

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL TAJ  
PALACE, NEW DELHI**

Date: 28<sup>th</sup> August 2011

**BCCI WITNESS NO.6**

**Mr. GILES CLARKE**

X XX

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on 28<sup>th</sup>  
August 2011 at 6:00 p.m. IST at St. James Court Hotel, Buckingham Gate,  
London**

1. The witness statement dated 7<sup>th</sup> September 2010 is signed by me and I verify and affirm its contents.
2. I was requested to testify in these proceedings and my witness statement was prepared by my solicitors Rosenblatt on my instructions. Mr.Manohar requested me on behalf of the BCCI for this witness statement. I have no exact recall as to when he made this request to me. I have absolutely no idea whether this witness statement was sent to BCCI lawyers before finalization.
3. I am not sure whether I spoke to him at all other than his request to me to make this statement. I was aware that prior to this request the BCCI has issued a show cause notice to Mr.Modi. This was widely reported in the newspapers. Mr.Modi's reply to the show cause notice was available on the internet. I do not think that I received a copy of this reply from BCCI or Mr.Manohar but I will have to check my records. I don't remember if I read the reply of Mr.Modi before signing the statement. This had happened nearly an year ago. I was asked to testify on the e-mail that I had sent and therefore it was not necessary for me to deal with the correctness or otherwise of Mr.Modi's reply to the show cause notice. I was the Chairman of the Somerset CCC before I became the Chairman of the ECB.
4. **Question:** Can you tell us as to which are the CAT A venues in the ECB?

5. **Answer:**What does that have to do with my witness statement?Whether Somerset isCAT A venue or not it has got nothing to do with my witness statement.
6. Cat A grounds hold international test matches and one day cricket, Cat B holds only one day cricket and Cat C does not hold any international cricket (Witness answers this after being confronted with para 1 of the witness statement). The Somerset Cricket Ground at Taunton is Category C ground.
7. On being asked if Mr.Calrke and Mr.Modi were part of the ICC Committee for drafting rules against unauthorised cricket, the witness comments “I am not sure if it was a formal committee”. The ICC does discuss matters relating to unapproved cricket and this was discussed in the context of ICL. The issue of unauthorized cricket and ICL was raised by large number of bodies it is not raised by persons but by bodies and it was raised by BCCI and not a person.
8. **Question:** Were you and Mr.Modi involved in any capacity in drafting the rules against the unauthorized cricket?
9. **Answer:**ICC reviews its rules regularly and I as a director of the ICC, I am privy to that. Mr.Modi also has raised this issue since ICL affected large number of boards including the BCCI. A lot of people in the ICC were thus involved in the drafting of the regulations.
10. Mr.Modi was incharge on behalf of the BCCI for setting up the Champions League Twenty20. Since I was not involved in the specifics in setting up of CLT20 and ECB was represented by David Collier CEO of ECB, I cannot give the details. This has no bearing on my witness statement. I have not read in detail Mr.Modi’s reply to the show cause notice. I am aware that he has alleged malice against me though I do not consider a single basis for that statement and I object to it. When I had sent the mail of 2<sup>nd</sup> May I know Mr.Modi was suspended from the BCCI but I did not know the details of the Show Cause notice issued to him. The fact of Mr.Modi being suspended was in public domain and the whole world of cricket knew about it.
11. **Question:**In your mail you have asked BCCI to take action against Mr.Modi?
12. **Answer:**Since you have the detail of my mail you know what I said.

13. The fact of action against Mr.Modi is an internal affair of the BCCI. The BCCI has notified the ICC about the change of Mr.Manohar's alternate Director. The internal affairs of the BCCI are its own and therefore my discussing with them does not arise. I have dealt with Mr.Manohar on several occasions since he is my counterpart in the BCCI. I have met members of BCCI on several occasions but don't recall discussing this matter with them nor have I raised it on my own. I have not kept myself informed about the disciplinary proceedings and I did not know till some time ago that I have to personally depose in these proceedings. We have weightier matter in the world of cricket to discuss when I meet Mr.Manohar.
14. On being confronted with para 6 of the witness statement, the witness states he could have either been informed by Mr.Srinivasan or Mr.Pawar. The phrase disciplinary action against Mr.Modi does not inform me anything more than what was already in the public domain.
15. I deny your suggestion that the English County cricket is in a fragile financial state. English Cricket has normally two series at home every year. As far as series away are concerned it depends. Last year we played only against Australia, this year we are playing a short test series in Sri Lanka against Pakistan in Dubai and an ODI series in India. It is incorrect to suggest that the series played in England are not sufficient to keep the Cat A venues going financially. It is incorrect to suggest that even before IPL began Cat A venues were looking for alternate revenues. It is normal to seek alternative revenues from hospitality entertainment etc. This year for example has been hugely profitably because of the India series. Australia series also is hugely profitable. Next year we have South Africa coming to England which will also be lucrative.
16. **Question:**In 2008 -09 were Cat A ground facing financial difficulty?
17. **Answer:**Under the historical system that was put in 2006 Cat A grounds have to bid for international games. Therefore some grounds in England had to invest in improvements and rely on borrowings. Irrespective of their financial health because of this investment they were involved in repaying their debt. This could be done by organizing test matches because they were financially remunerative. This has nothing to do with my witness statement.
18. All Cricketing venues would prefer to have Twenty 20 cricket since it started in 2003. To your suggestion that Counties wanted a Twenty20 my response is we already have a Twenty20 tournament in place. To your

suggestion that the counties felt it was not profitable enough my response is it is a very profitable venture for the counties.

19. The first Twenty 20 competition was started in England. I am unable to say if IPL overtook Twenty 20 Cricket of England because I don't know the economics of IPL. I am not privy to the economics and profitability of IPL. We keep ourselves informed of generally what happens in other Cricket boards. BCCI is the wealthiest and therefore we keep ourselves informed. I do not know the specific details of the functioning of the IPL in India. I have not been provided with a detailed financial statement. I only know what I have read in the newspapers.
20. I cannot comment on details of press statements or comment on media criticism about losing an opportunity to run a tournament in England like IPL. We do not function ourselves based on media comments. India and England are different countries and our priority in England is on Test match cricket and we have become the No.1 test playing nation in the world. We cannot compare on the basis of priority of other cricket playing countries.
21. I am aware that in 2008, the Chief Executive of MCC, Mr. Keith Bradshaw met Mr.Modi and IPL team because the IPL adopted the MCC spirit of the game. I have no idea if this meeting was intended to find out how IPL functions. Since the email marked as **BCCI W6/1** is three and half years ago, I do not remember the contents or facts of this email. In any case this email has nothing to do with my witness statement. That email mentions that MCC was trying to bring T20 championship to England. This mail is based on a media article and is not the basis of what MCC proposed to me.
22. As directors of ECB, Bradshaw and David Stewart in his capacity as ECB Director had tabled proposal for T20 cricket in England before the ECB. Their proposal for consideration of a T20 tournament in England is contained **BCCI W6/2**. It was strictly private and confidential placed before the ECB. I would like to know how you got hold of this document. I was not a member of the counties so I cannot say whether the counties perceived IPL as a threat to their cricket.
23. **Question:** Was this model looking to learn upon IPL?
24. Priorities in English Cricket is test cricket. We get much bigger crowd for Test cricket than T20. The situation in India is different. We don't get

55000 people for T20. Therefore the model presented by Bradshaw and Stewart was considered along with another proposal given by Chief Executive of ECB and the proposal brought by Bradshaw and Stewart was unanimously rejected and ECB Chief Executive's model was accepted unanimously including by Bradshaw and Stewart. Our Daily gate ticket for corporate is priced 350 to 450 GBP per day and therefore the number of days the game is played results in larger earning than a shorter version of the game. It is not correct that the proposal given by the Chief Executive was backed by me was in fact a collaboration with a Texan businessman called Alan Stanford. ECB signed a deal with Alan Stanford for a limited number of games and not a twenty 20 tournament. These games were a quadrilateral round robin on T20 format. The super series was also part of the same transaction. It is incorrect to suggest that I stated that Stanford model as a better model than the IPL model.

25. **Per Disciplinary Committee** -The cross examination in this regard does not seem to be relevant to the subject matter in issue.Counsel is requested to confine himself to the relevant matter in issue.
26. **Question:** Is it that the Stanford model failed because there was lack of media interest and that Mr. Stanford was involved in a multi-billion dollar fraud in the US?
27. **Per Disciplinary Committee:**Question disallowed as it is irrelevant to the subject matter.
28. I have absolutely no personal malice against Mr.Modi. Therefore your suggestion that the failure of Stanford model or that Mr.Modi's model was a better model created malice in my mind is absolutely incorrect. The two models are entirely different. Stanford model deals with the shorter aspect of the game. In any case Mr.Modi was a representative of BCCI and we treat the BCCI representatives with utmost courtesy.
29. It is well known that the ECB was toying with an idea of English Premier League with participation from Indian players. The discussions we had with ESPN star are led by David Collier and they are confidential and commercial matters and are not relevant to the witness statement. Since I am a non-executive chairman of ECB I would not be in a position to disclose for want of recollection that there was a proposal that an IPL team also play in the EPL. No proposal personally emanates from me they emanate from the Chief Executive. I don't recall if the Chief Executive had given such a proposal. This was a long time ago.

30. **Question:** Was any permission taken from the BCCI before proposing for an IPL team to play in the competition?
31. **Answer:** There can be no proposal about Indian players / team playing in England without the BCCI approval. David Collier may have had some discussion with Mr.LalitModi but it was not necessarily fruitful. Obviously any participation would have required a no objection from the BCCI.
32. It is matter of the BCCI as Indian players require an NOC from the BCCI to play anywhere outside India.
33. **Question:** Was Mr.LalitModi opposed to the idea of giving NOC to Indian Players for playing T20 in England?
34. **Answer:** I have no recollection of the same. In the past BCCI players have been playing T20 in England and have been given NOC by BCCI.
35. **BCCI W6/3** is a document placed by counsel for Mr.Modi on record. The witness is not confronted. Mr. P.R. Raman Counsel for BCCI objects to this document that certain portion of the document is blacked out and the objection will be considered at an appropriate stage.
36. I am aware that ICL was a rebel league. The BCCI had requested various boards to take a hard stand against ICL. I remember Mr.Pawar and Mr.Bindra had also spoken about the rebel league ICL and not just Mr.Modi. In the October 2007 meeting of the ICC, the BCCI was represented by Mr.Pawar or his alternate Mr.Bindra. I don't recollect Mr.Modi being present at the meeting. This meeting did discuss the rebel Indian league but there was no mention of IPL or champions league in this meeting.
37. **Question:** Was it also agreed in that meeting if any domestic team which signs the ICL players will be banned?
38. **Answer:** The issue of restraining players by banning them from Domestic cricket if they played in ICL came up in this meeting. This was pressed by BCCI. However there were legal impediments and legal restrictions since this would have been in restraint of trade and the ECB had to spend almost 1 Million GBP and seek Queen's Counsel advise and amended regulations so that such a prohibition could be imposed. I could not have agreed to the ban in light of what I said above.

39. It is incorrect that after the meeting ECB allowed counties to sign up ICL players. As long as an NOC had been granted to the player by their respective country board that was complying with the necessary condition enabling the player to be signed by any county. **BCCI W6/4** is a mail written by Mr.Modi to the witness indicating ECB cannot compete in Champions League 2008. **BCCI W6/5** is ECB's response to Mr.Modi's above mail.

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**Note:** The cross examination of Mr. Giles Clarke started at 6:00 p.m. IST and continued till 9:00 p.m. IST. The cross examination is inconclusive and shall continue on 30.8.2011 at 7:30 p.m. IST at Hotel Taj Palace, New Delhi.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date: 28<sup>th</sup> August 2011

**ARUN JAITLEY JYOTIRADITYA M SCINDIA CHIRAYU R. AMIN**  
**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL TAJ**  
**PALACE, NEW DELHI**

Date: 30<sup>th</sup> August 2011

**BCCI WITNESS NO.6**

**Mr. GILES CLARKE**

X XX

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on 30<sup>th</sup> August 2011 at 7:30 p.m. IST at St. James Court Hotel, Buckingham Gate, London**

**Per Disciplinary Committee**

1. Mr Clarke has objected to the presence of Mr. Anges Young, a Para Legal from the Law Firm Carter-Ruck being present in the proceedings at the London end. The witness states that Carter-Ruck is a solicitor firm which is engaged in libel action by Mr. Modi. The notes that are made in this proceeding could be used by him in the libel case. He suggest that it would be appropriate that Mr. Young is not present in the room when the cross examination takes place. We requested Mr. Hora if he could request Mr. Young to be outside the conference room in which the cross examination is being held. Mr. Young,at Mr. Hora's request, left the room.
2. **Question:**Did you feel that Mr. Modi was unreasonable for threatening to ban English team from CLT20?
3. **Answer:**Mr. Modi was using all possible arguments to stop ICL.
4. On being asked if he had differences with Mr.Modi, witness states that there are considerable numbers of debates in cricket administration and people are in opposite side. I did not feel I was being bullied.
5. **Question:** Did you ever discussed with David collier because of your past issue with Modi, Mr. Modi now realized it is no good bullying you?
6. **Answer:**I do not recall having a discussion with Mr. Collier where I felt that because of history of past issues between myself and Mr. Modi, Mr. Modi now realizes that it is no good bullying me.
7. I had written a document **BCCI W6/6** the contents of which are self evident. This mail only relates to the facts stated therein that we must discuss matters in private rather than find about them through Media.
8. **Question:**Despite the legal opinion sought by ECB, Mr. Modi was still insisting that if ECB does not restrict its players in ICL they would not be invited for CLT20?



9. **Answer:**The ECB's position depended on our legal advice and the position in the English law as I have already explained. On being shown an email from Mr. Modi to David Collier marked **BCCI W6/7**, the witness states that he is unaware of it in addition to the fact that it was not addressed to him.
10. **Question:** Did you not try to co-ordinate with CA and CSA to isolate the BCCI on this issue?
11. **Answer:**This is not how cricket is run. I did not deal with the issue and the Chief Executive was dealing with it. Cricket Australia and Cricket South Africa had already banned the players who played in ICL.
12. I have no idea whether the Chief Executive spoke to CA and CSA. Our position in England was different. Since CA and CSA had decided to ban the players our position was dependent on legal advice. These issues have nothing to do with the evidence that I have submitted.
13. The ECB Board meets at frequent intervals. I chair those meetings. We have an Executive Committee. The day to day functioning is done by CEO and where he needs he consults the Executive Committee. I do not attend the meetings of the Executive Committee.
14. The Chief Executive discussed the participation of England in the Champions League with the ECB Board and also with me personally.
15. **BCCI W6/8** is an e-mail written by Mr. Modi to Giles Clarke and others. The witness accepts the same.
16. **Question:**Did Mr. Modi state that India would only participate in CL if all other teams which participate have no rebel players?
17. **Answer:** The Chief Executive had met Mr. Modi in Dubai. The share holding pattern of CL T20 which had one party had more than 50% shares was not acceptable to the Board of ECB. Further the legal position about banning ICL players was not sustainable in English law. That is why we decided not to become share holders in CLT20.
18. ECB did not feel that Champions League was a concept given by it. I do not know the origin it could have been before my time. I have received the email marked **BCCI W6/9**. I don't recall that it was Mr. Modi's stand that India being a 50% share holder in the Champions League would have

a say in drafting the Constitution. I don't remember if this was Mr. Modi's position that CL was India's and Australia's concept.

