

# It Is Just Not Cricket

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**Abstract** The game of cricket now stands tarnished by betting and fixing match outcomes through corrupt practices. Star players and club officials are involved and there is evidence of major matches, even during the World Cup being compromised. The spread of illegal betting in cricket has expanded with the advent of technology. Internet based betting sites coupled with unregulated nature of betting in Asian economies, particularly India, has facilitated growth of illegal gambling. This has encouraged the entry of underworld crime syndicates to manipulate games and outcomes for massive gambling profits. The result has been major corruption scandals and questions about the sports itself. This paper describes the betting phenomenon and some major incidents associated with the growing corruption in cricket. The policy responses of major cricket playing nations are presented, along with suggestions for strategies to be adopted to curb corruption in cricket.

## Introduction

The prevalence of game of chance dates back to ancient times in India. There are references to gambling and betting in folklore and religious scriptures. In fact, gambling using dice to play on checkerboard was the starting point of the great mythological war depicted in the epic Mahabharata, dating back to 1500 BCE. During the

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medieval period, when much of India was ruled by a succession of Islamic dynasties, gambling, along with drinking, was officially proscribed, in keeping with the requirements of *Sharia* (Islamic law), which prohibits *maisir* (monetary gains from chance or speculation). Yet gambling remained ubiquitous, and was especially popular in the Mughal court. Babur, the founder of the Mughal Empire in India, is believed to have introduced *ganjifa* (a precursor to poker). Aurangzeb, the sixth Mughal, appointed *muhtasaibs* (censors of public morals) to suppress public passion for gambling and alcohol consumption without much lasting effect. In modern times, betting is widespread in both rural and urban areas in India, with activity increasing around the time of festivals, particularly, Diwali. Organized crime syndicates operating 'matka' a form of gambling based on selecting numbers from a set has also been going on for decades. Mumbai based mafia has been known to be behind these bets placed around the country with large sums involved. Horse racing has been another form of gambling attracting the rich but has been limited to few selected metropolitan cities only. Though betting takes place in many sports, for instance in soccer in Europe, in India, it has primarily affected cricket. This too has emerged in the last three decades when the shorter form of One Day International (ODI) cricket matches became more popular, especially after traditional rivals – India versus Pakistan matches attracted millions of viewers and fans.

## The Game of Cricket

Cricket is a bat and ball game played between two teams each with 11 players. Each team takes turns to bat, during which it tries to make as many runs as possible. This is followed by role reversal: the team bowling gets to bat and vice versa. The traditional game was played over 5 days and was called a test match. However, many new versions of the game have been introduced over the years including One Day International (ODI) matches, T-20 and the like. Evidence suggests cricket was played in England as early as the twelfth century. In 1744, the London Cricket Club produced what are recognizably the rules of modern cricket. The game underwent major development in the eighteenth century and became the national sport of England. Betting played a major part in that development with rich patrons forming their own "select XIs". The first official international match was played between Canada and United States, at New York, September 24–25, in the 1844 (Lewis 1987).

The International Cricket Council [ICC], which has ten full members and six associate members controls cricket. The ten major cricket-playing nations are Australia, Bangladesh, England, India, New Zealand, Pakistan, South Africa, Sri Lanka, West Indies and Zimbabwe. However, the South Asian diaspora settled in South America and Pacific islands play cricket making it popular and visible in these regions. Cricket leagues have sprung up in the US too with heavy participation by diaspora of these cricketing nations. All together, there are currently 96 cricket-playing nations in the world and some like Canada, Ireland, Kenya and the Netherlands even sending teams to the World Cup.

