

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

**Between:**

**THE INTERNATIONAL CRICKET COUNCIL**

**and**

**MR DEEPAK AGARWAL**

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

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**Introduction**

1. The International Cricket Council (the "ICC") is the international governing body for the game of cricket and as such is responsible for the development, co-ordination, regulation and integrity of cricket worldwide.
2. As part of its continuing efforts to maintain the integrity, public image and popularity of cricket, the ICC has adopted and implemented the ICC Anti-Corruption Code for Participants (the "Code"), which sets out a framework of rules designed to provide: (a) an effective means to deter any Participant from engaging in any form of Corrupt Conduct; and (b) a robust disciplinary procedure pursuant to which all matters of Corrupt Conduct can be dealt with fairly, efficiently, and expeditiously.<sup>1</sup>
3. Deepak Agarwal is an Indian businessman who, for a short period of time, was one of the team owners of the Sindhī's franchise in the 2018 T10 Cricket League.

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

4. From the date upon which he became team owner of the Sindhī franchise, namely 23 November 2018, Mr Agarwal constituted a Participant for the purposes of the Code. As such, he was automatically bound by the Code and agreed, among other things, (i) to comply with the Code; (ii) not to engage in conduct that would constitute a breach of the Code; and (iii) to submit to the jurisdiction of the ICC to investigate apparent or suspected Corrupt Conduct that would amount to a violation of the Code.

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

## Summary of relevant background facts

5. On 26 November 2018, Mr Agarwal was interviewed by the ACU in connection with an alleged approach he had made to a Participant, at which interview he surrendered his mobile phone, by consent, to the ICC, pursuant to a Demand issued under Code Article 4.3, for review and download.
6. Between 22 and 25 December 2018, Mr Agarwal engaged in WhatsApp conversations with Mr X, another Participant under the Code who Mr Agarwal had been in conversation with over the course of the previous year and who had also been called to an ACU interview in connection with an ongoing ACU investigation which also involved Mr Agarwal. These WhatsApp conversations between Mr X and Mr Agarwal related to what Mr Agarwal had told the ACU in his interviews. In these conversations Mr Agarwal effectively instructed Mr X as to what to say to the ACU over certain matters to ensure that they both told the same story (a story which on occasions was not true) and consequently misled or obstructed the ACU's investigation. Mr X also sought clarification from Mr Agarwal over the interview process and what Mr Agarwal had told the ACU on certain matters. In effect, Mr Agarwal and Mr X contrived together to mislead the ACU investigation and not to tell the truth in their answers.
7. Additionally, in these conversations Mr Agarwal instructed Mr X to delete all the messages they had entered into between each other and to delete his number from his phone before attending the ACU investigation. In other words, Mr Agarwal instructed Mr X to conceal and/or destroy information which might be relevant to the ACU's investigations. Mr Agarwal also instructed Mr X to lie to the ACU about when he had last spoken to Mr Agarwal, as they had had conversations during a time where Mr Agarwal had explicitly been told by the ACU not to engage with Mr X.
8. In his interviews with the ACU, Mr Agarwal effectively admitted the contents of the conversations he had had with Mr X, admitted that he and Mr X had connived to mislead and/or obstruct the ACU's investigation, and admitted that he was aware that this amounted to a breach of the Code.

## Relevant Provisions of the Code

9. Code Article 2.4.7 makes the following an offence:

*“Obstructing or delaying any investigation that may be carried out by the ACU in relation to possible Corrupt Conduct under the Anti-Corruption Code (by any Participant), including (without limitation) concealing, tampering with or destroying any documentation or other information that may be relevant to that investigation and/or that may be evidence of or may lead to the discovery of evidence of Corrupt Conduct under the Anti-Corruption Code.”*

## Disciplinary Proceedings

10. On the basis of the evidence obtained through its investigations, and the admissions made by Mr Agarwal to the ACU and set out above, on 22 December 2019, the ICC charged Mr Agarwal with a breach of Code Article 2.4.7, on the basis that he obstructed or delayed an investigation carried out by the ACU in relation to possible Corrupt Conduct under the Code, including (without limitation) by concealing or tampering with information that may be relevant to that investigation

and/or that may be evidence of or lead to the discovery of evidence of Corrupt Conduct under the Code.

11. By way of a letter agreement dated 27 April 2020, Mr Agarwal formally admitted that he had breached Code Article 2.4.7 by obstructing or delaying an ACU investigation, and waived his right to a hearing before the Anti-Corruption Tribunal.
12. This decision is issued pursuant to Code Article 5.1.12 and sets out the sanction proposed by the ICC, and accepted by Mr Agarwal, for his admitted breach of Code Article 2.4.7.