19. Since my name is on the e-mail **BCCI W6/10** and **BCCI 6/11**, I must have received this mail. David Collier had meetings in Dubai during the annual meetings of the ICC. Since it was three years ago I don't remember the details. Since David Collier was the CEO running the day to day affairs of ECB, he could have made comments on the constitution of Champions League.
20. **BCCI W6/12**, **BCCI W6/13** and **BCCI W6/14** are shown by Counsel for Mr. Modi which are taken on record. **BCCI W6/15** is Mr. Modi's mail and is taken on record. I did not think it was an ultimatum by Mr. Modi but it was BCCI point of view. The position in the Champions League that has emerged was that it was South Africa, Australia and India who had a share in the CL. This plan could have been prepared by BCCI.
21. **BCCI W6/16**, **BCCI W6/17** and **BCCI W6/18** are mails with regard to share holding and are taken on record. Mr. Modi had been advancing the point of view of his board in relation to the share holding of the champions league and I recollect that we were insisting on what the ECB's position would be. Obviously there was a conflict between the two. I do not recall having ever told David Collier that we should call Mr. Modi's bluff out on share split proposed by him between the three boards of CL. I believe that Mr. Modi's aggressive behavior was his negotiating style. On being asked whether he had approached Mr. Norman Arendse President CSA and Craig O'Connor, Chairman CA, the witness stated that in any negotiation it is upto the principal party concerned to try and establish a share holding structure in which any single share holder does not have a majority stake. This was exactly the practice that was followed.
22. On being shown document marked **BCCI W6/19**, the witness confirms that it is a mail from David Collier to him. I wrote to Mr. Pawar, President BCCI who is my counterpart proposing equal share. This was a perfectly reasonable thing to do. **BCCI W6/20** and **BCCI W6/21** are taken on record. The view of the ECB at that point of time and not as of today as circumstances and information have come to light since then, was that the BCCI was leaving very little room for the ECB to maneuver with respect to the position regarding ICL. With respect to the share holding in CLT20 the BCCI took a position and stuck to it.

23. Documents collectively marked **BCCI W6/22** are placed on record. Document marked **BCCI W6/23** is placed on record. I cannot comment on the effect if any of Mr. Modi's press release on ECB's negotiations with BCCI. I do not recall if Mr. David Collier circulated player regulations for CLT20.

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**Note:** The cross examination of Mr. Giles Clarke started at 7:30 p.m. IST and continued till 9:00 p.m. IST. The cross examination is inconclusive and shall continue on such dates as may be communicated by the Disciplinary Committee.

The aforesaid statement has been read by me and I accept it to be accurate.

(Giles Clarke)

Date: 30<sup>th</sup> August 2011

**ARUN JAITLEY JYOTIRADITYA M SCINDIA CHIRAYU R. AMIN**  
**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL ITC**

**MAURYA, NEW DELHI**

Date: 12<sup>th</sup> October 2011

**BCCI WITNESS NO.6**

**Mr. GILES CLARKE**

X XX

**Continuation of Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora,**  
**Advocate on 12<sup>th</sup> October 2011 at 6:00 p.m. IST in Bristol**

1. I do not recall whether any show cause notice sent to Mr. Modi was ever sent to me. I don't recall the relevance of this nor I have checked my mail. I have no recollection of the facts whether I have told Mr. Modi that

I would not discuss ICC matter with him and I would discuss with Mr. Bindra. It might well be so since in 2008, Mr. Bindra was the alternative director to Mr. Pawar on the ICC Board. I don't recall if I asked David Colier to hint Mr. Norman Arendse that the 5 test series with South Africa depended on his support to ECB in regard to Champions League. When Mr. Arendse ceased to be the Chairman we had a 4 test series instead of a 5 test series which he wanted.

2. It is not correct that ECB wanted a decisive say over BCCI in the CLT20. ECB wanted a structure where no one country is able to dominate. I do not recall if on 27<sup>th</sup> July 2008 a press note was issued by Mr. Modi that CL T20 would take place without ECB teams. The ECB believes that players belonging to one nation should play for the representative club/county of that nation. I hold that belief today. This is what we had wanted in negotiations. This may not have been agreed by the BCCI because in commercial negotiation everything is not agreed. **BCCI W6/24 and BCCI W6/25** are placed on record.
3. It is not correct that thereafter ECB attempted to put an alternative tournament without involving India. There were several proposals which were received in regard to the funding of another tournament including one from a Business man in the Middle East. This was not excluding India and there was nothing wrong to receive such proposals. Both Mr. Modi and ECB were looking for funding arrangements. Mr. Collier was looking after the funding arrangements. I knew a lot of people in Middle East who I directed to him.
4. **Question:** Is it correct that you spoke to Mr. Badale of RR to enquire if they would participate in the alternate version of CLT20?
5. **Per Disciplinary Committee:** The question disallowed as it is irrelevant to the show cause notice and the reply.
6. It is incorrect to say that I approached the franchisees of IPL behind the back of Mr. Modi or BCCI to enquire if they will participate in the alternate tournament. I do not know any Franchisee of the IPL except Mr. Badale and it is he who had approached me.
7. **BCCI W6/26 and 27** are now placed on record by the counsel of Mr. Modi. The contents of this email are incorrect since I had not approached him.

8. **Question:** Would you have considered it improper to speak with Mr. Badale if he had approached to you?
9. **Answer:** Mr. Badale is the chairman of Prince's Trust and speaks to me on number of issues. He also owned 20% of Leicestershire cricket club at that time.
10. There was no alternative CLT20 and therefore question of asking David Collier to write on alternative CLT20 would not arise. Collier did circulate proposals to many including India with regard to a tournament being proposed. I cannot comment if Mr. Modi took this proposal adversely as an attempt to organize a parallel league. **BCCI W6/28 and BCCI W6/29** are emails confirmed by the witness. The witness states that the attempt by Mr. Modi to claim there are two tournaments is a non sense.
11. I complained to the BCCI against this mail since it misrepresented the facts. This complaint was with regard to the email and its contents. I don't go about complaining on individuals I complained on individuals. (This reply comes in response to Mr. Hora's question whether this was the first or second complaint by Mr. Clarke on Mr. Modi).
12. **Question:** Did you object that Mr. Modi being a Vice President of the BCCI could not write all this since you would not permit anybody in the ECB to do this?
13. **Answer:** I was only concerned only with the views of Mr. Pawar and the BCCI.
14. I don't recall asking Mr. Pawar that Mr. Modi could not issue an ultimatum to ECB and that this email should be withdrawn. I confirm the contents of email **BCCI W6/30**. I consider Mr. Modi's mail as a breach of protocol since no member of ECB could deal with another ICC member board in this manner. I am very happy that this doesn't happen between ECB and BCCI any longer.
15. I have no idea what happened between Mr. Modi and Mr. Pawar on the basis of my letter. I do not remember if Mr. Pawar asked me to speak to Mr. Modi and sort out the issue. I was only concerned dealing with Mr. Pawar as the President of BCCI and I would be communicating with him. How he chose to run BCCI was his prerogative. **BCCI W6/31** is Mr. Modi's mail to Mr. Bindra. The language of the same is malicious.

16. This was the same tournament CLT20. My response to your question with regard to the middle east investor making his investment conditional upon India's participation is that no tournament will be complete without India. I deny your suggestion that there was any parallel tournament. Or that it fizzled out because of Mr. Modi's stand due to India's non participation. I do not recollect that Cricket Australia asked for written confirmation from the Investor which ECB could not produce.
17. We had an issue in England since 15 out of the 18 counties had players from the ICL. Our two finalists were Middlesex and Kent. Middlesex had no ICL player and Kent had them and they had ended their contract. We therefore asked both teams to be played in CLT20. The regulations of CLT20 did not permit teams with ICL players. I do not know if Mr. Modi said this to me. I admit the mail I sent to Mr. Modi pursuant to Mr. Pawar's request and the reply which are marked as **BCCI W6/32 and BCCI W6/33**. I fail to see the relevance of these emails.
18. It was a reasonable request I made to Mr. Pawar and Mr. O'Connor who were on the Board of CLT20 asking them to allow English teams to participate considering that the Governing body of CLT20 could over rule the regulations prohibiting ICL players. It is correct that myself and Mr. Modi were to examine the commercial offers for CLT20. CL is not an ICC tournament. Mr. Modi's email marked **BCCI W6/34** is responded to in the contents of my letter dated 29<sup>th</sup> July 2008. We had suggested Essex could be allowed to play instead of Kent since Essex did not have any ICL players. The CLT20 Governing Council did not agree. I think Mr. Modi was the Chairman of the Governing Council but I am not certain.
19. We do not know if the activities of the Champions league were above board and as far as ECB feeling seriously abused by Mr. Modi's conduct, I had already set out in my mail to Mr. Pawar. There is no doubt that some of the actions taken had an impact on international level relations between cricketing bodies involved and the ramifications are still being felt. I confirm the email placed as **BCCI W6/35** which raised very serious issues due to which the relations between the Board at international level has improved under the leadership of Mr. Manohar from a low that was reached at that time.
20. I do not recollect if Mr. Modi said that if England did not confirm only Middlesex participation they would replace England by any other Board. However, Mr. Modi's negotiating style was frequently of the nature

which was abrasive and of giving ultimatums. Nobody in the world cricket negotiates in this style. It is correct that only Middlesex thereafter participated in the Champions League.

21. Documents marked as **BCCI W6/36 and BCCI W6/37** are placed on record. On seeing these mails, the witness states that it was written by Mr. Gerald Majola the Chief Executive of Cricket South Africa who has allegations against him that he received cash payments from the IPL arranged and chaired by Mr. Modi. Enquiries are being carried out by Cricket South Africa, KPMG and others. The allegations are in public domain. The allegation is that Mr. Majola received 4.8 M Rands in cash from IPL Chaired by Mr. Modi. I do not have any substantial evidence to substantiate this since the matter is under enquiry. The mail written by Mr. Majola is on behalf of Cricket South Africa and the mail does not say that Mr. Majola was doing Mr. Modi's bidding.
22. The ECB did not feel humiliated that they did not get any share in the CLT20. I have no clue nor do I care if my detractors said that in refusing to take 16% stake in CLT20 that I caused a loss to ECB.
23. I deny your suggestion that I made any complaint out of malice. I made a perfectly legitimate complaint against the CLT20 that our grounds Oval and MCC have been approached to stage CLT20 matches without informing ECB. It is correct that we made a second complaint to Mr. Pawar against approach of Mr. Modi. It was a corporate complaint. Every person is acting on behalf of the bodies they represent. I don't remember the exact number of complaints made by ECB through me against Mr. Modi.
24. I don't know how it is relevant to Mr. Modi's meeting with the counties and to plan a separate league with IMG in 2009. I don't agree with your suggestion that the second complaint was a false complaint without any basis. It is clear as we now know from the disclosure made by Mr. Modi that he was carrying on dialogue against all regulations and protocol. **BCCI W6/38** is a mail written by me to Mr. Pawar. Mr. Modi should not have had a dialogue with them. It is incorrect to say that Oval and MCC had approached Mr. Modi. Keith Bradshaw may have written a mail stating that they approached Mr. Modi but that's factually not correct. **BCCI W6/39** is placed on record.
25. We did not take any legal action against MCC and Oval but we had discussions with them. I deny your suggestion that we did not take legal

action because the complaint was false. Mr. Modi might have written to me that he had never approached Lords and Oval but he was not telling the truth. Mr. Modi's communication to me that he would not approach the counties without the consent of ECB is a statement which is manifestly incorrect. I received Mr. Modi's mail marked **BCCI W6/40**. I did not consider it proper to even refute the contents of this mail. I have no idea of whether Mr. Pawar took action against Mr. Modi. It is incorrect that no action was taken against Mr. Modi because my complaint was false.

26. I confirm email marked **BCCI W6/41, BCCI W6/42 and BCCI W6/43** written in response to Mr. Sundar Raman's mail representing Champions League T20. It was the tone of the letter which I felt was very aggressive and unpleasant.
27. ESS owns the Asian broadcasting rights of ECB. We have many discussions with them. We had discussions about EPL with them. ESPN felt that if we could arrange lot of Indian players in EPL that might increase the value. The problem was that if we had included Indian players, it would have resulted in increased cost since we would have had to pay the players and the BCCI though this might have resulted in increased revenue.
28. I don't recall if there were concrete proposals for including IPL franchisee teams. None of these discussions got very far because the financial model offered by ESS did not give us sufficient return and we were already making money on Twenty 20 cricket. ESS gave the proposal of including iconic Indian players in the tournament. Those discussions were theoretical discussions. In any case, Indian players were already playing county cricket as were players from other countries.
29. We did not keep BCCI or Mr. Pawar or Mr. Modi in the loop as there was nothing concrete about these discussions. I deny that we discussed that if IPL teams could not participate, let four ICL teams participate in EPL T20. ICL unsuccessfully tried to launch in South Africa. They filed law suit against ECB and ICC in UK. The ECB had no relationship with ICL apart from the fact that they had sued us in England. I can't remember what mails I have written in this regard but this is the only relationship we had with ICL.
30. **Question:** Did you send any email to Collier wanting to maintain relationship with alternative version that is ICL?



31. **Answer:** I do not remember.
32. Mr. Modi told me he was close to Rajasthan Chief Minister. I have no clue if I told Collier it would be good if Rajasthan CM lost the election as that would make Mr. Modi a paid employee of BCCI at the mercy of Dalmia. This was only an English sense of humor.