Cricket is played on an oval grassy field, which has a 'pitch' at the center. The pitch is a flat rectangular area, about 3.3 yards across and 22 yards long, with short grass. At both end of the pitch are placed wooden targets, known as the wickets. The batsmen stand in front of the wickets facing the bowler who throws the ball towards the batsman facing him. The batsman tries to prevent the ball from hitting the wicket by striking the ball with a bat. If the ball is hit so hard that it crosses the boundary before any fielder can catch it the batsman gets four or six runs (or points), otherwise the batsmen would run between the wickets and try to score as many runs as possible before the ball is returned to the bowler. Any one of the several ways can dismiss the batsmen such as clean bold (ball hits the wickets), leg before wicket (LBW) [ball hitting the leg obstructing the wicket], or catch out etc. The first innings will continue as long as ten players have been dismissed (in a test match), or when the prescribed number of 'overs' (a group of six throws of the ball by a bowler) has been bowled (in ODIs and limited over matches). There are other ways to dismiss a batsman such as run out, stumped, hit wicket etc.

A cricket match is divided into periods called *innings*. It is decided before the match whether each team will have either one innings or two innings each. During an innings one team *fields* and the other *bats*. The two teams switch between fielding and batting after each innings. All 11 members of the fielding team take the field, but only two members of the batting team (two batsmen) are on the field at any given time. Once an entire team is dismissed, the team bowling would bat next and the one bowling would take to batting. The team scoring the maximum number of runs is declared the winner ([www.cricket-rules.com](http://www.cricket-rules.com)).

There are many uncertainties, which can affect the outcome of the game, apart from the performance or strength of the teams. For example, a team may have an advantage batting first innings based on the condition of the pitch. A toss of the coin by the umpire decides which team plays first and this introduces an element of chance in the game. The rules of cricket only specify the size of the pitch and the field and ground. Pitch and outfield variations can have a significant effect on how the ball behaves and challenges the players. The firmness of the pitch including size of the grass affects the bounce, spin and seam movement that the bowler can exploit. Hard pitches are generally considered good to bat because of high but even bounce of the ball. Damp pitches allow good fast bowlers to extract extra bounce and help fast bowlers throughout the match, but become better for batting as the ground dries and the surface begins to crack. Thus climatic conditions can also significantly affect the play. These physical variations create a distinctive set of playing conditions at each ground. There are grounds known to be friendly to the batsmen and some known to be bowler friendly. Due to these factors cricket is sometimes called a game of chance and it is not unusual for weaker teams to defeat stronger ones due to many of the uncertainties of pitches, balls and even the weather. Further, cricket has been described as a game of 'gentlemen' and sticking by the rules, not disputing the decision of umpire and playing fairly were considered its hallmarks. Playing by the rules implied that winning was always based on stronger performance that prevailed over uncertainties. This was very attractive to the millions of followers and helped make cricket the major sport in the Commonwealth nations. However, these

uncertainties proved a bonanza to the gamblers who exploited the outcomes through insider information, corrupt players and by compromising the rules. Illegal betting took roots through factors causing uncertainty and has been exploited by the bookies in collusion with players and officials including umpires (Rediff.com, 2000).

In India, cricket players are superstars and almost treated as Gods. The game has been glamorized through association with the Mumbai based glitzy world of Bollywood and advertisement commercials featuring cricket players. The marriage of leading cricket players with Bollywood superstars further enhanced this relationship. This was exemplified as early as 1969 by the romance and the subsequent marriage of the Indian captain Mansur Ali Khan, 'Nawab of Pataudi', with Bollywood actress Sharmila Tagore. The trend has continued with another Indian captain Mohammad Azharuddin marrying actress Sangeeta Bijlani. Constant gossip about affairs between players and actresses has been the staple themes in popular magazines, further expanding the fan base of the game.

Political parties too courted cricket players for their ability to attract crowds. Some players even cashed their visibility and popularity to enter politics. Mohammad Azharuddin won the Indian national elections in 2009 from Moradabad to become a Member of Parliament (MP). Navjot Sidhu, a prominent Indian opening batsman was elected to the Indian parliament from Amritsar in 2004. Imran Khan, the Pakistan captain is the president of the Tahrik-e-Insaf party, which put up an impressive show in the recent national elections in Pakistan. Sanath Jayasuria and Hashan Tillakaratne, the Sri Lankan batsmen were elected MP in Sri Lanka. Kirti Azad (India) has been another player who is now a prominent politician. Most such cases seem to be in the South Asian region; however, there are some examples elsewhere. For instance, Sir Frank Worrell (West Indies), a renowned batsman and the first black captain of the West Indies, became a senator in Jamaica. Joe Darling, Australia's captain at the turn of the twentieth century, sat for 25 years in the Tasmanian Legislative Council (Martain 2006).

