to his relative including calls made to Zia Kuriet and Xerxese. The first reaction when the news of his death made its dark rounds was that he had asthma attack ,some suggested suicide however foul play was never of the table because the recent black past of team involving KR performance, violation of Anti-C Corruption Code of Conduct protocols , relations with betting syndicate and their relations with cricketers, when all combined, it leads to blood cuddling conjecture .The autopsy suggested that it can never be death due to strangulation as the hid bone of Woodford was intact. Investigation became a mockery or a puppetry in the hands of mighty the news report stated the event as, "The murder that never happened, the main reason why the murder had not been arrested was that there has been no murder".

12) While the issue of transfer of liability against MK was in lime light another incident happened which acted as an icing on the cake where two players of MK, Hank Jefferson and Liam Jackson were found guilty of match-fixing and spot fixing these players were found bowling no balls in a particular over of the match on the directions of the bookie named as Abu Zawahar. A sting operation was conducted by a news channel of the news and a conversation between Abu Zawahar and these players were recorded. Action was taken by the Anti-Corruption unit of IFC⁵. B.C.CGo was directed to conduct board

⁵ International Federation of cricket

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inquiries against the players and the team. IFC asked B.C.CGo to take legal action against the people involved. IFC wanted a detailed report over which legal sanctions could be sort and which will be the part of information in the public domain. Upon the directions of IFC, B.C.CGo ordered the management of MK to show cause as to why the players got involved in such an anti-sport activity. MK never showed any cause but submitted the resignation of these 2 players with an explanation that the resignation is our way to show protest against the speculation made by the governing council on their honesty. Both the players claimed themselves to be incorruptible. MK organized a press conference and stated that “we expelled the scion of corruption as we are having an intolerance towards corruption and evils of match-fixing and spot – fixing will be treated with no mercy”. B.C.CGo appreciated the actions taken by MK and the whole event was criticized by media and cricket pundits as, “one act of MK which had the shades too many”.

13) The players filed an appeal with Anti-Corruption Unit Tribunal of IFC challenging the expulsion .The next day headlines featured an article written by Altaf Aslam in which he revealed himself to be a good friend of Peter Woodford. Altaf Aslam declared that the 2 players Hank and Liam admitted that they were guilty of match-fixing and spot-fixing but simultaneously made an accusation that they were the vulnerable sentinels and innocent despite of being guilty. The players stated that GPL is a venture undertaken by celebrity politicians and govt. officials thus huge money wealth and fame is involved, thus, at any point they did not feel safe taking the help of public official and hence they came to Altaf whom they somehow knew to be dear friend of Peter Woodford. They confessed that GPL has three categories of players.

Category 1- foreign players of international game/icon players (permanent association with the teams).

Category 2 – players from the country to national team.

Category 3 – players selected from state or club team.

These two players were Category 3 players herein after called as (Cat 3) and amongst the lucky few whose selections was not done through political influence or donations. They thought that it is an award to their talent. But never knew it won't be an act of

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treason. They were forced to engage into malpractices for which they received huge sums of money. Survival not only became their need but also a qualification because of which they can achieve the ultimate goal i.e., to play for the country and going against the management will be a foolish action. They confessed that everybody including B.C.CGo and the Commissioner of GPL Xerxese were the part of this misendeavour. They stated that they have taken the stand not to escape from the liability but to make the people and fans of cricket aware of this injustice against them.

14) Later upon this a new report was published and the controversy became a object of debate leading to mass procession throughout the country against GPL and people who were alter ego behind it, political upheaval compelled Rajgopala to resign as from being the Minister of Information Broad Casting. B.C.CGo denied all the allegations as baseless and more of a publicity stunt to tarnish the image of GPL.

Upon Peter Woodford case B.C.CGo stated that a detailed investigation had already been done and bringing these baseless facts would do no good as the case had already been decided.

15) Subsequently, upon the confession of Hank and Liam, who imposed liability not only upon Xerxese Morrenio for malpractices but upon this, B.C.CGo gave vague and self-contradictory statements. B.C.CGo also stated that it had always taken strict and lawful steps as and when required. B.C.CGo thus never took any action upon this issue and instead gave vague and self-proclaimed assumption, denying all allegations, giving clean chit to KR and the Xerxese Morrenio.

16) While clean chit was given by the B.C.CGo, IFC restricted MK to take part in any world event, which was challenged in ACUT .⁶

ACUT clubbed both causes of the suspended players and restrictions imposed on MK together. The orders were confirmed and an option was given to them the order can be set aside if they survive the Legal Action in their Municipal Law.

⁶ Anti Corruption Unit Tribunal of IFC

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17) B.C.CGo also held a press release and made a declaration to appoint a commission in association with IFC to investigate the scams that were going around. Xerxese was suspended by B.C.CGo and not only this a complaint was filed in the Enforcement Directorate (ED) by it under section 4 of PMLA⁷ in relation to a multi million deal between Meghe sports and FSL regarding T.V. rights on GPL worth Rs 600 crore in 2010.