### **Agreed Sanction**

13. Code Article 6.2 stipulates that the range of permissible sanctions for a breach of Code Article 2.4.7 is a period of Ineligibility of a maximum of five (5) years.
14. Code Article 6.1 sets out the relevant factors that the Anti-Corruption Tribunal would be required to consider in determining the relative seriousness of the offence and thereby arriving at an appropriate sanction within that range.
15. It is acknowledged by the ICC that any sanction imposed must be proportionate. In considering what is proportionate, the ICC is entitled to weigh against the impact of a ban on Mr Agarwal the importance of the objectives underlying the Code, the seriousness of the particular breach of the Code by Mr Agarwal, the need to deter others from similar wrongdoing, the need to protect the image of sport, and (above all else) the need to maintain public confidence in the determination of the sport of cricket to stamp out corruption.
16. The ICC notes that in order to seek to adequately and effectively protect the sport of cricket against the threat of corruption, it is of paramount importance that Participants fully cooperate with investigations conducted by the ACU and do not obstruct or delay such investigations, for example, by concealing, tampering with or destroying relevant information. It is for this reason that the obstruction or delaying on an investigation is itself a serious offence under Code Article 2.4.
17. Relevant aggravating factors in Mr Agarwal's case including the following:
  - 17.1. The fact that Mr Agarwal appears to have been involved to a relatively large extent in attempts to engage in Corrupt Conduct with, amongst others, Mr X, over a lengthy period of time but during which period of time he did not constitute a Participant and thus does not fall under the jurisdiction of the Code over that period. The conversations which form the subject of this charge follow on from that corrupt relationship.
  - 17.2. The fact that there are several different examples of Mr Agarwal and Mr X seeking to obstruct and/or delay the ACU's investigation, it is not just a one-off occurrence.
18. Relevant mitigating factors in Mr Agarwal's case include the following:

- 18.1. Mr Agarwal's prompt admission of his breach following receipt of the Notice of Charge;
  - 18.2. Mr Agarwal's remorse and contrition as expressed to the ACU;
  - 18.3. The substantial assistance that Mr Agarwal has provided to the ACU, and has agreed to continue to provide to the ICC in relation to separate offences under the Code involving other Participants;
  - 18.4. The fact that the offence did not substantially damage the commercial value and/or public interest in any match; and
  - 18.5. The fact that the offence did not affect the outcome of matches.
19. The ICC has considered all of the circumstances of this case, including giving Mr Agarwal credit for agreeing an outcome that avoids the need for a hearing and so saves considerable time and money for use elsewhere in the fight against corruption, as well as the substantial assistance he has provided to the ICC in its enforcement of the Code and has considered relevant precedents. The ICC therefore considers that a period of ineligibility of two (2) years, of which six (6) months is suspended, is reasonable and proportionate.
20. In order to avoid the six (6) month suspended part of the sanction coming into effect, Mr Agarwal must comply, in full, with the following conditions during the period of the initial 18-month period of suspension:
- 20.1. He must not commit any offence under the Code (or the anti-corruption rules of any National Cricket Federation) during the period of suspension.
  - 20.2. He must participate promptly and fully in any anti-corruption education and/or rehabilitation programmes as specified by the ICC.
21. In circumstances where Mr Agarwal reneges on his agreement to provide substantial assistance to the ICC (in the ICC's sole discretion), the ICC reserves its rights, in full, to revisit Mr Agarwal's sanction and increase it accordingly, together with considering further and separate potential charges against Mr Agarwal pursuant to Code Article 2.4.8.
22. Mr Agarwal has agreed to this sanction. As such, a period of ineligibility of two (2) years, of which the final six (6) months is suspended, is imposed.
23. In accordance with Code Article 6.4, Mr Agarwal's period of ineligibility shall commence on the date of this decision.
24. During his period of ineligibility, Mr Agarwal's status is as set out in Code Article 6.5 of the Code. This provides:

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

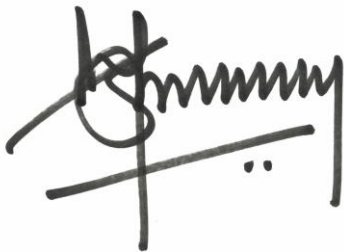
25. In accordance with Code Article 7.2 neither Mr Agarwal nor the ICC shall have any right of appeal against this decision.
26. This decision constitutes the final resolution of the matter of Mr Agarwal’s charges as currently issued by the ICC (subject to him complying with his agreement to provide substantial assistance as referenced above).

## Conclusion

27. To summarise:

- 27.1. Mr Agarwal admits that he has committed a breach of Code Article 2.4.7, in that he obstructed or delayed an investigation carried out by the ACU in relation to possible Corrupt Conduct under the Code, including (without limitation) by concealing or tampering with information that may be relevant to that investigation and/or that may be evidence of or lead to the discovery of evidence of Corrupt Conduct under the Code.
- 27.2. A period of Ineligibility of two (2) years, of which the final six (6) months is suspended, is imposed pursuant to Code Article 6.2, commencing on the date of this decision.
- 27.3. Mr Agarwal's status during the period of Ineligibility is as set out in Code Article 6.5.
- 27.4. This decision constitutes the final decision of the ICC in this matter. In accordance with Code Article 8.2, this decision will be disclosed publicly, including on the ICC's website.
- 27.5. There is no need for any further hearing in these proceedings, which are hereby terminated.

Dubai, 27 April 2020

A handwritten signature in black ink, appearing to read 'Manu Sawhney', written over a horizontal line. The signature is stylized and cursive.

**Manu Sawhney**  
**Chief Executive**  
**International Cricket Council**