X X X

**Note:** The cross examination of Mr. Giles Clarke started at 6:00 p.m. IST and continued till 9:00 p.m. IST. The same is inconclusive. The cross examination shall continue on 14.10.2011 at 6:00 p.m. IST at ITC Maurya, New Delhi.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date: 12<sup>th</sup> October, 2011

**ARUN JAITLEY      JYOTIRADITYA M SCINDIA      CHIRAYU  
AMIN**

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL ITC  
MAURYA, NEW DELHI**

Date: 14<sup>th</sup> October 2011

**BCCI WITNESS NO.6**

**Mr. GILES CLARKE**

X XX

**Continuation of Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora,  
Advocate on 14<sup>th</sup> October 2011 at 6:00 p.m. IST in Bristol**

1. The Champions League tournament is organized by the Governing Council. Therefore the question of my waiting for Mr. Modi to fail does not arise. **BCCI W6/44** placed by counsel for Mr. Modi is taken on record.
2. I do not remember whether we wanted a higher payment for Middlesex County's participation in CL. Obviously any county will want a higher payment. I don't remember if the request was turned down by Mr. Sundar Raman at the behest of Mr. Modi. **BCCI W6/45** and **BCCI W6/46** are emails from Mr. David Collier to Mr. Sundar Raman and vice a versa. They are not relevant to me. **BCCI W6/47** is a mail written by me. It does not reflect any malice on my part. Counsel states that he had asked if it represents disappointment over finances, to which the witness replies that it expresses his acceptance.
3. There were number of discussions about Champions League with Mr. Modi and others in BCCI. I cannot say that we had wanted Mr. Modi to give us a share which was first promised because there were a series of discussions over these matters. The issue with Mr. Modi and the BCCI was not with regard to higher share but because we could not provide two teams which did not have ICL Players. This was set out in my letter to Mr. Pawar on 29<sup>th</sup> July 2008. The other issue was governance issue. Therefore we did not qualify to get a share.
4. In the discussions between Mr. Collier and myself with BCCI, we discussed a number of issues including our share holding but the figure was not pegged at 16% and there was no discussion around that figure. It was obviously part of the discussion that Mr. Modi did state that giving ECB a share holding would evolve reducing the share holding of other Boards and this was not in BCCI's hands.

5. We also discussed the possibility of English players being released for IPL 2009 for a limited period and not for the entire period. We did discuss that Indian players be released by BCCI to participate in proposed English T20 league in 2010. Mr. Modi said that he would discuss with the BCCI with regard to release of Indian Players and he did not say he would not release them. We did not get any specific consent from BCCI since we did not ask for any individual player.
6. I don't remember Mr. Modi telling me that it doesn't matter if English players participate or not in IPL since media rights had already been settled. I don't remember him telling me that ECB's alleged hostile stand had already hurt IPL in 2008. I don't remember if Mr. Modi expressed displeasure over ECB inviting Sri Lanka during IPL season. I don't remember him telling me that this was an attempt by ECB to jeopardize IPL by preventing Sri Lankan players from participating in it. It was not Mr. Modi but Mr. Pawar who asked me if we could consider swapping Sri Lanka for West Indies. We agreed and did make an effort. I had circulated a letter marked **BCCI W6/48** to Mr. Modi. Mr. Modi replied to this vide **BCCI W6/49**.
7. I would not know if Mr. Modi wanted players to take precedence for IPL rather than county teams in Champions League. I found Mr. Shashank Manohar far more courteous than Mr. Modi. You only have to compare the correspondence sent by them. We had one meeting on November 15, between myself, Mr. Collier, Mr. Manohar, Mr. Srinivasan and Mr. Modi. I don't remember whether in that meeting BCCI refused to release Indian Players for the English T20 league. I don't remember if ECB agreed to release English players for IPL if IPL finished by April 2009. I don't remember telling if Mr. Manohar and Mr. Srinivasan are more reasonable than Mr. Modi with regard to release of Indian players.
8. I don't remember stating that ECB would give a 15 day no objection to English players for IPL. Counsel places on record **BCCI W6/50**. I don't remember if Mr. Modi wanted to move by a day England Vs Sri Lanka match and ECB wanted to get concessions from BCCI in lieu thereof. Mr. Modi had sent an email in this regard but had subsequently withdrawn that email in a telephone call made to me which is marked as **BCCI W6/51**. It is wrong to suggest that Mr. Modi did not withdraw this mail over telephone. Mr. Modi had called me 15 minutes after I read that mail. ECB wanted a joint release of the minutes of the meeting with BCCI. **BCCI W6/52** was written by Mr. Modi stating that there was no agreement on the minutes till then.

9. It is correct that English cricketers wanted to play IPL because all cricketers wanted to earn money in their off season. It is only in the case of some players who are centrally contracted to the Board that we wanted them to have some rest. The vast majority of others were entitled to play IPL. Bopara and Mascaranes are two examples.
10. It was not a question of rest for the contracted players. They did not have the time. I don't remember stating that ECB would not make available centrally contracted players. The ECB only deals with centrally contracted players. We don't deal with county players and they are dealt with by their counties. **BCCI W6/53** is a mail written by me in respect of county players. **BCCI W6/54** is written by me in respect of centrally contracted players where I state categorically that ECB is not in a position to ban players.
11. I don't know if the players were unhappy with regard to the prohibition since it was irrelevant for me. I don't remember if PCA pressurized ECB to give NOC. I don't remember if I called Mr. Modi whether Mr. Kevin Peterson could play IPL without NOC. IPL told everyone that no foreign player could join IPL without NOC from their respective Boards.
12. I have no idea that Mr. John Carr was informed by Mr. Modi that English players should have NOC for at least 4 weeks to be available for auction. **BCCI W6/55 and BCCI W6/56** is placed by the counsel on record. I have no idea if Mr. Modi said there is no place for English players in IPL and therefore ECB need not give NOC for any player. I don't remember if Mr. John Carr told me and Collier that many international players would retire in order to play for IPL.
13. I don't remember if Collier told me that Sean Morris CEO of PCA wanted a different strategy to be adopted for English players to play in IPL. I don't remember if English players delayed signing the contracts with ECB shortly before the tour of West Indies. I am a non executive office bearer and do not deal with these matters. I deny the suggestion that the delay by English players to sign the contract created embarrassment to me when I was about to launch my re-election campaign.
14. **Question:** Is it correct that Players contract were signed and kept with Sean Morris who insisted on releasing them after seeing NOC from ECB?

15. **Per Disciplinary Committee:**Thequestion is disallowed. The charge against Mr. Modi is that he tried to deal with three counties in order to create a rebel league in England. Today is the fourth day of cross examination of Mr. Giles Clarke who is the Chairman of the ECB. He has been cross examined for over 10 hours and not a single question has been asked with regard to this charge. Counsel says that he will ask question at present to prove his difference of opinion with Mr. Modi/BCCI. We get an impression that instead of asking questions on the show cause notice and the reply, the entire cross examination is devoid of relevance. How the ECB functions with regard to the NOC given to its players is of no relevance to the issue. Counsel is requested to confine himself to relevant questions. If he does not do so, the cross examination shall be closed.
16. It is incorrect that I held a grudge against Mr. Modi on account of his failure to extend the time for issuance of NOC for the players.
17. **Question:**Was MCC in talks with a partner to buy an IPL team?
18. **Per Disciplinary Committee:**Thequestion is disallowedsince Mr. Clarke does not represent the MCC nor is he privy to their commercial transactions.
19. I don't remember making a complaint to BCCI that IPL was contacting MCC over ECB. I don't remember if Mr. Manohar refused to take action on my complaint since I don't remember the complaint itself. Counsel places **BCCI W6/57**, which is a mail written by me. My response in the email clarifies the procedure to be adopted in contacting the counties of ECB. It is not a complaint against Mr. Modi.
20. **Question:** Who showed you the mail dated 31<sup>st</sup> March 2010?
21. **Answer:** It was sent to me by Stuart Regan on the instructions of Colin Graves. That was when I first saw this email.
22. **Question:**Who told you first about this email?
23. **Answer:**I think it was Peter Wright. It was sometime in April 2010 he told me that an email is in existence but he did not tell me any of the contents. This was between the 7<sup>th</sup> and 10<sup>th</sup> of April 2010 I think. I addressed a number of mails to Mr. Graves asking a copy of the Reagan

minutes of 31<sup>st</sup> March 2010 meeting. Mr. Peter Wright is Chairman of Nottinghamshire and he is presently a Director of ECB.

24. **Question:**What exactly did Peter wright tell you about the email?
25. **Answer:**Peter Wright told me that there was a meeting with Mr. Modi with Mr. Graves also. He said there were notes of the meeting which had not been attended by Nottinghamshire. He said he was very very concerned about a letter which was going to be sent to Mr. Modi. Our discussion focused on the letter which at that time Mr. Wright was refusing to sign.
26. My reference in the above reply is to the meeting which is reflected in the mail.
27. It seems that Peter Wright had received the email from Mr. Reagan. I only assume so. I don't know how many times I spoke with Mr. Wright on this issue till the second of May 2010. My discussions were with Mr. Graves on this issue who is the Chairman of Yorkshire CCC. I had a discussion with Clive Leach which pertains to finances of Durham CCC in April 2010. I will not agree that Durham was in bad shape financially. In April 2010, I had few conversations with Michael Cairns if any. I don't remember how many conversations I had with Mr. David Stewart, Neil Houghton, David Harker, Jim Cumbes, Colin Povey, Paul Sheldon or if any at all.
28. These are people who are Chairpersons and Chief Executives of counties. How many conversations if at all I had with them I would not remember. I had a meeting of counties on April 28, 2010 where some of them were present.
29. Mr. Graves told me about a meeting with Mr. Modi, IMG and counties around 5<sup>th</sup> of April 2010. Mr. Graves gave me a lengthy series of suggestions on restructuring the English season including a particular change in the county championship to three divisions of seven clubs. He also spoke of having a smaller twenty 20 with test match grounds playing in a first/single division. I have given a substantial evidence of this meeting in the English court proceedings. I standby what I have said in the English court proceedings. What I told Mr. Graves I have already placed in the English Court proceedings.

30. On being asked by counsel to elaborate on what he had told to Mr. Graves witness states that he has already stated about this in the English court and since the statement is not available with him right now, I cannot state the details from memory.
31. **Question:**Did you tell Mr. Graves that it was improper on the part of counties to have a meeting with Mr. Modi?
32. **Answer:** I have already stated this in the English court proceedings and I would not like to get into the issue here.
33. **Question:**Did you tell Mr. Graves that legal action would be taken against the counties for meeting Mr. Modi?
34. **Answer:**The witness states that he has already answered this question in English court proceedings. It has nothing to do with Mr. Reagan's email.
35. When I refer to the English Court proceedings it means my defense. My witness statement is not yet been filed.
36. **Question:** Did you around 5<sup>th</sup> of April tell the Chairman / Chief Executive of Lancashire and Warwickshire that it was improper on their part to meet Mr. Modi?
37. **Answer:**I don't remember if I knew who met Mr. Modi except from Yorkshire at that time.
38. Mr. Wright told me that there is a letter about which he was concerned. He did not tell me what it was about. Mr. Graves provided me with a copy of the letter around 12<sup>th</sup> April 2010.
39. I don't remember if Mr. Graves told me on 5<sup>th</sup> April that counties meetingMr. Modi was unauthorized/ improper. Mr. Graves, Chairman of Yorkshire CCC had told me that Mr. Reagan had attended the meeting on behalf of Yorkshire. He did not tell me the details of the meeting. Focus of our conversation was on the proposed changes in the English season particularly county championship. Mr. Graves is currently a director of ECB.

40. **Question:**Did Mr. Graves tell you on 5<sup>th</sup>April 2010 that an IPL type 20/20 tournament could be held on test match grounds?
41. **Answer:**Graves told me about the nine test match grounds in England wanted to have a 20/20 competition which currently has all A teams in different groups and nine teams in the first division should have a greater significance for greater revenues. I don't remember whether he mentioned IPL type 20/20 tournament, I will have to consult my notes in order to confirm that. The focus of the discussion was on what I stated above.
42. Mr. Graves had not told me that counties had gone to meet Mr. Modi to understand the IPL model. The focus of his discussion was different. The whistle blower referred to in my mail of 2<sup>nd</sup> May 2010 is Mr. Graves. By a whistle blower I understand a person who seeks to provide information with regard to improper behavior into the public domain, the concept of whistle blower is known globally. A corporate whistle blower does so to avoid / mitigate punishment and obtain a benefit.
43. The counsel places on records documents which were not allowed to be placed are collectively marked as **BCCI W6/58**.

X X X

**Note:** The cross examination of Mr. Giles Clarke started at 6:00 p.m. IST and continued till 9:00 p.m. IST. The same is inconclusive. The cross examination shall continue on 7.11.2011 and 9.11.2011 at 6:00 p.m. IST.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date: 14<sup>th</sup> October, 2011



**ARUN JAITLEY      JYOTIRADITYA M SCINDIA      CHIRAYU  
AMIN**

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL ITC MAURYA, NEW DELHI**

**Date : 7<sup>th</sup> November 2011**

**BCCI WITNESS NO. 6**

**Mr. GILES CLARKE**

**X X X**

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on 7<sup>th</sup> November 2011 at 7:30 p.m. IST at St. James Court Hotel, Buckingham Gate, London**

1. I am aware that 9 representatives had attended a meeting at Edgbaston on 22<sup>nd</sup> March 2010 and I had instructed them to discuss their finances. I do not recall whether I had given written or oral instructions to Mr. Graves but I do recall that my instructions were very clear to him as to what was to be

discussed. I had instructed them to discuss the bidding system by which test matches are allotted, their finances but I had forbidden them to discuss the franchise system or any other matter that had been discussed in the meeting or 2010. I cannot produce a written document by which this instruction was given. I did receive a copy of the Agenda of that meeting. This agenda did not include the subject of franchisees. They were authorized to discuss the agenda items and not any issue related to setting up new franchises for the T20 system in England. To discuss the bidding for international matches, they had wanted to use the services of Deloittee at their own expense. I do not agree with your suggestion that Deloittee had been engaged to facilitate new T20 Championship. It is incorrect that Deloittee was working both with the counties and ECB in this regard. It is incorrect to suggest that the Cat A counties asked to meet me on this in April 2010 on this issue.

2. **Question** : Did Deloittee term of reference include a new T20 championship?
3. **Answer** : We discussed the terms of reference for the bidding of the international matches and in the process the bidding was delayed by 3 months.

X X X

**Note :** The cross examination of Mr. Giles Clarke started at 7:30 p.m. IST and continued till 8:00 p.m. IST. The cross examination is inconclusive and shall continue on 09.11.2011.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date : 7<sup>th</sup> November 2011

ARUN JAITLEY JYOTIRADITYA M SCINDIA CHIRAYU R AMIN

**BEFORE THE DISCIPLINARY COMMITTEE, AT ITC MAURYA,  
NEW DELHI**

Date: 8<sup>th</sup> November 2011

**BCCI WITNESS NO.6**

**Mr. GILES CLARKE**

X XX

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on  
8<sup>th</sup> November 2011 at 7:30 p.m. IST at St. James Court Hotel, Buckingham  
Gate, London**

1. I do not remember whether the Deloitte's letter contained a proposal for a new T20 tournament. I will have to confirm from the document itself. The draft terms of reference refer to the work being done, the payment for which would be done by the Cat A grounds; the ECB would not be paying for any of this work. I cannot comment on whether the draft terms

of reference included the Cat A grounds holding the T20 in association with ECB without looking at the documents.

