



t20to420, BETTING ON STRONGER LAWS TO MAKE A PITCH FOR FAIR PLAY

LEGALISING BETTING IN SPORTS IS A MOVE THAT WILL HELP TO REDUCE THE INFLUENCE OF CRIMINALS IN SPORTING ACTIVITIES¹

Ashok Kumar*

A very limited overs game, the rot in cricket seems to run deep and fans are losing their passion for the game. Many believe the current cricket spot-fixing crisis could perhaps have been avoided if the lessons of the 2000 scandal had been learnt. Instead, what we found as the Indian domestic Twenty20 League came to an end is that the whole game is under a cloud. A Central Bureau of Investigation report that led to the bans of leading Indian players, including former skipper Mohammad Azharuddin, 13 years ago spoke about the danger of the underworld spreading its tentacles in the game that is passionately followed by millions in the subcontinent. While the then cricket administration followed it up by slapping bans on players and stopping matches at non-regular overseas venues, the start of the T20 league once again threw all sorts of people into the mix and left the players, officials, and the game itself, vulnerable. The current spot-fixing crisis shows how players had been dealing with bookies with little monitoring by the franchise owners. With the BCCI presiding over big bucks that influence the way the game is run globally,

* Civil Judge (J.D./J.M.), Almorá.

¹ Hindustan Times, dated May 30, 2013, page 8.



few show the courage to take on the body; or succeed if they do. The board has refused to come under the Right to Information Act, and being a body registered under the societies Act shields it from most legal challenges, especially writ petitions. Although so many skeletons have tumbled out of the cupboard with every passing hour in police investigations over the last week, the arrest of Gurunath Meiyappan-BCCI president N Srinivasan's son-in-law, and until he was disowned as Chennai Super Kings owners India Cements, the boss and face of the team-has come as a huge shock to everyone. The cash-rich BCCI, from being seen only as a body that has refused to be proactive in combating the menace is now even being suspected of complicity because of its top boss. With the board chief under the scanner, and the game reeling from a serious loss of faith, the stakes have become high, not just for Indian cricket but for the global game itself as it relies so heavily on the revenue generated in India. The future of the league too suddenly looks uncertain.²

Even as the crisis in cricket triggered by the spot-fixing scandal continues to sweep the country, there is growing consensus on the need to legalise betting in sporting events. The voices within the Board of Control for cricket in India (BCCI) demanding that its president N Srinivasan step down, at least until investigations against his son-in-law are concluded, are also on the rise. A major debate is on whether legalising betting in India and enacting strong laws would help curb the operations of bookies, who constantly look to tap players to influence the outcome of matches or parts of it and are said to have strong underworld links. While many had suggested legalising betting after the match-fixing scandal erupted in 2000, it gradually lost steam.



In India, only betting on horse racing is legal and there is no specific

² Hindustan Times, dated May 28, 2013, page 8.

law to deal with illegal betting in other sports. The authorities can invoke the provisions of the Public Gambling Act of 1867. Under Sections of the Indian Penal Code investigators have caught bookies and players for cheating and breach of trust.



Thus, there has been a crying need for specific laws to deal with sports betting. The FICCI has called for legalising betting, arguing that it would fetch massive amounts in taxes and reduce fixing, money-laundering and related crimes. The trade body is for putting in place a system to control, rather than prohibit, gambling. However, there are other hurdles as well. The sports ministry says betting being a state subject, it cannot be part of a central law to regularise betting. But with investigations clearly showing that illegal betting and spot-fixing are in the grip of the underworld, it is time the authorities got over the technicalities. India will do well to study the laws in the United Kingdom, where betting on sports is legal but is highly regulated. It helps prevent gambling rings from influencing teams and individuals. These laws led to the imprisonment of three Pakistani players following the 2010 spot-fixing scandal.