The deal was once upon a time appreciated by the officials of the B.C.CGo but now it was to be a thorn in their flesh.

18) Subsequently, ED in the year 2012 filed the case in the Court of Session against Xerxese Morrenio. The case was made out during the 6th edition but hearing on sentence was pending. Allegation were also made out that lots of money from the underworld was also infested in the competition and buyouts.

19) A PIL⁸ was filled by Altaf Aslam in the Hon'ble Supreme Court of Godam herein after referred as S.C, upon which an order was passed directing B.C.CGo to look into the matter following due procedures and submit a detailed report within a specified period of time.

20) IFC also made a declaration by an ordinance rendering the authority of B.C.CGo under question, taking all the proceeding related to cricket in the country under their hand.

21) B.C.CGo made a 11 member committee to inquire upon the matter and prepared a detailed report herein after referred as Committee 1, (COM 1). The members involved were mostly amongst the Board of Directors (BOD) of B.C.CGo, and Empires. The inquiry was done in camera. The detailed report was submitted and tabled before S.C and IFC.

IFC gave a clean chit to B.C.CGo and evaluated its previous orders but S.C out rightly rejected it as there were reported instances of misendeavour in it. S.C also criticized IFC action to accept the report without any reservation which is done in their ability to raise question.

Keeping BOD in the committee was explained as these officials had the occupancy of some important documents, so keeping them at bay would be have led to inconvenience and delay in the procedure, when the case is so sensitive and needs to be expeditiously inquired.

22) Committee Report 1:

⁷ Prevention of money laundering act

⁸ Public interest litigation

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1. Hank and Liam were guilty of Match-Fixing and Spot-fixing.
2. No evidence of involvement of B.C.CGo, Xerxese or against allegation rose.
3. There was involvement of KR in corruption; the previous decision of B.C.CGo was justified.
4. The decision in the suspicious death of Peter Woodford remains intact.
5. Upon transfer of liability the report was silent summarising the enquiry COM I gave clean chit to all the accused.

23) Another PIL was filed by Czar Leh, an empire working for IFC but a resident of Godam challenging the findings of COM 1.

Before filing this PIL, IFC also faced elections and Niladris became the Chairman of IFC who was once dethroned from being the chairman of B.C.CGo⁹.

Supreme Court was convinced that COM I was influenced thus directed B.C.CGo to conduct a fresh enquiry and no BOD member shall be a part of the committee.

B.C.CGo did the same and formed a new Committee hereinafter referred to as Committee 2 Report (COM 2)

24) Committee 2 Report:

1) Summary of the report was similar to COM 1 that is all the accused were given clean chit. But in this report it was stated that many important documents and testimonies of the people relating to the case went missing, which would have solely incriminated the accused.

2) Xerxes was uncooperative throughout the enquiry.

3) Although no conclusive proof with respect to the allegations against the accused are there but it can be prima facie seen that some discrepancy was there which indicated towards the raised allegations.

25) COM 2 report was also criticised and B.C.CGo's action and incompetency to file a consolidated report was criticised. S.C passed an order directing the Central Agency of

⁹ He was the father in law of Takeshi.

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Investigation (CAI) to investigate the matter and file the charge sheet within one month. CAI filed the same in the special court. Accusations were imposed on Xerxese, B.C.CGo and the three sweat equity owners of MK. The charges were framed related to corruption , murder, match fixing, spot fixing and other offence in other appropriate laws that deemed fit.

26) However similar to COM 2 report CAI made inferences that certain important documents were missing and it was nobody's fault but B.C.CGo.

27) It is to be noted that B.C.CGo was booked for the first time as a party with reasons stated that B.C.CGo was responsible for all the incompetent reports and that B.C.CGo was the facilitator and was trying to cover up the garbage with mud and putting up a flag of green revolution.

28) In CAI Court, accused parties were convicted and case went in appeal to the High Court.

29) In the same CAI court there was another case pending where B.C.CGo and Xerxese were charged with corruption over which hearing on sentence was pending. The CAI court stated that no hearing can be done as the fact of case depends on the judgement of Hon'ble High Court of Godam, hereinafter referred to as H.C.

30) The case is pending in appeal in the H.C of Godam where in addition to the matter in appeal the matter referred by IFC is also consolidated, therefore the points raised as above are to be considered with respect to parties appearing referring to the procedures of High Court of Godam.

NOTE: To have a better understanding of the Moot Proposition laws related to Republic of India are *paramateria* with Godam,

IFC to be understood as International Cricket Council (ICC) and B.C.CGo as Board of Cricket Council of India (BCCI). CAI draws its analogy from Central Bureau of Investigation (CBI).

The parties can take references from the Laws prevalent in Godam (i.e Indian Legal System viz; Indian Penal Code, 1860, Prevention of Money Laundering Act, 2002, FEMA etc. The parties can also refer Anti Corruption Code (International Cricket Council), Players Code of Conduct of Indian Premier League (PCC IPL) etc.