2. No competition can be held in England without the ECB's approval. Any tournament without ECB's approval is an unauthorized one. I am not aware if the Cat A grounds wanted to do a fact finding visit to India to see how the IPL was being conducted. Nobody told me about that and as I have said earlier I was not present in that meeting. Colin Graves called me to discuss the bidding system and how Deloitte was going to be involved. He made no mention of a trip to India in that conversation. The issue of the trip to India came up much later in the chronology. Colin Graves did not speak to me about a new T20 tournament in England after the 22<sup>nd</sup> March meeting. He spoke to me about the bidding system and the counties. I will have to check whether the note of the 22<sup>nd</sup> March meeting was sent by Colin Graves to me. Counsel for Mr. Modi places on record documents, **LKM 413 and GC 814**.
3. It is correct that I had agreed to meet Cat A grounds on 28<sup>th</sup> March 2010. I have no idea if the Chief Executives of the counties met Mr. David Collier. I cannot remember and hence cannot say if it was decided on the 10<sup>th</sup> March meeting to reduce the domestic championship duration to accommodate a new T20 tournament. I have no idea if the representatives of the counties wanted to meet Mr. Modi after the meeting of 22<sup>nd</sup> March 2010. Subsequent to discovery of documents in the English Court I have gathered significant information and I can now say that I have seen the e-mail traffic indicating that the heads of counties requested Andrew Wildblood to arrange a meeting with Mr. Modi. Yes, IPL 3 was underway in India at that time. I am not aware whether Mr. Modi was extremely busy and could find only time for a lunch meeting.
4. **Question:** Which portion of the mail of Stuart Reagan indicates that Mr. Modi called for the meeting?
5. **Answer:** I was told that the meeting was called by Mr. Modi and that these were the minutes of the meeting and I had asked for the minutes for over a month. I cannot say who exactly it was I will have to refer my notes.
6. Mr. Hora seeks to place on record **LKM 366 to 390 marked collectively**. Witness states that these documents are being selectively placed and the entire correspondence between Mr. Andrew Wildblood and Mr. Modi is not being placed.

7. **Question:** I put it to you that this meeting was not called by Mr. Modi and that it was counties who had approached Mr. Modi for a meeting?
8. **Answer:**The fact that Andrew Wildblood had sought such a meeting through lawyer Charles Russell and the entire correspondence which has not been made available to me indicates that this meeting was a part of larger plan for Project Victoria from 2009. Subsequent correspondence shows there was no doubt that this was not an accidental meeting.
9. I cannot say with any definitive proof who exactly called the meeting however I can say that IMG and Mr. Modi were present and IMG played an active role in organizing the meeting. In my view the meeting of 31<sup>st</sup> March 2010 was organized by IMG and the project Victoria team.
10. I cannot remember Reagan, Hotchkiss, Povey or Graves told me this. I have to verify as already stated. The existence of the minutes was known to me for a long time. It was my understanding that the meeting had been called by Mr. Modi at that time. I wrote the e-mail and hence your suggestion that I knew that Mr. Modi had not called for the meeting when I wrote the email is incorrect. I deny your suggestion that this is a falsehood which I deliberately inserted in the e-mail. I am aware from subsequent correspondences that the meeting moved to Delhi at Bukhara.
11. I deny the suggestion that Colin Graves said to me that Cat A Grounds were looking for IPL type competition.
12. **Question:** Did Graves tell you about a new T20 championship with Cat A grounds?
13. **Answer:** In our meeting on 5<sup>th</sup> April 2010, he did not in particular talk about the T20 Championship but talked about reduction in the number of counties amongst a host of other issues.
14. Graves may have in passing mentioned about the T20 championship but the thrust of the conversation was around the reduction in the number of counties and the playing of full six days of cricket amongst other issues. Graves did tell me that there had been a meeting between Mr. Modi and the counties for understanding IPL. It is true that I did not tell Mr. Graves that it was illegal for the counties to talk to Mr. Modi about an IPL format as Mr. Graves had not attended this alleged meeting. Mr. Graves did not tell me that the counties were going to send the letter to Mr. Modi to set up an English Premier League on 5<sup>th</sup> April 2010.

15. It is not true that Colin Graves told me on 5<sup>th</sup> April 2010 that ECB would have to be present and lead the new T20 tournament. He told me this subsequently. Witness volunteers that Colin Graves could have told him on 5<sup>th</sup> or may be a couple of days later. Colin Graves mentioned that an IPL format would generate revenues in millions of dollars but I cannot recall whether it was 3 to 5 million dollars. I do not remember whether Graves mentioned that IPL was guaranteeing certain some of money and therefore I cannot answer your suggestion that Graves did not tell me that IPL was guaranteeing 3 to 5 million dollars for Cat A grounds. I did tell Graves that Indian broadcasters should be involved since the rights were subsisting in India till 2012. All these things are set out in the email correspondence which you are obviously referring to. Therefore much of these proposals were theoretical from Mr. Graves. I did not tell him that I would run through his thoughts but I did tell him to speak to David Collier.
16. The mail **GC 527** shown to me by Mr. Hora was indeed sent by me on 5<sup>th</sup> April 2010. Mr. Hora also places on record correspondence **GC 778** **collectively**. I don't remember if Mr. Collier told that the figures which Mr. Modi had given for IPL type competition were not much different from our own. Witness confirms that GC 527 was written by him to Mr. Collier. **GC 528** is the reply. Witness is shown **GC 529** and asked the context in which Mr. Colier sent the mail. The witness states that it was explaining the three divisions of seven teams in the county championships and it has nothing to do with present subject matter. This provides for differential remuneration from ECB. I don't remember another conversation on 6<sup>th</sup> April 2010 with Colin Graves. If there is a document so establishing I can accept. Now I am answering only from my memory. I don't remember if I spoke to Neil Houghton of Warwickshire around 6<sup>th</sup> April 2010 about the proposed T20. They did say that the counties wanted to move through ECB. **GC 530** is a mail written by me to Mr. Collier. Your suggestion that the counties were intending to bring ECB all along is not entirely factual as all the facts and discussions had not been revealed to the ECB and a gun was being placed to the ECB's head. The counties were also being misled.
17. I now know that a meeting was held without the knowledge of ECB between the Cat A grounds and Deloitte. I don't know what they discussed whether it was a new T20 championship. I don't remember when I was informed of this meeting of 9<sup>th</sup> April 2010. I don't remember whether Mr. Stuart Reagan sent me the minutes or the areas discussed of the CEOs of Cat A grounds meeting of 9<sup>th</sup> April 2010. Mr. Reagan sent

me a letter of 12<sup>th</sup> April which was signed by number of counties. I do not know whether he sent me the minutes of the 9<sup>th</sup> of April meeting. Witness volunteers that he did not send me the copy of the minutes of 31<sup>st</sup> March which I had asked him to.

18. When confronted document marked as **GC 538 and 539** witness says it appears to be the document sent to me. (539 is partially submitted). I remember getting a signed letter and therefore a question of asking the counties not to send that letter does not arise. I was very shocked upon receiving this letter as it was signed by almost 50% of the ECB counties and I had no knowledge of the very serious issues that this letter encapsulated. I was obviously taken aback that these issues were being discussed about which I had no knowledge. My job is to run English letter therefore I needed to understand what was going on. With the exception of Graves and Wright no one had told me anything. Therefore I did not respond on that particular day with regard to this letter to any of the counties. (This answer has been given to Mr. Hora's question as to why Mr. Clarke reprimand or protest the counties on the same day).

X XX

**Note:** The cross examination of Mr. Giles Clarke started at 7:30 p.m. IST and continued till 9:30 p.m. IST. The cross examination is inconclusive and shall continue on such dates as may be communicated by the Disciplinary Committee.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date: 8<sup>th</sup> November 2011

**ARUN JAITLEY JYOTIRADITYA M SCINDIA CHIRAYU R. AMIN**

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL TAJ  
PALACE, NEW DELHI**

Date: 22<sup>nd</sup> December 2011

**BCCI WITNESS NO.6**

**Mr. GILES CLARKE**

X XX

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on 22<sup>nd</sup>  
December 2011 at 6:00 p.m. IST at Bristol**

1. The letter sent to me by Mr. Reagan on 12<sup>th</sup> April 2010 stated about visit of representatives of counties to India and their meeting with Mr. Modi. I don't recall if the names of Mr. Povey, Mr Hodgekiss or Mr. Graves were mentioned in that letter. The County Chairmen were slated to meet me on 28<sup>th</sup> April 2010. I would have to check when the meeting was fixed. I do not know exactly when the said letter was sent to Mr. Modi. I cannot say if exhibit **BCCI W6/58** is the letter sent to Mr. Modi.
2. I am aware that Daily Telegraph reported on 13<sup>th</sup> April 2010 that Cat A venues had hired Deloitte and there has been a meeting with Cat A representatives with Mr. Modi in India.
3. There was certain serious allegation against Mr. Modi. There had to be a fit and proper person to deal with. In these circumstances, I had sent emails to various persons containing media stories about allegations against Mr. Modi. I wrote the mails to various persons. I don't remember if I had forwarded the allegations against Mr. Modi to Cat A grounds. But this has happened after the Daily Telegraph stories and as we know it caused complete horror at IMG who corresponded about this with Mr. Modi as I now know.
4. I discovered it at a late stage that Mr. Manohar would not be attending the ICC meeting on 18<sup>th</sup> and 19<sup>th</sup> of April 2010 in Dubai and Mr. Modi would be attending the said meeting. On seeing exhibit **BCCI W6/59** the witness states that I was aware that Mr. Modi would be attending the ICC meeting.



5. I am chairman of ICC task team on Pakistan and I did discuss with Mr. Ijaz Butt Chairman PCB various issues including his views on Mr. Modi amongst many other issues.
6. On being asked whether the witness was pursuing Mr. Ijaz Butt against Mr. Modi on the ground that he discriminated against Pakistani player participation by not allowing them to be selected in IPL league, the witness states that there was no formal complaint made to IPL or BCCI about the non-selection of players. I deny your suggestion that I was co-ordinating with Mr. Ijaz Butt on his complaint against Mr. Modi as it is impossible to co-ordinate anything with Mr. Ijaz Butt. I participated in two ICC meetings through video link. I participated in the first meeting which was Finance & Commercial Affairs committee meeting with David Morgan, and I also participated in the ICC Executive Board meeting. Yes I think Mr. Modi attended both the meetings. In that meeting Mr. David Morgan and Mr. Lorgat were there. I cannot say if Mr. Sharad Pawar was there whole of the time. I don't remember if in that meeting ICL issue was also discussed.
7. **Question:** Is it correct that in that meeting you did not raise the issue of meeting of county representatives in India or that letter written by the county representatives to Mr. Modi?
8. **Answer:** What I did raise in that meeting was that the Board meeting record the protocol that Home Board must be involved as the point of contact and all other bodies had to communicate through the Home Board. I did not raise the issue because I was not physically present in Dubai and Mr. Manohar was not there. I tried to raise the issue in a diplomatic fashion and pointed about the protocol and then thought Mr. Modi would give me a call and tell me about the meeting which he did not do.
9. Protocol that was discussed was a fundamental protocol not only pertaining to ICL. It also pertained to American Twenty20. The next day Mr. Modi was raided by the tax authorities for money laundering and betting activities according to Times of India. As an ICC Director I could not correspond with a person who was charged of illegal betting.
10. I had telephoned Mr. Manohar on 24<sup>th</sup> April 2010 and spoke to him. I told Mr. Manohar about the meeting in Delhi. I also told him about the letter sent to Mr. Modi and I asked him whether BCCI had authorized any of this activity. Between 5<sup>th</sup> and 24<sup>th</sup> April 2010, I think it was my first discussion with Mr. Manohar. I don't recall if I made a call on 9<sup>th</sup> April

to him. I don't remember between these dates if I had sent a mail to Mr. Manohar. Because Mr. Manohar does not carry a cell phone I do not know as to on whose number I spoke to Mr. Manohar.

11. **Question:** Did you tell Mr. Manohar that you would be sending a complaint against Mr. Modi?
12. **Answer:** Since I did not know the full details of the meeting nor did Mr. Manohar know about the meeting I did not have any solid facts to write about the meeting. I did not do that.
13. I did not send a complaint based on the letters sent by counties on 13<sup>th</sup> April 2010 as it did not have any response by Mr. Modi.
14. It is correct that I met CAT A counties on 28.4.2010. In that meeting a draft terms of reference prepared by Deloitte was circulated. It is incorrect that at that meeting the representatives of CAT A venues wanted to set up a T20 tournament and was seeking ECB's approval. We did not have lengthy discussion on the tournament as what was discussed was draft terms of reference for Deloitte which we said we would be circulating a revised version. We went through the draft terms and felt that new terms should be circulated. I do not recall if the draft terms of reference included Twenty 20 tournament. It may have. I did not raise the issue regarding the meeting counties had with Mr. Modi on 31<sup>st</sup> March 2010 or the letter sent by them to Mr. Modi on 13<sup>th</sup> April 2010 in the meeting held on 28<sup>th</sup> April 2010, as BCCI had announced the suspension of Mr. Modi and the counties were shaken and I still did not have the details of the meeting of 31<sup>st</sup> March 2010. However, after the meeting I met Mr. Graves who was the spokesman of the counties and I raised the issue with him about the meeting Mr. Modi had with county representatives.
15. I took advice of Adrian Barsmith and Chris Walsh on this matter. They are both Lawyers. I don't recall if Chris Walsh advised me that the counties had acknowledged the requirement of ECB's support and approval for the T20 tournament.
16. **Question:** Did Chris Walsh advised you that the talks with Mr. Modi were initial exploratory discussions which do not breach ICC regulations?
17. I do not remember. However, there is a difference between ICC regulation and protocols.

18. Mr. Barsmith is a lawyer whose opinion I value and he has been advising ECB for the last seven years.
19. **Question:** Did Mr. Barsmith not advise you at this stage that there was nothing concrete against counties and nothing needs to be done?
20. **Answer:** No. Mr. Barsmith gave me several pieces of advice. He felt the conduct of the counties was reprehensible. He told me that Yorkshire was in breach of the staging agreement.
21. **BCCI W6/60** is the advice given by Mr. Barsmith.
22. **Question:** Did Mr. Barsmith not tell you that the exploratory discussion were not in breach of ICC regulations.
23. **Answer:** We are not talking of regulation but protocol here.
24. **Question:** Is it correct that you wrote to Chris Walsh to draft a complaint seeking a lengthy ban on Mr. Modi?
25. **Answer:** I did ask Chris Walsh to draft a complaint to ICC ethics officer which I was perfectly entitled to do. It is up to the ethics officer of ICC to decide on the ban.
26. It might have been probably around 28<sup>th</sup> April 2010 when I requested Chris Walsh to draft a complaint. I don't recall if I told Chris Walsh that Mr. Modi propose to form a rebel league in England. I had provided Mr. Walsh the information that was given by Mr. Graves along with letter of 12<sup>th</sup> April 2010. I don't recall if I told Mr. Walsh that Mr. Modi offered financial inducements to counties.
27. **Question:** By 28<sup>th</sup> April 2010 were you aware of attempts to form a new T20 league or any offer of financial inducements allegedly made by Mr. Modi?
28. **Answer:** I was aware of letter of 12<sup>th</sup> April and of my conversations with Mr. Graves. That covers your question.
29. **Question:** Is it correct that Colin Graves had not told you that counties propose to form a rebel league?