### ***Betting in Cricket***

Although betting on cricket matches existed on a small scale before 1983, betting by organized groups, started only after India's triumph in the 1983 Cricket World Cup. It became more organized, and a number of bookies started operating in major metropolitan cities of India. Several series played between India and Pakistan at Sharjah, in particular, provided the opening for crime syndicates to make an entry. In particular, Dawood Ibrahim and his gang played a major role in hosting players and organizing lavish parties to celebrate with players and Bollywood stars (Burke et al. 1999). The mass adulation by millions in India and Pakistan provided the opportunities and large sums to bet on these games. Soon, players and organizers were involved to fix games and outcomes that could provide lucrative profits to the crime syndicates.

By early 1990s, betting on cricket had spread across India and had become quite sophisticated. Typically, a bookie needed a telephone connection, a television set, a notebook and a clientele who were known to the bookie through various contacts to start his business. The punter is a person who places a bet with a bookie. All transactions were effected by word of mouth. For example, if a punter wants to place his bets on a particular match, he will call up his bookie over telephone, find out the odds, and place his bets for a particular amount. No money is required at this time and the punter's bet is entered by the bookie in his notebook. After the conclusion of the match, the bet is settled by exchange of money (Burke et al. 1999). The written records are typically destroyed.

Match fixing is a term used to denote many different activities including

- (i) Instances where an individual player or group of players received money individually/collectively to underperform. The Pakistani team reportedly took large sum to lose to the weak Bangladesh in the world cup held in England in 1999.
- (ii) Instances where a player accepted bets in matches in which he played that would naturally undermine his performance. Three players from Pakistan took money to bowl no balls at a specific moment in a match between Pakistan and England that led to the conviction of these three players.
- (iii) Instances where players or club officials passed on information to a betting syndicate about team composition, probable result, pitch conditions, weather, etc. A senior official of Chennai IPL T-20 team recently shared his insider information with bookies to earn huge sums of money.
- (iv) Instances where grounds men were given money to prepare a pitch in a way that suited the betting syndicates.
- (v) Instances of current and ex-players being used by bookies to gain access to other players to influence their performances for a monetary consideration. Former Indian captain Azharuddin was charged for conspiring to lose a match by prevailing upon some of the team members.

Indeed, betting includes any activity meant to alter the performance of a game using deceit or cheating.

### *Some Major Corruption Cases*

In one of the major scandals relating to betting in the cricketing world in 2010, the International Cricket Council (ICC) prosecuted the Pakistan cricket team's captain, Salman Butt, and opening bowlers Mohammad Amir and Mohammad Asif. They were offered money by an Indian bookmaker who had taken \$230,000 from an undercover reporter posing as a fixer. Subsequently, the players bowled 'no balls' as asked by the bookie at a particular time of the game. The Pakistan team lost the game by a heavy margin. Criminal charges for conspiracy were brought against the Pakistan players under the Prevention of Corruption Act 1906, Criminal Law Act 1977

and Gambling Act 2005. Contravention of the first two Acts carried a maximum penalty of 7 years' imprisonment and contravention of the Gambling Act carried a maximum sentence of 2 years imprisonment. Evidence was produced in the form of information from secret recordings and text messages from the undercover sting. The ICC tribunal found the players guilty of corruption based on undisputed video and telephonic evidence. Salman Butt received a 10-year ban from playing cricket, out of which 5 years were suspended on the conditions that he does not breach the ICC code of conduct again and participates in anti-corruption education Gardiner (2013). Mohammad Asif received a 7-year ban from cricket out of which 2 years were suspended on the same conditions as the sentence given to Salman Butt, and Mohammad Amir received a 5-year ban (Mahyera 2012).