Legalising betting will reduce the number of cricket punters who seek out illegal bookies, and it is obvious that the quantum of bets on cricket matches provide the financial incentive to dubious characters to tap players. This combined with specific laws will go a long way to help prevent a repeat of the present crisis.³

Union Law Minister Kapil Sibal announced the government's plan



to bring in a stand-alone legislation to check match-fixing and spot-fixing in sports; it would apply to all sports in which such unfair practices are used for the purposes of changing the outcome of the game. His ministry, he said, was preparing a draft, which would be sent to the Ministry of Sports. Sibal can perhaps take clues from another legislation, the Sporting

Events (Prevention of Dishonest Practices) Bill, 2004. One of the first pieces of legislation that the UPA-I government planned to introduce in

³ Hindustan Times, dated May 30, 2013, page 8.

Parliament, it was finalised by the Law Ministry in consultation with the Sports Ministry, but then inexplicably consigned to the dustbin despite the best attempts of then sports minister Sunil Dutt. Sources in the Law Ministry that work on the Bill began during the last months of the Atal Bihari Vajpayee-led NDA government in 2003. But it was Dutt, who became sports minister in 2004 when the UPA came to power, who pushed his officials to work closely with the law ministry to come up with an exhaustive legislation to “prevent certain dishonest practices in national and international sporting events.”

A lot of groundwork for the legislation, particularly bringing state governments on board since sports is a state subject in the Seventh Schedule of the Constitution, was actually done by Dutt’s predecessor Vikram Verma, with the aim to ensure that sportspersons and others who indulged in match-fixing and cheated the public did not go unpunished.

“But the main problem was under what law could the cheats be punished? The Indian Penal Code had no clause to deal with crimes of this nature. We went through fixing laws that were in force in other countries and came up with a draft law. After we sent the draft to the Sports Ministry, there was no action from their end”, said a senior Law Ministry functionary.



Under the Sporting Events (Prevention of Dishonest Practices) Bill, a sportsperson or team manager who “accepts or attempts to obtain or agrees to accept any valuable thing, pecuniary advantage or any other gratification for dishonestly performing in a sporting event with a view to fixing the result of such sporting event in a particular manner in his capacity as such member or manager” would have been “punished with imprisonment for a term which may extend to three years or with fine or with both.”

The draft Bill also provided for prison term of up to seven years and/or fining of players caught “performing dishonestly for fixing the result of sporting event by taking gratification.” The same punishment was also proposed for a player who tried to influence another player by offering “any valuable thing” in order to conduct himself in “any sporting event

dishonestly with a view to fix the result of any such sporting event.” In case this offence was committed by the team captain or the manager, the maximum punishment was to be 10 years in jail. Betting on matches by players or team officials was also proposed to be made an offence, punishable with jail sentence of up to 7 years. Foreign players including in match-fixing or betting while playing for their country in India were also to be under the ambit of the new law.

Sports ministry seeks changes in anti-fixing bill. It was also amazed that the reason behind the proposing prevention of dishonesty in sporting events bill-spot fixing in the recent T20 season was not explicitly covered in the draft bill. The sports ministry has expressed concern over the lack of protection for honest sportspersons; inadequate definition of dishonesty isn't exhaustive. Wants IOC definition to be adopted, club sports including T20 season not covered in the draft proposal, difference in punishment for bookies and players involved in unfair sports practice, no penalty prescribed, want high penalties, wants adequate protection for honesty and the law should not hamper overall growth of sports in India. The law ministry also failed to see logic in the punishment of five years for unfair practice in sports to a player and just three years for a bookie. “How can a law distinguish between a player and bookies for a similar crime?”⁴



The main accused Sreesanth, who was arrested along with Ajit Chandila and Ankeet Chavan, both are accused of conceding a certain number of runs per over in exchange for up to Rs-60 lakh each from bookies. An another main accused named Vindoo Dara Singh had revealed a lot and named others involved in the racket, and that they want to corroborate some of things he has said about Meiyappan. A Pakistani Asad Rauf, a serving elitelevel international umpire⁵, also involved in fixing,

⁴ Hindustan Times, dated May 31, 2013, page19.