30. **Answer:** Both the letter of 12<sup>th</sup> April and the document of Deloitte dealt with T20 league. In the letter of 12<sup>th</sup> April there are two critical areas one is whether we can make the ECB come around. Secondly there is reference to getting around or avoiding sky contracts. These are potential attempts to damage English Cricket which is what a rebel league does.
31. **Question:** Did Graves tell you that Mr. Modi offered financial inducements to Counties?
32. **Answer:** The letter of 12<sup>th</sup> April 2010 makes it pretty obvious.
33. I don't recall if I had asked Peter Wright to send the copy of Reagan email of 31<sup>st</sup> March 2010. It is in fact Peter Wright who had told me about the email. It is incorrect that I came to know of the contents of the mail from Peter Wright.
34. Your suggestion is complete nonsense that I had asked for the mail from Colin Graves on 2<sup>nd</sup> May 2010 so that I can use it as a ploy to make a complaint to Mr. Manohar against Mr. Modi. I have been asking for this mail from Mr. Graves from 5<sup>th</sup> April 2010.
35. The mails were marked to Mr. Harper and Mr. Leach of Durham and Durham is a member of the ECB. It was indeed marked to David Stewart who was a Director in ECB. In the AGM of ECB held on 22<sup>nd</sup> April 2010 Peter Wright joined the Board as an elected member and Colin Graves became a Director as a replacement of David Stuart.
36. I have no idea and therefore cannot say if Mr. Modi was sent a copy of email written by Reagan on 31<sup>st</sup> March 2010 on or before 2<sup>nd</sup> May 2010.
37. **Answer:** Have you come across any mail or document that the so called minutes of Reagan mail were approved by Mr. Modi?
38. **Answer:** I have only seen the letter of 12<sup>th</sup> April 2010 written to Mr. Modi to which I did not see any response from Mr. Modi.
39. **Question:** Is it correct that on 29<sup>th</sup> April 2010 Chris Walsh told you that he was unable to track down any specific provision in the ICC Regulation / ICC Code of conduct which could nail down Mr. Modi?
40. **Answer:** You may have the email but I don't remember.

41. I do not remember if I and David Collier suggested to Mr. Walsh that he should make allegations regarding Mr. Modi's alleged involvement in unlawful betting activities. This subject had been ventilated by the Indian press.
42. I don't recall if Chris Walsh stated that there was no such charge on Mr. Modi.
43. On seeing **BCCI W6 / 61** the witness confirms the document and states the letter does not suggest that he spoke of any unlawful activity of Mr. Modi.
44. **Question:** Did you want a complaint sent to Ethics officer of ICC making allegation of gambling and that Mr. Modi's conduct would damage ICL issue where BCCI and ECB's interest were important?
45. **Answer:** I don't remember the exact details but the allegations made in the Indian Media were very damaging to the case of BCCI, ICC and ECB and there were many quotes by ICL.
46. **Question:** Do you hold any evidence to substantiate allegations regarding gambling regarding which advised Chris Walsh to make allegations against Mr. Modi?
47. **Answer:** As an ICC Director I am not able to disclose about this matter in these proceedings.
48. **Question:** Is it correct that ICC asked you to substantiate on the aforesaid allegation by providing evidence?
49. **Answer:** That email was written by Tendi Orleyn to me. She was an ICC Ethics officer and not a full time executive officer of ICC. The ICC has a separate department who deals with these types of matters.
50. **Question:** Is it correct that you have till date not supplied any material to ICC in this regard?
51. **Answer:** No. The matter is in abeyance.
52. **Question:** Is it correct that you wrote to ICC that you cannot provide any evidence since Mr. Modi had filed a suit against you in England?

53. **Answer:** Yes.
54. **Question:** Is it correct that allegation of illegal betting has nothing to do with your pending suit and email dated 2.5.2010?
55. **Answer:** My email dated 2.5.2010 to Mr. Manohar makes no mention whatsoever of betting.
56. It is incorrect that I made false allegations against Mr. Modi out of malice.

X XX

**Note:** The cross examination of Mr. Giles Clarke started at 6:00 p.m. IST and continued till 9:00 p.m. IST. The cross examination is inconclusive and shall continue 3.1.2012 and 4.1.2012.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date: 22<sup>nd</sup> December 2011

**ARUN JAITLEY      JYOTIRADITYA M SCINDIA      CHIRAYU      R.  
AMIN**

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL TAJ PALACE, NEW DELHI**

**Date : 3<sup>rd</sup> January 2012**

**BCCI WITNESS NO. 6**

**Mr. GILES CLARKE**

**X X X**

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on 3<sup>rd</sup> January at 4:30 p.m. IST at Hotel Crown Plaza, London**

1. **Per Disciplinary Committee** : There is a controversy about one Mr. Rajehwar from Flatgate being present with Mr. Hora in London during the cross examination of Mr. Clarke. Mr. Clarke alleges that there is a conflict of interest since Flatgate has now started representing Mr. Modi in the libel action against him and the proceedings of the internal enquiry of the BCCI could be used in libel proceedings. Mr. Hora insists on the presence of Mr. Rajeshwar. We are of the opinion that on eight hearings on which the cross examination of Clarke has gone on, Mr. Hora has conducted the same with great ability

after mastering all the facts. Since the witness fears that there is a likely hood of conflict of interest in Mr. Rajeshwar presence at an internal enquiry of the BCCI, Mr. Rajeshwar should withdraw from this proceedings and let Mr. Hora continue the cross examination of the witness.

2. I don't remember if I wrote to Chris Walsh that he should find out a rule to take action against Mr. Modi. I don't think that I felt that Chris Walsh was struggling to find any regulation that was breached by Mr. Modi. I don't remember if in a mail to Collier I had questioned Mr. Walsh's competence. I do not remember if David Collier communicated to me that there was no specific regulation that Mr. Modi had breached in meeting the counties. I do not remember if I told that Mr. Modi had owed a duty in the ongoing Essel/ICL issue. It is nonsense to say that despite legal advise received by me I was determined to support the baseless allegation made in my mail dated 2<sup>nd</sup> May 2010. It is incorrect to say that I authorized David Collier to give my or ECB's approval to Mr. Shashank Manohar/Srinivasan to disclose my mail to whosoever they liked. On being shown **BCCI-W6/62** the witness confirm that the mail does not say to whosoever they like but to whomsoever they required for the investigation within BCCI.
3. I received the Reagan email which stated the 31<sup>st</sup> March meeting. I also received a call from Colin Graves on 5<sup>th</sup> April and the County Chairman wrote on the 12<sup>th</sup> April. There were a large number of mails from Mr. Andrew Wildblood amongst others therefore I do not think that it was a merely



theoretical discussion that went on in the meeting and Mr. Wildblood did not deny it. Mr. Reagan had also affirmed it on oath.

4. **Question** : Are you aware that participants of the meeting considered that Reagan email misrepresented that Mr. Modi set out to present a plan which was not the case?
5. **Answer** : It is extremely evident from the actions of the countries present subsequently that they certainly took the matter very seriously. It is equally evident that Mr. Wildblood did in his email. so the opposite is the case.
6. On being shown **BCCI W6/63** the witness states that he did not see that email at that time. I do not know if this was disclosed or sent at that time.
7. **Question** : Did you get the minutes set out in Mr. Reagan's mail confirmed by Hotchkiss or Povey or the other participants before sending to BCCI?
8. **Answer** : I had no need to do so. These minutes were withheld from me deliberately despite many requests from me for a month.
9. I am not sure about the date but I asked Neil Houghton of Warwickshire to say what Colin Povey had to say about the trip.
10. I don't remember any notes that might have arrived by that stage from Coline Povey. By that stage he was well aware of the situation some counties found themselves in and was desperate to justify doing as little as possible. I don't remember if Povey's note indicated that it was an informal lunch meeting.

11. **Question** : Is it correct that Povey notes indicated that the meeting was organized by Mr. Reagan and not Mr. Modi?
12. **Answer** : I don't remember what was in Colin Povey's notes but that time Mr. Povey would have been extremely concerned about Warwickshire and any correspondence from him at that stage would have been of little value to my mind.
13. I don't remember if his notes did not carry anything to indicate any rebel league or guarantees given by IPL. Witness volunteers : But one would question why Warwickshire signed the letter of 12<sup>th</sup> April 2010 if no such subject was raised on 31<sup>st</sup> March 2010 meeting. I don't remember if Povey's notes centered around educational aspects of IPL. There was nothing educational in Reagan's mail. I don't remember if Povey's notes did not carry anything to the effect that Mr. Modi wanted to create a T20 league in England.
14. **Question** : Before sending complaint to Mr. Manohar did you ask Povey/Hotchkiss about what transpired in the meeting?
15. **Answer** : I did not and given that the letter of 12<sup>th</sup> April 2010, sent to Mr. Modi referred to formal minutes and these were the minutes provided to me by Mr. Graves there was clearly no need to do anything other than to forward the mail to Mr. Manohar asking him what was going on.

16. **Question :** Did the 12<sup>th</sup> April letter refer to 31<sup>st</sup> March meeting or did they refer to 9<sup>th</sup> April 2010 meeting of counties whose minutes were also forwarded to you?
17. **Answer :** They referred to 31<sup>st</sup> March meeting as it says that the letter states that the minutes of the meeting with you that is Mr. Modi.
18. **Question :** Did you make any query as to correctness of version given in Reagan's mail before sending it to Mr. Manohar?
19. **Answer :** This mail was sent to me by Mr. Graves as record of the meeting. It is equally interesting to note that Mr. Povey and Mr. Houghton who had sent the mail on the 31<sup>st</sup> of March at no subsequent time sent any emails to other counties who were the recipient of the 31<sup>st</sup> March mail that it was anything to the contrary. I had no reason to believe that it was anything but the accepted minutes of the meeting and therefore I did not make any enquiry.
20. **Question :** Did you ask Mr. Houghton or Povey whether they had given any comments on the circulated mail of Reagan.
21. **Answer :** I did not have to because I had already asked Mr. Graves who was the representative of the counties and he confirmed that it was correct in an email sent to Mr. Manohar.
22. I am not absolutely certain, it would have been in May but I don't know the exact date when mr. Graves sent the mail to Mr. Manohar.

23. Question : did you or ECB conduct any internal enquiry before or after complaining to Mr. Manohar?
24. Answer : ECB was awaiting all facts and the disclosure of the 31<sup>st</sup> of March email was deeply shocking since that date various other people involved are no longer employed in English Cricket. Witness volunteers that enquiry were carried out by various bodies.
25. Members of eCB carried out internal enquires. As we were not part of those enquiries but we are aware of the consequences of those enquiries, nevertheless I cannot give out information on those enquiries (who, when and which bodies conducted those enquiries).
26. Question : Is it correct that you / ECB did not conduct any in-house enquiry?
27. Answer : We did not conduct any internal enquiry. There is a difference between any enquiry conducted within the Board and an issue which include the counties.
28. It is correct that within 51 Minutes of receipt of the Reagan email by me I forwarded along with my covering email to Mr. Manohar.
29. Question : What was the tearing hurry to send the mail to Mr. Manohar on 2<sup>nd</sup> May 2010 itself?
30. Answer : This mail was most shocking to the World Cricket Administration. It quoted IPL commissioner as setting out a rule that players who had to play in IPL had to be there for full term of IPL, the consequences of which were

devastating for world cricket. IPL commissioner was intending to impose a new rule for the IPL auction that the player had to be available for the full season. This was no so earlier. That action and the IPL rules which were till staggeringly important for English cricket because our players play international cricket during that period. It is important for our income and for many other countries. The minutes of the meeting made it very obvious that the IPL commissioner was very well aware of the devastating impact this rule change would have. The quoted remarks and language used by Mr. Modi were typical of his vocabulary that I was accustomed to. I had absolutely no idea at that time whether the BCCI or the IPL would actually introduced this rule and as this information had not been previously available to me I urgency needed to know from Mr. Manohar whether any aspect of these proposal had actually been approved bythe BCCI. I have serious financial duties to both the ECB and the ICC and this proposal if it was one which the BCCI was indeed contemplating was the one which I wanted to discuss very urgently with them. Consequently there was indeed a need for me to ask Mr. Manohar if he was aware and if indeed these were authorized proposals and the seriousness of this should not be under estimated.

31. I deny the suggestion that this rule was already in existence.
32. I deny the suggestion that I am evading the answer. In fact I am speaking the truth.

33. Question : In your mail of 2<sup>nd</sup> May 2010 to Mr. Manohar you had not made any reference to change or proposed change in the IPL rule.
34. Answer : My email makes a reference to the minutes which are annexed. The mail states that the minutes are self explanatory and the minutes make a reference to the proposed change in the rule.
35. Question : Is it correct that you did not ask in your mail to Mr. Manohar not to formulate or implement such a rule in IPL.
36. Answer : This was not the purpose of my mail. The purpose of my mail was to enquire whether what was happening had the approval of the BCCI.
37. I deny the suggestion that in my email I did not even make a reference to the query whether this had the BCCI approval.
45. The lawyer who had witnessed it is Simon Walton of RosenBlatt who is representing me in the libel suit. I have no idea whether any oath was administered to Mr. Reagan before signing this document. I don't know when this document was signed. I was not present. I don't know whether RosanBlatt approached Reagan or vice versa.
46. Question : Is it correct you requested Mr. Reagain not to speak to media about meeting dated 31<sup>st</sup> March 2010?
47. Answer : When the media news broke out, there was a consensus that no one would speak to the media. Butno one can stop anyone from talking to media.

48. I don't remember if Mr. Reagan had stated to the media that allegations in my email are incorrect.
49. I don't remember if I told Graves to impose silence on Reagan. I did tell Graves that Reagan was taking risk with Yorkshire money. I deny your suggestion that I threatened Yorkshire's staging of matches if Yorkshire were to publicly controversy my allegations in media. In fact I told Graves about Yorkshire's problem with staging of matches before my email dated 2<sup>nd</sup> May 2010 to Mr. Manohar i.e., on 28<sup>th</sup> April 2010.
50. I don't remember if Mr. Graves whom I call my whistleblower gave an interview in Guardian that my email dated 2<sup>nd</sup> May 2010 does not portray the correct state of affairs.
51. I don't remember if I asked Graves not to speak to the Media after his Guardian interview on 7<sup>th</sup> May 2010.
52. I don't know the exact date Mr. Manohar asked me but he did enquire the veracity of the contents of Regan's email to me to which Colin Graves confirmed in writing that the minutes were correct. I forwarded the mail from Mr. Manohar to Graves and he answered which I forwarded to Mr. Manohar.
53. It is correct that I sent to Colin Gibson the letter dated 12<sup>th</sup> April written by counties In fact Colin Gibson, Haroon Lorgat and myself had a meeting at St. Kits. It is correct that this letter was in my possession since 12<sup>th</sup> April 2010. No I did not tell to Colin Gibson that this letter was recently discovered by Mr.