In sentencing the defendants, Mr. Justice Cooke held:

It is the insidious effect of your actions on professional cricket and the followers of it which make the offences so serious. The image and integrity of what was once a game, but is now a business is damaged in the eyes of all, including the many youngsters who regarded three of you as heroes and would have given their eye teeth to play at the levels and with the skill that you had. You procured the bowling of three no balls for money, to the detriment of your national cricket team, with the object of enabling others to cheat at gambling. (Mahyera 2012)

Another major case pertains to the South African Captain Hansie Cronje, who confessed to providing match-fixing information to an Indian bookmaker to rig a match for money (The Economist 2000). Wessel Johannes "Hansie" Cronje was the captain of the South African Cricket team during much of the 1990s. The Kings Commission enquiry indicted him and he was banned for life from playing international cricket. An investigation by the Delhi Police (India) revealed that Cronje was in league with Sanjay Chawla, an Indian bookmaker based in London, and together they planned match fixing. In 2000, Delhi Police charged four South Africans, including skipper Hansie Cronje, for fixing the One-Day International (ODI) series against India. Herschel Gibbs, Pieter Strydom and Nicky Boje were also alleged to have taken money to underperform and thus fixing the match to lose. The phone transcripts indicated passing of information as to who will be playing and who will not be playing and other information. Cronje later confessed to having been involved in illegal betting since 1995 and admitted to receiving around \$140,000 from bookmakers (Howe 2000).

Not only cricket players but umpires have also been involved in allegations of match fixing and spot fixing. A sting operation by a local Indian television channel claimed to have exposed umpires involved in match fixing, including two Pakistanis, a Bangladeshi and three Sri Lankans in 2012. As a follow up, the Bangladesh Cricket Board (BCB) formed a three-member commission to examine the state of fixing T20 matches through umpires, as revealed by the sting operation. The umpire in question, Nadir Shah was banned for 10 years after he was found guilty. The International Council of Cricket dropped Pakistan umpire Asad Rauf from the Champions Trophy (2013) of UK after it became known that the Indian police were probing the Pakistani umpire for spot fixing. Similarly, the Pakistan Cricket Board suspended international umpire Nadeem Ghauri for 4 years for agreeing to "extend undue favours for material gain" (The Financial Daily 2013).

Although these major scandals involved Pakistani and South African players, players from other major cricketing nations have been involved too. Two of Australia's greatest cricketers – bowler Shane Warne and batsman Mark Waugh – have been involved in a betting scandal as confirmed by the Australian Cricket Board. The Board fined Waugh and Warne for providing information to an Indian bookmaker called 'John the bookmaker' during Australia's tour of Sri Lanka in 1994. It is believed both players admitted having supplied the bookmaker with information about match conditions and possible team selection. Unofficial accounts put the amount received by them anywhere from \$2,500 to \$15,000 (Howe 2000). India is, however, at the center of the illegal betting industry of cricket worldwide and also the main market for international 5 day, 1 day, Twenty20 and the latest IPL matches.

## ***Reasons for Growth of Illegal Betting***

### **Betting Procedure**

The odds for a particular match are decided among bookies based on certain accepted criteria such as the relative strength of the two opposing teams, previous record, pitch and weather conditions, team composition, etc. After these odds have been decided upon, primarily by bookies based in Mumbai, Dubai or London, they are transmitted telephonically to bookies in different parts and betting starts. The punters place bets with concerned bookies over the telephone and the money is exchanged later on.

The whole betting procedure is a very flexible system in which odds keep changing during the course of the match depending on how the match is progressing and the punter can conclude and place fresh bets according to his judgement. Bookies transmit these odds by telephone to different parts of India and the punters place bets with concerned bookies over telephone. If a punter wins his bet, he would get \$1.2 or \$1.4 for each dollar he placed on the bet depending upon the odds offered by the bookie. The bookies are constantly in touch with actual players through agents and contact persons. They ensure that the match turn out in such a manner that no loss is caused to bookies, The odds which keep fluctuating as the match progresses, are transmitted to the bookies throughout India by mobile phone, pager or other communication medium (Bag and Saha 2011).