⁵ Hindustan Times, dated May 30, 2013, page 4.

⁶ Hindustan Times, dated May 20, 2013, page 17.

was in contact with Bollywood actor Vindoo Dara Singh, withdrawn by the ICC from champions trophy. The bookies network spread in a large scale such as Pakistan, Dubai, Mumbai, and Gujarat etc.⁶

A retired Justice T Jayaram Chouta, who is the part of the three-man inquiry commission probing the alleged betting charges against Gurunath Meiyappan, management of Chennai Super kings team, Rajasthan Royals team, India cement ltd. And Jaipur pvt. Ltd. He ruled out as far as I am concerned, I will work independently and act according to constitution.⁷

The Hon'ble Supreme court's observation that the 'lackadaisical attitude of the BCCI' had allowed the rot to set in only articulates the serious concerns many have about the direction in which administrators are leading the popular game to. While hearing a PIL, which unsuccessfully sought a ban on the Indian Twenty20 league in the wake of the spot-fixing scandal, only adds to the gloom. There is a crying need for a thorough clean up; anything less will be viewed as a cover-up that will destroy what little credibility that is left in the game.⁸

BCCI president N Srinivasan 'steps aside', back to square one, he refuses to step down, denied his resignation and he said nobody asked me to resign, the former Chief Jagmohan Dalmiya takes over as head of a four-member "interim arrangement" to run the Board, pending probe after a working committee meeting⁹. While Mr. Narayanaswami Srinivasan is the ex-president of the BCCI that time and he is the current chairperson of the ICC. That IPL6 scam; made a committee (Justice Mudgal committee) to inquire into the matter and the committee which had found "some misdemanour by certain persons" and indicted them. The committee submitted its report to SC. The SC disclosed some names of relation to players and to other actors in the drama. Prima facai as per the report, Srinivasan, his son-in-law Gurunaath meiyappan, Rajasthan Royals owner Raj Kundra, cricket administrator Sundar Raman, who were probed by this committee.¹⁰

⁷ Hindustan Times, dated May 30, 2013, page 4.

⁸ Hindustan Times, dated May 22, 2013, page 8.

⁹ Hindustan Times, dated June 03, 2013, page 20.

¹⁰ The times of india dated november 15, 2014, page no. 01

Banning after match parties during the domestic T20 league could be one of the solutions to cleanse cricket, BCCI working group chief Jagmohan Dalmiya said promising to leave no stone unturned to restore the credibility of the game. Addressing his first press conference after taking over charge he said, “The goal was to ensure the good name of cricket is retained.”¹¹

In my opinion the IPL is very important. It gives an opportunity for young Indian players to play with senior Indian and overseas players in front of capacity crowd. It helps brings a new audience to the game. This 6th IPL season over 21 lakh people bought tickets to watch matches. The IPL continues to contribute to the funds for the development of cricket in India. Now legal solution alone not enough because where there's smoke there's fire. It is the need for assurances to become a source of useful information. Worryingly, once again cricket and in particular the Anti-corruption and Security Unit also appear to be unblemished. Apparently they took no part in the current investigations and despite a number of arrests and convictions over the years, the game has had very little success in bringing to book any of the villains. The game needs a cricket solution to corruption along with a legal one. If cricket relies solely on proving the guilt of these miscreants in a law court the problem will never be eradicated and eventually the game will lose all credibility.

I do not want to minimise the problems facing the IPL. Indians have been very proud that our country has produced a league that is the envy of the world. The BCCI will take whatever steps necessary to justify the faith that the public have in the IPL and in Indian cricket. At this pattern a new era of matches of football named ISL (Indian Super League) is launch presently has a bright future and will surely accomplish the goal of developing Indian football. So it is the need of the day to make a proper strict and effective law to protect the games from any type of fixing and return the faith of audience.

(Sources-from daily news papers namely The Times of India, The Hindustan Times, Amar Ujala and Dainik Jagran news papers and all photo adopted from internet).

¹¹ Hindustan Times, dated May 20, 2013, page 20.