Manohar this was a misprint in the email. This is the mail I sent to Colin Gibson marked as BCCI W6/65 which has a misprint.

54. The portion marked A to B – this is the letter Shashank has discovered in IPL mails – is a misprint. Witness added it should read "will discover". I did not write to Colin Gibson but I did speak to him over phone that it is a misprint. We know each other very well he has worked in ECB with me. There is no big deal if there was a misprint. I have no idea when I have told him that this was a misprint. It is incorrect to suggest that I wanted to deliberately give to Colin Gibson that the letter of Mr. Modi was a clandestine effort recently discovered by Mr. Manohar.
55. I don't exactly recall when I had asked Mr. Manohar if Mr. Modi had replied to the letter of the counties. I don't remember his reply. I have no idea whether Mr. Modi replied or not. What I do know is what Mr. Wildblood did. BCCI W6/66 is admitted by the witness – mail dated 7<sup>th</sup> May 2010 written to Mr. Manohar.
56. I don't recall if Colin Gibson was of the view that the letter of 12<sup>th</sup> April 2010 destroyed my argument of a secret league.
57. BCCI W6/67 is a mail written by Colin Gibson dated 7<sup>th</sup> May 2010 to me. Mr. Gibson had not been part of the discussions of all matters earlier and has taken a single letter dated 12<sup>th</sup> April 2010 out of context. I don't remember if Colin Gibson told me that English side of correspondence would not suffice as



it did not carry Mr. Modi's approval. The Colin Gibson is not a Lawyer and only a PR man. **BCCI W6/68** is admitted by witness. Colin Gibson has given the PR perspective.

58. IMG issued a press release that my statement was incorrect which is extra ordinarily at variance with the email of Mr. Wildblood of 14<sup>th</sup> April 2010. In that mail IMG stated that they started it and they were responsible for it.
59. Exhibit **BCCI W6/69** are emails placed on record which have been received by the witness.
60. I am not aware if IMG wrote to Mr. Manohar explaining that lunch meeting had been incorrectly portrayed and I am not aware if **BCCI W6/70** was forwarded to me. I don't recall if IMG had asked Mr. Manohar to supply them a copy of my email to Mr. Manohar. This was not a public document. My mail to Mr. Manohar was a private mail intended to be shared only with the persons who were relevant to the BCCI enquiry and a confirmation back to me that the effort to set up a rival league did not have the BCCI approval.
61. **BCCI W6/71** is taken on record and marked collectively.
62. I don't know exactly how many times prior to 2<sup>nd</sup> May 2010 I had met Mr. Wildblood. There were few time when we met.
63. Have you written to IMG to get their views on the meeting of 31<sup>st</sup> March 2010.
64. I did not find about IMG's involvement until the 12<sup>th</sup> April letter I did want to know whether IMG had been authorized by BCCI to do all that they did in their

involvement in the 31<sup>st</sup> March meeting. I did not write to IMG or ask for their clarifications since I did not have time to do so since they had already issued a press release and IMG did not bother to contact me before issuing the press release. I am chairman of English Cricket Board and they have still not contacted me except through their Lawyers.

65. I told Daily Telegraph on 5<sup>th</sup> May 2010 that my email was only a draft and not a formal letter. I wrote a formal letter to Mr. Manohar on 8<sup>th</sup> May 2010. The need for writing a formal letter was this that my first email was regarding what the hell was going on. By writing a formal letter I wanted a formal response so that I can say to my Board if it had BCCI approval or not. I don't remember if Mr. Manohar asked for it or I sent the formal letter on my own. BCCI W6/72 is my letter and the covering mail. It is correct that portion marked A to B beginning with the words "we have already commenced ... counties involved" is missing in our formal complaint of 8<sup>th</sup> May 2010. The portion C to D beginning with a word "we also wish" are missing similarly the portions marked E to F beginning with a word ICC regulation are also missing in our formal complaint. These three portions were removed since they had nothing to do with the BCCI. These sentences were consciously deleted by me since they were nothing to do with the BCCI. It is incorrect to suggest that I deleted these portions because I knew the undeleted portions were false. It is in correct to suggest that I was not in West Indies when this formal complaint was sent on 8<sup>th</sup> May 2010.

66. **Question :** Could you tell us the outcome of the legal proceedings against the English officials and counties involved in the meeting of 31<sup>st</sup> March?
67. I am not a Lawyer. Therefore by legal proceedings I meant the fact that we wrote to them in order to put our point of view across. Yorkshire produced evidence of the meeting of 31<sup>st</sup> March 2010 and became a whistleblower and complied with the requirements of the ECB. The chairman and Chief Executive of Surrey stepped down as a result of this and our interest was squarely protected.
68. On being asked as to whether he has material to show that the Chairman and the CEO of Surrey stepped down because of this meeting witness replied that this is an internal matter of Surrey and that he could discuss with the President BCCI and not during the course of this enquiry. Yorkshire became a whistleblower on the threat of a legal action. This was before the email sent to Mr. Manohar. On being asked if he intended to take legal action against Yorkshire on the day he sent the mail the witness says that he already commenced legal action on that day. By the legal action I meant the letter written to them. Since I have clarified what my understanding of the word "legal action" was I maintain that I had commenced legal action on that day.
69. **Question :** Have you or ECB taken any legal action for banning IMG from World Cricket?

70. Answer : There is a legal action pending IMG and me for the past two years with regard to any action against IMG it is for the ICC and not me personally.
71. It is true that IMG asked for apology regarding my email. I can't recall whether I asked for more time to extend an apology.
72. In response to your suggestion that no legal action has been taken against English counties and IMG, I maintain that action was taken and it is not possible to take action against IMG because the matter is pending in Court viz a viz IMG.
73. I do not agree with your suggestion that there is no explicit ICC regulation forbidding such meetings as on 31<sup>st</sup> March 2010 as the ICC regulation and Board minutes dated 19<sup>th</sup> February 2010 make it explicitly clear that it is not proper to do so.
74. I deny your suggestion that the deleted portion of 2<sup>nd</sup> May 2010 were deliberately put so that BCCI can take action against Mr. Modi.
75. I agree I did not circulate the mail of 2<sup>nd</sup> May 2010 written to Mr. Manohar since I did not circulate all my letters to all my Board members. I circulated my letter dated 8<sup>th</sup> May since that was a formal complaint.
76. I deny your suggestion that I was deliberately trying to mislead my Board by not placing the content of mail dated 2<sup>nd</sup> May 2010 to the Board.

77. Both the Chief Executive and I are competent to take legal action on behalf of ECB without further authorization on behalf of ECB. My Board never felt that by writing to Mr. Manohar I had breached protocols.
78. Mr. Mathew Fleming was on the Board of ECB at that time. Mathew Fleming had sent a communication where according to him this was not as per Board protocol. Mr. Fleming's mail is **BCCI W6/73**. Mr. Fleming does not talk about any violation of Board protocol and he is a young man without substantial experience of Board matters.
79. Between receiving Reagan's email and sending it to Mr. Manohar I did not speak to Mr. Morgan but I did leave him a voice message.
80. I don't need Mr. Morgan's approval to correspond with a fellow direction of ICC or any counterpart in BCCI and therefore did not require any telephonic approval before I sent the mail to BCCI.
81. Question : After you sent the mail how many time Mr. Manohar expressed his gratitude for sending the mail.
82. Answer : Mr. Manohar is a very courteous man he probably would have thanked me. I don't really know. I can't really say if it is once or more because I don't remember. I did not speak to any lawyer before sending the email to Mr. Manohar since I did not need to. I had not leaked to the media but its contents were in the media but I did not know who leaked it. I don't remember if I told Mr. Mathew Fleming if BCCI had leaked it.

83. Question : Is it correct that you told Mr. Fleming that ICC president had cleared your mail to Mr. Manohar in advance and before sending the mail you had consulted lawyers.
84. Answer : By the time I communicated with Fleming I had already discussed the matter with the ICC President and also gone through at some length on the matter with the lawyers. There had been large correspondence and nobody had any illusion about the issues. BCCI W6/74 is the letter I wrote to Mr. Fleming. Portion marked A to B beginning with "I can tell you .... Is correct" This is what the mail says. It is indeed correct that I discussed with ICC President prior to writing to Mathew Fleming. The words in advance means that I got it discussed ad nauseum with Mr. Morgan and before sending it to Mr. Fleming and not before sending it to Mr. Manohar. The portion marked C to D is correct. There were strong challenges before BCCI and ECB from Mr. Modi and the counties. I deny your suggestion that I misled my own Board members about the complaint made against Mr. Modi. I don't know if on 8<sup>th</sup> May I asked Mr. Graves to refrain from making statements to media which may be construed to support Mr. Modi. BCCI W6/75 is written by me to Mr. Graves. My motive was there was too much media and I wanted media silent.
85. I have no idea if as on 10<sup>th</sup> May 2010, Stuart Regan felt because of my obsession with Mr. Modi, I was distracting from the main issue that the counties had to learn from IPL. BCCI W6/76 is placed on record. These mails were not forwarded to me and were disclosed by Yorkshire at a later stage.

These mails are genuine and were submitted to the ECB in pursuance of the legal action which I referred to earlier. I am not sure if they were submitted to ECB or to Rosenblatt. Rosenblatt are not acting for ECB but acting for me in the libel action. I have no idea Stuart Regan wrote to Colin Povey that using the words "whistle blower and legal action" was playing to me ego. **BCCI W6/77** are mails placed on record. They were not forwarded to me but they were part of disclosures made by Yorkshire.

X X X

**Note** : The cross examination of Mr. Giles Clarke started at 4:30 p.m. IST and continued till 9:00 p.m. IST. The cross examination is inconclusive and shall continue on 04.01.2012.

The aforesaid statement has been read by me and I accept it to be accurate.

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL TAJ PALACE, NEW DELHI**

Date : 4<sup>th</sup> January 2012

**BCCI WITNESS NO. 6**

**Mr. GILES CLARKE**

**X X X**

**Cross Examination of Mr. Giles Clarke by Mr. S.S. Hora, Advocate on 4<sup>th</sup> January  
2012 at 4:30 p.m. IST at Hotel Crown Plaza, London**

1. I don't remember if Mr. Graves told me that they wanted to keep their proposals confidential as they wanted to first freeze the proposals before taking it to all the stake holders in ECB.
2. **Question** : On 14<sup>th</sup> May 2010 Mr. Graves circulated a memo to you and Chairman of other grounds stating that counties had met Mr. Modi for Lunch to discuss success of IPL and to learn for it?
3. **Answer** : The witness declines his ability to answer the question post 2<sup>nd</sup> of May 2010, based on advise of legal counsel as questions that are irrelevant to



the show cause notice issued to Mr. Modi and pertain to the libel case in which the witness himself is involved cannot be answered.

4. **BCCI W6/78** (to be submitted) upon being shown to the witness the witness confirms that he has been copied on it.
5. Upon being asked with regard to details of the document marked A to B regarding India visit and meeting with Mr. Modi, the witness declines his ability to answer as mentioned above.
6. **Question** : Do you have any reason to doubt the veracity of the portion marked A to B?

X X X

**(Giles Clarke)**

Date : 3<sup>rd</sup> January 2012

**ARUN JAITLEY JYOTIRADITYA M SCINDIA CHIRAYU R AMIN**

**BEFORE THE DISCIPLINARY COMMITTEE, AT HOTEL TAJ PALACE, NEW DELHI**

**Date : 4<sup>th</sup> January 2012**

**BCCI WITNESS NO. 6**

**Mr. GILES CLARKE**

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the show cause notice issued to Mr. Modi and pertain to the libel case in which the witness himself is involved cannot be answered.

4. **BCCI W6/78** (to be submitted) upon being shown to the witness the witness confirms that he has been copied on it.
5. Upon being asked with regard to details of the document marked A to B regarding India visit and meeting with Mr. Modi, the witness declines his ability to answer as mentioned above.
6. Question : Do you have any reason to doubt the veracity of the portion marked A to B?
7. Answer : As above.
8. Question : Did the Chairman of Cat A counties expressed their amazement to the spin you have given to the meeting of 31<sup>st</sup> March 2010?
9. Answer : As above.
10. Question : Is it correct that BCCI W6/78 did not state any rebel league or inducement or guarantees or Mr. Modi?
11. Answer : As above.
12. I deny your suggestion that the description of Mr. Graves as a whistleblower in the email was to give an environment of secrecy and intrigue. I deny your suggestion that it was my intention that I wanted to give a false impression that the meeting on 31<sup>st</sup> March, 2010 at Delhi was a clandestine plot which

was not the case. I did not talk to Mr. Stuart Reagan before drafting the email dated 2<sup>nd</sup> May 2010. Rosenblatt my legal counsel advised me not to answer any question irrelevant to the show cause notice post 2<sup>nd</sup> May 2010. The questions answered by me yesterday which are irrelevant to the show cause notice should also be expunged.

13. Question : What was the advice given to you by Rosenblatt regarding the relevancy or irrelevant?
14. At this stage the committee stated that the witness has the right to disclose or not to disclose the legal advice given by his lawyers.
15. Answer : I prefer not to disclose the advice.
16. I read the Show cause notice about 6 months ago.
17. I deny the suggestion I am not answering the question because the answers are unhelpful to my case. I have seen statements to the effect that the meeting of 31<sup>st</sup> March 2010 was held in the Bukhara Restaurant. I was not present and I have no personal knowledge. I have no knowledge of the Bukhara Restaurant and hence I cannot say if there is a place for holding a formal meeting or setting out a presentation over there. I deny the suggestion that through the email of 2<sup>nd</sup> May 2010, I tried to impugn the integrity of Mr. Modi. I wrote the email in order to know the position of the BCCI with regard to the matter set out by Mr. Reagan.