The premier investigation agency of India, the Central Bureau of Investigation (CBI), investigated match fixing in cricket and related malpractices in 2000. It uncovered the unholy nexus of punters, bookies and leading players of the day including Azharuddin, Nayan Mongia, Ajay Jadeja and Manoj Prabhakar among others. The CBI report revealed Mumbai as the hub of the betting in cricket in India. It observed that the 'odds' on which bets were placed in any match throughout India were determined by the bookies based in Bombay [Mumbai]. Further, it also observed that Bombay remained the base around which all betting operations in

India revolve (CBI Report, Oct 2000). Some of the CBI's most severe strictures were reserved for the Board of Cricket Control in India [BCCI], the governing body and a powerful organization. The CBI did not find the direct involvement of any of the members of the BCCI in match fixing, but there was evidence to suggest that it failed to supervise the cricket administration and allowed the massive betting to go unchecked.

Betting on cricket is today perhaps the biggest organized racket in India. According to rough estimates, the turnover for a 1-day match in any part of the world, which is being telecast in India, is to the tune of Rupees hundreds of crores (\$20 millions) (Shears and Whiting 1998). One reason for the growth of this racket is the relatively liberal provisions of the Public Gambling Act, 1867. The ingredients and punishments under this Act differ from state to state within India. It is even debatable whether betting on cricket attracts provisions of this Act, since cricket theoretically is a game of skill. This is a particular legal provision for the public Gambling Act of 1867 section 12 stipulates that the "Act not to apply to certain games.-Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played". The maximum punishments under the Act also vary from state to state. For instance, in Delhi, for a first offense, the imprisonment is for 6 months and a fine of Rs 1,000 (\$20) and for subsequent offences the imprisonment is for 1 year and fine up to Rs. 2,000 (\$40). For the bookies who deal in much larger volumes, this amount of fine is no deterrent.

### The Influence of Bollywood

Lalit Modi, the Vice President of the BCCI, introduced a new form of cricket in 2008. This was called the Indian Premier League, or the IPL. This resulted in business deals with global media giants such as Walt Disney Pictures and ESPN sponsoring and telecasting the live matches (Upadhyay & Singh 2010). The revenue of BCCI increased sevenfold between 2005 and 2008 (Wade 2008). The IPL has been compared to the US Super Bowl with regard to size of advertizing as well as audiences. At present, Bollywood stars own three IPL franchises, or three teams (Kings XI Punjab, Rajasthan Royals, and Kolkata Knight Riders). Industrialists Mukesh Ambani of Reliance Industries, Vijay Mallya of United Brewery (UB) Group, N. Sirinivasan of India Cements, G.M. Rao of GMR Group, and Kochi Cricket Private Limited own five teams (Mumbai Indians, Royal Challengers Bangalore, Chennai Super Kings, Delhi Daredevils, and Kochi Tuskers Kerala), respectively. Influential media groups the Deccan Chronicle and Sahara India Pariwar own the remaining two teams (Deccan Chargers and Pune Warriors).

In 2010, ten players signed contracts with various IPL teams each for about US\$1 million for a 5-week season. The IPL format is also popular among sports channels. For instance, before the start of third edition of the IPL in 2010, the Indian Cricket Board made US \$1.75 billion by selling broadcast rights. Involvement of big money, the film industry, and celebrity consortiums has turned the IPL into a trendsetter in the world of cricket, and its brand value is estimated to be more than US \$2 billion (Rasul 2011).



This offers a significant opportunity for Bollywood stars and entrepreneurs to invest in the IPL. Bollywood heartthrob Katrina Kaif and Deepika Padukone are brand ambassadors for Royal Challengers Bangalore; Kareena Kapoor and Anil Kapoor (of the 'Slumdog Millionaire' fame) for Mumbai Indians, and Akshay Kumar for the Delhi Daredevils. The Kings XI Punjab team was bought for US \$76 million for 10 years by Bollywood actress Preity Zinta and Ness Wadia of Bombay Dyeing. For the fourth IPL season, Shah Rukh Khan created a music video with music diva Shakeera to promote his team. The cricket-Bollywood association has become a powerful mechanism for marketing products and producing enormous profits.

However, connections with Bollywood have also given rise to flow of illegal money and possible link to crime syndicates, operating chiefly in Mumbai. Prakash Chandanani, a film producer of Bollywood was arrested by Ahmadabad immigration cell in April 2012, after he landed from Dubai. Chandanani, who is a major bookie and handles Chhota Shakeel's (underworld mafia leader) betting syndicate, had purposely landed in Ahmadabad to evade arrest. However, he did not know that once LOC (Look out Circular) is issued, it is circulated to all international and domestic airports. He was charged with diverting the cricket betting money into Bollywood (S Ahmad Ali 2013). The police had arrested Kothari and Jalan in May 2012, who revealed that Chandanani and Abhichandani were the key players in the international cricket-betting racket. Chandanani and Abhichandani are well-known figure in Bollywood parties who shuttle between Mumbai and Dubai. During the course of investigations police had learnt that many Bollywood personalities paid money through a hawala operator (illegal money transfer) after they lost the bets in the IPL. They have also been linked to Chhota Shakeel though this has not been proved as a fact.

The betting however has not stopped even after multiple high profile arrests. Recently, in May 2013, Delhi Police Special Cell arrested cricketer S. Sreesanth, Ankeet Chavan and Ajit Chandila on charges of spot fixing. Seven bookies were also arrested in the major operation launched by the Delhi Police. A bookie Ramesh Vyas held the key to unraveling of this 'spot fixing' scandal. The fixing was managed from Dubai and had connections ranging from Karachi to Ahmadabad. The cricketers were booked under sections of cheating and criminal conspiracy (120B, 420 Indian Penal Code). The initial interrogation revealed that the parts of IPL matches at Mohali and Mumbai were fixed. Delhi Police commissioner stated that the police had hundreds of hours of recordings of phone conversations between the players and bookies, 14 of whom have also been arrested. The players received up to Rs 60 lakh (\$110,000) for one over for giving away runs as per arrangements with bookies with underworld connections overseas (Business Line, Chennai, May 18, 2013). The investigation revealed that the bookies gave these players specific approval codes which were used to signify a compromised over during the matches. The bookies gave players instructions to communicate that they would give away these runs. The instructions were 'put the towel in your trousers', 'take time setting up the field', or, 'take out the shirt or the vests that you are wearing'. For instance, in one match- Rajasthan Royals versus Pune Warriors on May 5, 2013, the player Chandila gave 14 runs in the second over of his spell but he forgot to give the

predetermined signal due to which the bookies could not bet in this match. This led to an argument and demands for return of money, all recorded by the police on their phone tapping devices.

The corrupting influence of money, glamor and media publicity has seriously affected the cricket players who have also entered the world of sleaze. The Rajasthan Royal trio of fixers induced the players through women. Transcripts of their monitored calls show that these players requisitioned the girls or availed escort services by the bookies eager to entice their prize catches in illegality. Sreesanth was in the company of three women when he was arrested outside Mumbai's RG Disco, as per police records (Hindustan Times, Mumbai, May 20, 2013). It is alleged that the bookies belong to D Company, an organized criminal gang headed by the wanted terrorist Dawood Ibrahim having operations across South Asia, but chiefly in India, Pakistan and Dubai. It is involved in arms trafficking, contract killing, counterfeiting, drug trafficking, extortion, cricket betting and terrorism. The group is responsible for the 1993 bombings in Mumbai, which killed 257 people. The U.S. designated Dawood Ibrahim as a Specially Designated Global Terrorist (SDGT) in late 2003. He is also suspected of allowing Al Qaeda to use his smuggling routes to escape Afghanistan (Burke et al. 1999). At times, the D-Company has been linked to the Bollywood film industry, as well as real estate and cricket betting businesses, from which it is said to derive considerable revenue.