18. Question : Was it your intention that BCCI should take action against Mr. Modi?
19. My intention was to find out a question of fact.
20. Without consulting my telephone record I can't say how many times and if at all I spoke to Mr. Manohar between 5<sup>th</sup> April and 24<sup>th</sup> April 2010. I would check and let you know. I did not speak to Mr. Manohar after the call of Mr. Graves for quite some time. I was not in a position to discuss any details of the meeting with Mr. Manohar at that stage since I was not aware and Mr. Graves had not attended the meeting. I spoke around 24<sup>th</sup> April to Mr. Manohar and I did not speak to him about the 31<sup>st</sup> March meeting as I did not have the details of the meeting at that time. I did not discuss with Mr. Manohar at that time about the letter of 12<sup>th</sup> April sent to me by the counties since I did not know whether they had actually sent the letter to Mr. Modi. I did not know the fact at that time. On being asked whether the email of 2<sup>nd</sup> May 2010 was an official letter, witness states he does not understand the question as to what is official and what is unofficial. It is true that on 2<sup>nd</sup> May when I wrote the letter I felt Mr. Modi was a threat and a miscreant. I deny your suggestion that when I spoke to Mr. Manohar along with Mr. Srinivasan, we conspired to deal with a common enemy and a threat. I would have sent the letter of 2<sup>nd</sup> May to Mr. Manohar irrespective of whether Mr. Modi was suspended or not since Reagan's mail was very serious.

21. I did not know when Mr. Manohar asked me to make a witness statement. I do not recall if Mr. Manohar requested me to obtain a witness statement of Mr. Reagan also. I don't recall if I made any request to Mr. Reagan to make a witness statement in this enquiry.
22. Question : Was the only basis of your sending email dated 2<sup>nd</sup> May 2010 was email dated 31<sup>st</sup> March 2010?
23. Answer : The contents of Mr. Reagans mail were contrary to what I was told about the meeting requiring immediate attention and that was the reason for me to send the mail on 2<sup>nd</sup> May to Mr. Manohar.
24. I have not attended the meeting therefore I have no personal knowledge about the events of the meeting dated 31<sup>st</sup> March 2010.
25. It is incorrect to say that the only basis I have for believing the minutes dated 31<sup>st</sup> March 2010 is the declaration signed by Mr. Regan dated 15<sup>th</sup> June 2010. Mr. Wildblood's e-mail, Project Victoria mails and such like disclose the correctness of the contents of Mr. Reagan's email. I do not know if the project victoria documents or email referred above are part of the show cause notice or my email to Mr. Manohar or my witness statement.
26. Question : When did you ask Mr. Regan to sign the declaration of 15<sup>th</sup> June 2010?
27. Answer : This pertains to events of post 2<sup>nd</sup> May 2010 and I do not wish to answer.

28. I have no idea who provided BCCI the declaration of Mr. Regan dated 15<sup>th</sup> June 2010. I am not going to answer your question if I provided it since it relates to developments after 2<sup>nd</sup> May 2010. I have no idea if BCCI relying upon this document.
29. At this stage Mr. Hora requests that the witness should be directed to answer the questions.
30. **Per Disciplinary Committee** : We will not direct the witness to answer any question. But record accurately what the witness states. Mr. Hora will be entitled to argue with regard to inferences to be drawn in this regard.
31. It is my understanding that the show cause notice relates to the meeting of 31<sup>st</sup> of March 2010 and earlier meeting and developments post 2<sup>nd</sup> May 2010 would not be relevant.
32. I have no idea which meeting prior to 31<sup>st</sup> March 2010 the show cause notice refers to. My mail only forwards Reagan's mail and does not refer to any meeting prior to 31<sup>st</sup> March 2010. My witness statement does not refer to any meeting prior to 31<sup>st</sup> March 2010. When I signed the witness statement I was not aware of all the events which had taken place till September 7, 2010. I will not talk about by that time I had idea of Colin Graves memo dated 14<sup>th</sup> May 2010. I only come around to set out the facts that I have sent an email to Mr. Manohar and therefore I have not stated about Mr. Colin Graves calling me on 5.4.2010 about the meeting at Delhi. I have not set out the letter dated 12<sup>th</sup>

April to Mr. Modi, because what I have set out in my witness statement is true. My witness statement sets out a position therefore I did not refer to my meeting with counties on 28<sup>th</sup> April 2010. I deny your suggestion that I deliberately chose to ignore my interaction with counties from 31<sup>st</sup> March 2010 till 2<sup>nd</sup> May 2010. On being asked whether these omissions were made on anybody's advice, there are thousands of things which could be put to this statement which will bore the person reading this. This was seen by my British lawyers. I deny your suggestion that I had no reason to believe on 2<sup>nd</sup> May 2010 the email of Stuart Regan was correct.

33. I deny your suggestion on 2<sup>nd</sup> of May I had no reason to believe that Mr. Modi has breached ICC Regulations. I don't remember if Mr. Modi had opposed setting up of an American Premier League by a private businessman. Since I had earlier known about Mr. Modi being opposed to unofficial tournaments and player participation therein I found the statements in Regan's mail to be shocking. I do not know that Mr. Modi had insisted that even during IPL players would not be allowed to skip bilateral tournaments.

34. Yes. Julian Hunte President WICB told that West Indies players had threatened about not to play forthcoming tour of England because they wanted to play IPL.

35. On being shown **BCCI W6/79** the witness states that's why Mr. Modi's statements as set out in Regan's mail were shocking to me. Mr. Modi probably



told me that no player who has FTP commitment would be allowed to play IPL. I am not sure if Mr. Modi took a stand against rebel players who are not signing contract with their Boards to play IPL at cost of international FTP.

36. Question : Why did you not write a mail to Mr. Modi seeking clarification of his position after receiving Regan's mail like you did in respect of West Indies players?
37. Mr. Modi was suspended of BCCI position and therefore I could not communicate with him.
38. **Per Disciplinary Committee** : There are some personal references to Mr. Modi in the testimony which we feel are not relevant to the show cause notice. We are not taking those references on record.
39. I am aware Mr. Modi was part of the Working group against unauthorized cricket and was involved in drafting ICC protocol that is why I find his comments in Mr. Reagan's email to be shocking. I dispute your suggestion that I believe that Mr. Modi could not be in breach of ICC protocols since the facts email indicated that he was in breach of the protocol.
40. I deny your suggestion that there was nothing in the email that Mr. Modi was indicating about forming a parallel setup. It is correct that the email dated 31<sup>st</sup> March wanted to convince Governing Bodies to allocate two time windows for EPL matches and build everything around it. The witness adds that the email also speaks of this happening any way.

41. I have no idea that between the meeting dated 31<sup>st</sup> March, 2010 and my mail dated 2<sup>nd</sup> Mzay 2010 if Mr. Modi did not have any contact with the English County executives.
42. Mr. Modi's conduct as envisaged in the minutes of 31<sup>st</sup> March was dishonourable and outrageous. My belief based on the email is that the discussions on 31<sup>st</sup> March, 2010 was on the subject of possible new structure on the governance of cricket. It is correct that the recipients of Regan's email held prominent positions in ECB administration.
43. Question : Were these persons also parties to acting outside ICC norms and of dishonorable conduct?
44. Answer : These persons who are recipients of email are not guilty of breach of ICC norms or dishonorable conduct because they have only received in email.
45. I have no idea if Mr. Modi received the Regan's email.
46. Question : Is it correct that you do not consider it wrong to discuss new cricket structures?
47. Answer : It depends upon who is discussing and which bodies.
48. Question : Is it correct that by your email you tried to disparage Mr. Modi.
49. Answer : I expressed my outrage considering Mr. Modi's earlier stand being opposed to unofficial cricket.

50. Question : Is it correct that by your email you meant that Mr. Modi had called a meeting whose objective was to destroy Worlds Cricket structure.
51. Answer : I set out very clearly in the email what I believed about the meeting.
52. Question : Is it correct that you meant that you just discovered the meeting until the same was exposed by a whistle blower.
53. Answer : What I meant was the details were made known to me then.
54. Question : Did you want Mr. Modi to be banned from World Cricket?
55. Answer : If Mr. Modi had been carrying out the plan mentioned in the email then he could not have been involved in world cricket any more.
56. I did not mean that like English Officials have been made subject of legal action likewise Mr. Modi should also be made subject legal action. That is a matter for BCCI. I am not a lawyer and therefore cannot say if Mr. Modi acted unlawfully. By my email I wanted BCCI's response to what I had sent and cannot say I wanted to discredit Mr. Modi.
57. On being asked about if Mr. Price was his counsel in the libel case witness clearly says that he do not want to answer anything concerning the libel case. **BCCI W6/80** is judgment passed in the case.
58. At this stage Mr. Hora wants to question Mr. Clarke with regard to the contents of para 38 to 42 of the Judgement. Mr. Clarke clearly states that he

will not answer any question regarding the judgement. Mr. Hora is at liberty to refer to any part of the judgement in arguments.

59. Suggestion : I put to you that on 5<sup>th</sup> & 6<sup>th</sup> April Mr. Graves told you that the counties were thinking of putting up a separate IPL like tournament.

60. Answer : It is not correct.

61. Suggestion : I put to you that Mr. Collin Graves told you that T-20 competition will fetch 3-5 million dollars.

62. Answer : I would have to look my notes on that but I do not think said anything about IPL like tournaments. After seeing my notes I will give answer to this. These Notes are minutes of my conversations with Mr. Collin Graves. I cannot give minutes of my discussion with Collin Graves to you.

63. Question : On being shown BCCI W6/81 and being asked Collin Graves did not tell you that Mr. Modi or IPL had given any guarantees.

64. Answer : I do not remember.

65. On being shown the document BCCI W6/81 witness states that with respect I would not answer any question concerning my defence in the English Court.

66. **Per Disciplinary Committee** : There are series of questions with regard to orders and pleadings filed before the English court where the libel case is being conducted which are being confronted to witness for answer / clarification. The witness is clearly stated that he would not answer any

question in relation to proceedings pending in the English Court. He further states that he would not wish to prejudice himself by any answer here. Mr. Hora is at liberty to file those proceedings before his enquiry and rely on the same. In view of the stand taken by the witness it would serve no purpose to continuously asked questions about the English proceedings. Our observations above also relate to the portions which Mr. Hora wants to rely on, namely A to B, C to D and E to F, J to K, L to M, O to P in Exhibit **BCCI W6/81**.

67. I deny the suggestion that I asked Peter Right for a copy of the email dated 31.03.2010 and the contents were made known me to by Mr. Peter Right on 06.04.2010.
68. **Per Disciplinary Committee** : At this stage Mr. Hora asked if Clive Leach is a friend the Chairman of Darham. The witness states that this question is based on an extract of the statement in English Court and since the question is being asked from that extract without referring to it he would not answer it. Mr. Hora now confronts him with the written statement filed in the English Court the witnesses refuses to see the same as he said that he shall not refer to those proceedings in English Court.
69. Clive Leach met me on 09.04.2010. He did not brief me about the meeting of 09.04.2010. In fact, he did not mention it. He did not mention the mail of 31.03.2010.

70. I agree to your suggestion that the notes of meeting of 9<sup>th</sup> April, 2010 were sent to me by Mr. Regan on 12.04.2010. I deny your suggestion that I contacted Mr. Manohar on 09.04.2010. I deny your suggestion that I told him on that day about the meeting of 31.03.2010. I deny your suggestion that on 28.04.2010 when I met chairman of Cat A Venues I was told that ECB would be a stake holder and that they wanted an IPL type T-20 competitions. Witness Vol. That the meeting spent most of its time on the Deloitte report. I agree to your suggestion that Graves was made a central point of contact by Cat A counties.
71. I cannot comment on your suggestion that representatives of Cat a Venues wanted ECB's approval to bring a new T-20 tournament because this is a part of English proceedings and I would not like to answer. I would not answer whether 2<sup>nd</sup> May and 31<sup>st</sup> March 2010 emails are part of English Court proceedings. I have no idea and therefore comment on your suggestion that Mr. Modi was unaware of Mr. Regan's email till 06.05.2010 when BCCI issued Show Cause Notice to him. I would not comment on your suggestion that since 05.04.2010 I was aware that counties did not intent to oust ECB rather wanted ECB firmly involved as these are also questions in English Court proceedings.
72. Suggestion : I put to you that you are not answering questions inconvenient to you by taking cover of English Court Proceedings.

73. Answer : I put to you that you are carrying out cross examination which can be used against me in English Court Proceedings.
74. Suggestion : I put to you that till 09.04.2010 you had spoken to Graves, Leach, Houghqton, Hodgekiss.
75. Answer : I cannot comment your suggestion that I spoke to Graves, Leach, Houghqton, Hodgekiss till 09.04.2010 and all of them told me that ECB had to be fully involved.
76. Suggestion : I put to you that counties kept you fully informed right from 05.04.2010 to 28.04.2010 about the proposed T-20 tournament in England.
77. Answer : This question I will answer. I deny your suggestion that they keep me fully inform. They did not keep me fully inform.
78. Suggestion : I put to you that you did not entertain any concern regarding any rebel league otherwise you would have raised issues with counties on receipt of letter to Mr. Modi on 12.04.2010 or in meeting with them on 28.04.2010.
79. Answer : I was not given the full fact therefore I deny suggestion.
80. Suggestion : I put to you that when you spoke to Mr. Manohar on 24.04.2010 you knew that there was no rebel league contemplated in England by counties.
81. Answer : When I spoke to Mr. Manohar on 24.04.2010 I did not know the contents of the Regan email therefore I deny your suggestion.

82. Question : Is it correct that after the mail dated 31.03.2010 in your meetings with counties no agenda of league outside ECB came up for discussion?
83. Answer : We made it clear in the meeting of 28.04.2010 that the ECB will not countenance any activities which was not approved by us. There was no debate and therefore there was not question of any of the counties disagreeing.
84. Question : Is it true that after 31.03.2010 you were aware what the counties wanted from ECB?
85. Answer : No I was not.
86. Suggestion : I put to you that the email of Mr. Regan is not minutes of meeting since it was not approved by any of the other participants of the meeting?
87. Answer : Since this is described as a formal minute in the letter of 12.04.2010 and there was no denial apparently by Mr. Modi. I acted on the email.
88. Suggestion : I put to you that as per discussions in meeting dated 31.03.2010 the counties would have required the support of ECB.
89. Answer : The minutes clearly states that the governing bodies would have no choice.
90. Suggestion : I put to you that any competitions would have required the approval of ECB which involved the counties.



91. Answer : The minutes made it very clear that the governing bodies not be given any choice.
92. Suggestion : I put to you that Mr. Grave was candidly routinely briefing you about the discussions with Cat A Venue regarding proposed New T-20 Tournament.
93. Answer : I deny your suggestion.
94. Suggestion : I put to you that you deliberately described him as whistle blower to get discovery of a clandestine plot which was not the case.
95. Answer : I deny it and I have already denied this.
96. Suggestion : I put to you that even in IPL the franchisees defer to BCCI any IPL type tournament can only be conducted with approval of cricket boards.
97. Answer : I have no idea about the relationship between BCCI and its franchises.
98. Suggestion : I put to you that after your email the public comments of Mr. Regan and Mr. Graves was unhelpful to you as they were exposing the truth.
99. Answer : I would not answer the question since this is after 02.05.2010.
100. Suggestion : I put to you that you gave veiled threats to both Mr. Regaon and Mr. Graves that they should not make any further public comments in the matter.
101. Answer : I am not willing to discuss that happened after 02.05.2010.

102. Suggestion : I put to you that you deliberately deviated in the reasons given in the letter dated 08.05.2010 from your mail 02.05.2010.
103. Answer : I am denying your suggestion and I am not answering any questions relating to post 02.05.2010.
104. Suggestion : I put to you that the whole purpose of 08.05.2010 letter was to allow you to exculpate yourself.
105. Answer : I am not willing to answer.
106. Question : If you were to know of a document or a fact which helps Mr. Modi establish his innocence would you still not disclose that fact in these proceedings if they are after 02.05.2010.
107. Answer : I am not representing Mr. Modi. I do not know.
108. Suggestion : I put to you that the second letter was written because you could not have sent the first mail to ECB members.
109. Answer : I deny that suggestion.
110. Suggestion : I put to you that the lunch meeting on 31.03.2010 was an informal and casual affair.
111. Answer : I don't know it and therefore can't answer your suggestion that the meeting on 31.03.2010 was an informal and casual affair.

112. Suggestion : I put to you that the meeting on 31.03.2010 was basically educational as the counties wanted to learn from Mr. Modi about the IPL business model and wanted to replicate it in England.
113. Answer : I deny it Mr. Wildblood had a pre meeting with the county and he emailed Mr. Modi afterwards before the lunch meeting and advised Mr. Modi to keep his cards close to his chest.
114. Question : When did you come to know about Wildblood email?
115. Answer : I came to know about Wildblood's email subsequent to 02.05.2010.
116. Suggestion : Did you come to know of alleged Project Victoria after 02.05.2010.
117. Answer : Yes.
118. Suggestion : I put to you that you have 2<sup>nd</sup> May as a cut of date only to suit your convenience.
119. Answer : I deny that. This is to prevent you from cross examining me as these matters are irrelevant.
120. Suggestion : I put to you that in the meeting of 31.03.2010 Mr. Modi told the counties that any competition can only be undertaken under established cricket board structures because it would require window in existing calendars as well as availability of international players.

121. Answer : Mr. Modi made it very clear that he will be taking actions mentioned in the email which meant the board had no choice.
122. I will not place the notes of meeting sent by Colin Povey to me as they are after 02.05.2010.
123. Question : Did you ask Mr. Reagan or Mr. Povey if the notes regarding meeting 31.03.2010 maintained by the other are correct?
124. Answer : We have already dealt with this. We asked Mr. Graves if Mr. Reagan's notes were correct and he responded to me which was passed on to Mr. Manohar.
125. Question : Did you ask Povey whether the contents of Reagan's mail were correct or not?
126. Answer : I only checked with Mr. Graves.
127. I am not answering the questions regarding posts 02.05.2010 and therefore I cannot say whether Mr. Graves Memo of 14.05.2010 corresponding with Mr. Povey's Notes or Mr. Reagan's Notes of the meeting.
128. Suggestion : I put to you that Graves Memo in fact seconded what Mr. Povey's had told you.
129. Answer : I am not answering the questions for the reason already stated.

130. Question : Did you speak to Mr. Graves as to why after becoming the whistle blower he wrote memo dated 14.05.2010 to all counties chairmans including myself.
131. Answer : I am not answering the questions for the reasons already stated.
132. Suggestion : I put to you that you had closed to an hours conversation with Mr. Graves on 05.04.2010.
133. Answer : I agree.
134. Suggestion : I put to you that even the letter sent by counties to Mr. Modi were sent to you a day earlier to keep you fully informed.
135. Answer : I deny your suggestion.
136. Suggestion : I put to you that the reasons for Cat A Venues seeking meeting with Mr. Modi had nothing to do with alleged Project Victoria.
137. Answer : I deny your suggestion.
138. Suggestion : I put to you that counties meeting on 09.04.2010 and 28.04.2010 had nothing to do with alleged project Victoria.
139. Answer : I was not in the meeting of 09.04.2010. However, I deny your suggestion pertaining to 09.04.2010 but concerning 28.04.2010 I agree.
140. Suggestions : I put to you that in the minutes of 09.04.2010 sent to you 3-5 millions dollars refer to revenue in the kitty of each club by IPL type tournament.

141. Answer : I deny your suggestion. As far as I recall there was no reference to IPL style competition.
142. Suggestion : I put to you that the allegations made by you on 02.05.2010 are not supported even by email dated 31.03.2010 if read in entirety.
143. Answer : I deny your suggestion.
144. Suggestion : I put to you that there is nothing in email dated 31.03.2010 which set out a plan to destroy World Cricket Structure.
145. Answer : I deny your suggestion.
146. Suggestion : I put to you that there is nothing in the email dated 31.03.2010 which set out plan to create a new rebel league.
147. Answer : I deny your suggestion.
148. Suggestion : I put to you that there is nothing in email dated 31.03.2010 which plans to remove all board powers.
149. Answer : I deny your suggestion.
150. Suggestion : I put to you that in your email dated 02.05.2010 you deliberately chose to read contents which were not in the email dated 31.03.2010.
151. Answer : I deny your suggestion.
152. Suggestion : I put to you that the statement made in your email dated 02.05.2010 make allegations over and above the email dated 31.03.2010.
153. Answer : I disagree with you suggestion.

154. Suggestion : I put to you that you deliberately introduced a false statement of taking action against English officials of counties because you wanted to give a basis to BCCI to take action against Mr. Modi.

155. Answer : I deny your suggestion.

156. Suggestion : I put to you that the contents of mail dated 31.03.2010 were never approved by Mr. Modi.

157. Answer : It is pretty clear that he said the comments attributed to him.

158. Suggestion : I put to you that the email stated that Mr. Modi wanted balance between club and county to be negotiated sensibly rather than every one falling out.

159. Answer : The email must be read in entirety. Mr. Modi previously stated that the board would have no choice.

160. Suggestion : In the email dated 31.03.2010 portion marked A to B, C to D and E to F completely demolish the contentions you have raised in your email of 02.05.2010.

161. Answer : I deny your suggestion.

162. Suggestion : I put to you that email dated 31.03.2010 is Mr. Reagan's assessment or understanding of the meeting.

163. Answer : It is correct.

164. Suggestion : I put to you that the email of 31.03.2010 does not support of Mr. Reagan as to what transpired in the meeting is incorrect.
165. Answer : I was not at the meeting.
166. Suggestion : I put to you that in that meeting no guarantee on behalf of IPL was given by Mr. Modi.
167. Answer : I was not in that meeting I can only refer to the minutes given by Mr. Reagan.
168. Suggestion : I put to you that there was no presentation made in the meeting dated 31.03.2010.
169. Answer : I was not at the meeting.
170. Suggestion : I put to you that IPL model has always complied with governing bodies and ICC regulations.
171. Answer : IPL is a matter of BCCI. Does not concern me.
172. Suggestion : I put to you that IPL model which counties wanted to replicate does not strike the foundation that the way cricket is administered in the world.
173. Answer : It was not an IPL model.
174. Suggestion : I put to you that there was no breach of ICC regulation. If there are exchange of ideas regarding working of IPL.
175. Answer : I deny your suggestion and refer to you the protocol of ICC.



176. Suggestion : I put to you that the IPL model which the counties want to replicate does not allow players to participate without prior approval of their board.
177. Answer : The counties were not seeking to replicate the IPL.
178. Suggestion : I put to you that no minutes of meeting dated 31.03.2010 were ever circulated to Mr. Modi after the meeting was over.
179. Answer : I don't know.
180. Suggestion : I put to you that Mr. Reagan's email is not minutes of meeting.
181. Answer : I deny your suggestion.
182. Suggestion : I put to you that in that meeting Regan, Povey and Haotchkiss asked Mr. Modi how he thought IPL model will work in England.
183. Answer : I was not in the meeting I can't say.
184. Suggestion : I put to you that these representatives wanted Ideas to stimulate discussions back home with ECB.
185. Answer : I have no idea what they wanted.
186. Suggestion : I put to you that English counties wanted to know about investment from India in an English League.
187. Answer : I have no idea.

188. Suggestion : I put to you that Mr. Modi explained to them broadly how IPL model will work and the revenues that go to franchise, state association from BCCI.
189. Answer : I do not know, I was not there.
190. Suggestion : I put to you that being an administrator you knew that Mr. Modi couldnot offer guarantees on behalf of IPL without BCCI's approval.
191. Answer : One of the reasons I sent the email to Mr. Manohar was find out if Mr. Modi had authority to offer guarantee.
192. Suggestion : I put to you that the invitation to counties for IPL final was a friendly invitation which explains the IPL and the opportunity to learn more about.
193. Answer : I have no idea.
194. Suggestion : I put to that Reagan's email is not an accurate reflection as what was actually discussed.
195. Answer : I deny that suggestion.
196. Suggestion : I put to you that in your email to Mr. Manohar despite having earlier discussions with him regarding 31.03.2010 meeting you pretended as if you just discovered that a meeting had taken place.
197. Answer : I deny that suggestion.

198. Suggestion : I put to you that by making the complaint you wanted to ingrate yourself to BCCI.
199. Answer : I deny your suggestion.
200. Question : Is it correct that you and Mr. Modi had friction over whether players contracted to counties should represent counties and not IPL franchise in champion leagues?
201. Answer : I have already answered this.
202. Question : Is it correct that because of this Mr. Modi wrote to ECB that IPL would hold the English players from auction list unless ECB confirms that the choice would be with the players?
203. Answer : I have already answered this.
204. Question : Is it correct that for IPL-2 you wanted the tournament should take place in England and not in South Africa?
205. Answer : I did not care.
206. We made no special efforts to get IPL-2 to England. I did not care if Mr. Modi preferred to choice South Africa over England. I did not feel slighted but since other things I have to do I did not attend the opening ceremony of IPL-2.
207. Question : Is it correct that ECB wanted champions league tournament after September 2010 as their domestic season concluded around 27.09.2010.

208. Answer : There were many reasons. I don't know what this has to do with the enquiry.

209. I don't remember if Mr. Modi told ECB that it should get its domestic season concluded before September 2010 as only winners of 2009 could qualify. I don't remember if ECB wanted the winners of 2009 to play champions league in 2010. I don't remember if Mr. Modi told me that if ECB wanted additional payment of 1.5 million dollars they need to end their T-20 Tournament in August otherwise there would be reconsideration on their participation. I have no idea if Mr. Modi in champions league governing council meeting gave 7 days time to ECB to confirm availability of its two proposed teams for 2010 tournaments. I don't remember if ECB wanted change of dates. Mr. Collier dealt with these matters. I have no idea if champion's league was announced for September 2010 and England would not participate. It is incorrect that I felt slighted with the attitude of Mr. Modi. I have no idea if Mr. Modi had taken a stand against the proposed Arab League. I deny the suggestion that I nourished malice against Mr. Modi and that is why I sent the email with false contents. I deny the suggestion that Mr. Modi broke my perception of world leader of cricket and hurt my ego. I admit your suggestion that Mr. Modi was strongly against ICL and forcing ECB from restraining participation of ICL players in county cricket.

210. I deny the suggestion that Mr. Modi exclusion of ICL players in counties was taken by me to be interference in ECB's activities. I deny your suggestion that

Mr. Modi's insistence on exclusion of English counties from CL T-20 if they have ICL players was taken by me to be interference in ECB activities. I deny your suggestion that I was jealous of Mr. Modi since I was criticized of loosing opportunities of ECB. I deny the suggestion that Mr. Modi's insistence or not diluting India's share on champion league upset me.

211. I further deny the suggestion that his aggressive negotiating style upset me. I deny your suggestion that before Mr. Modi's suspension I did not find anything wrong with the mail dated 31.03.2010. I deny the suggestion that Cat A Grounds were facing financial difficulties and were asking ECB to restructure domestic cricket.

212. I deny your suggestion that I was criticize for loosing opportunities for English counties when IPL Tournament-2 was shifted to South Africa. I deny your suggestion that counties were finding solutions when they had appointed working parties and deloitte as consultants so that under ECB they can have a new T-20 tournament. I have no idea if Durham Surrey and Hampshire had visited India earlier to learn about IPI. I deny your suggestion that the Regan's email had been seen by me around 06.04.2010. I deny your suggestion that the brad Shaw Straut model had been rejected because I had brought Allen Stanford Model of T-20. I deny your suggestion that the meeting of 31.03.2010 has nothing to do with alleged Project Victoria. I deny your suggestion that I misguided Collin Gibson at ICC regarding the letter sent to Mr. Modi. I deny your suggestion that there is nothing in the email to show

that the meeting was called by Mr. Modi. I deny your suggestion that Mr. Gibson had told me that it was the counties who have taken initiative for the meeting and that Mr. Modi had not called the meeting. I deny your suggestion that Collin Povey had also told that Mr. Reagan had arranged the meeting. I do not know who arranged the meeting. I deny the suggestion that I misled by board. I deny your suggestion that I have any past history of personal discord with Mr. Modi. I deny your suggestion that IPL success and the failure of my model made jealous of Modi. I deny your suggestion that I regarded Mr. Modi as being instrumental in denying ECB's request of 25% in CL T-20. I had spoken to Mr. Pawar directly about this. I deny your suggestion that because ECB did not get a chance in the CL T-20 I held it against Mr. Modi. I deny your suggestion that because IPL dates clash with English fixtures which Mr. Modi could not adjust I held it personally against Mr. Modi. I deny your suggestion that Mr. Modi could not accommodate ECB on Champions Leagues dates and I held it against him personally. I deny your suggestion that by sending complaint on 2<sup>nd</sup> May I was helping Mr. Manohar and Mr. Srinivasan fight a common enemy.

213. Mr. Hora places BCCI-W6/82, BCCI-W6/83, BCCI-W6/84, BCCI-W6/85, BCCI-W6/86, BCCI-W6/87, BCCI-W6/88, BCCI-W6/89, BCCI-W6/90, BCCI-W6/91, BCCI-W6/92, BCCI-W6/93, BCCI-W6/94, BCCI-W6/95, BCCI-W6/96, BCCI-W6/97, BCCI-W6/98, BCCI-W6/99, BCCI-W6/100, BCCI-W6/101, BCCI-W6/102, BCCI-W6/103, BCCI-W6/104, BCCI-W6/105, BCCI-W6/106, BCCI-W6/107, BCCI-W6/108, BCCI-W6/109, BCCI-W6/110 on record.

X X X

**Note** : The cross examination of Mr. Giles Clarke started at 4:30 p.m. IST and continued till 9:00 p.m. IST. The cross examination is complete. The witness is discharged.

The aforesaid statement has been read by me and I accept it to be accurate.

**(Giles Clarke)**

Date : 4<sup>th</sup> January 2012

**ARUN JAITLEY JYOTIRADITYA M SCINDIA CHIRAYU R AMIN**