The arrest of Bollywood actor Vindoo Dara Singh, the son of the Great Indian Wrestler Dara Singh, in May 2013, has further exposed the deep connection of Bollywood with illegal betting in cricket (The Economic Times 2013). The investigations show that the illegal betting is not only at a lower level, but is spread to highest levels of cricket administration and owners of IPL cricket teams. The arrest of Gurunath Meiyappan, the owner of Chennai Super Kings team takes the involvement in illegal betting right up to the top level of ownership of the teams (The Hindustan Times, May 23, 2013). It is believed that these two acted as middlemen between teams, bookies and celebrities.

The linking of cricket betting with organized crime syndicates is an ominous development, which not only involves money laundering, but also involves terrorism and violent crimes (Chandravarkar 2013). It is widely believed that Pakistan-based underworld don Dawood Ibrahim's brother Anees Ibrahim runs the entire betting syndicate through its fronts. Prominent among them are Sunil Abhichandani (recently arrested) and Suresh Nagri.

### Weak Preventive Efforts by Cricket Administrators

Illegal betting has got entrenched in cricket due to the weak administration provided by the governing bodies. At the International level, the International Cricket Council (ICC) governs cricket. With 106 member countries, ICC is responsible for the organization and governance of cricket's major international tournaments, notably, the World Cup. It has set up the ICC code of conduct, which sets professional standards of discipline. The ICC takes action against corruption, and 'match fixing' through the

'Anti-Corruption and Security Unit' (ACSU). This unit investigated the cases of the South African captain Hansie Cronje and that of the Indian captain Mohammad Azharuddin and Ajay Jadeja.

The ICC revised its code of conduct in 2000 after the Hansie Cronje episode. The code is focused on investigation, education and prevention. Any attempts at fixing, or otherwise improperly influencing the result, progress, Conduct, or any other aspect of any international match or ICC event is deemed violative. If ICC alleges that an offense has been committed, the ICC Code of Conduct Commission appoints three members to form the anti-corruption tribunal, which determines whether an offense has been committed. During the pendency of the investigation, the ACSU can provisionally suspend players suspected of betting or corruption.

Once the ICC determines that an offense has been committed; it can impose two kinds of sanctions. The first is a ban on playing international cricket from 2 years to a lifetime ban. The second type of sanction is the imposition of a fine that can go up to the value of the reward received by the player in relation to the offense committed. The exact nature of the punishment depends on the seriousness of the offense as in whether only betting was involved or it was a wider corruption case.

However, even after the change in rules and strengthening of the code of conduct, instances of match fixing and betting are fairly common. The ICC banned Maurice Odumbe, Kenya's cricket captain for 5 years when it found that he received money from bookmakers in 2004. Similarly, Marlon Samuels (West Indies) was banned for 2 years from playing cricket when he was found guilty of communicating match-related information to an Indian bookie. Policing cricket is not easy and illegal betting and match fixing continue to plague the sport. Moreover, ICC does not have the sophistication to investigate vast transfers of money behind the scenes and develop insider intelligence. It can only ban players and members, but has no jurisdiction over the general population, which includes bookmakers and agents who are hidden from public view.

### **Influx of Black Money**

Most betting takes place using telephones and through word of mouth. The high liquidity in the betting markets enables large amounts of money to enter the system without attracting attention and hence a reduced threat of being monitored by the intelligence agencies or banks. Asian markets, especially India, have large parallel economies and betting markets provide a suitable mechanism to channel them. There are ample choices for the illegal money to inflow from low yield matches to high stake international matches like the IPL.

Hawala system is often used to channel these transactions. Hawala is an alternative remittance system that exists parallel to traditional banking or financial channels (Dougherty 2006). Money is transferred via a network of Hawala brokers, or *hawaladars*. It is the transfer of money based upon trusted references. Money is given at one end to a Hawala operators who informs his counterpart in another part of the world to pay the amount without going through the banking system.

No receipts are kept and the transactions can be conducted in any currency. The system is used to facilitate money laundering, avoid taxation, and move wealth anonymously. The movement of money in illegal betting in cricket is suspected of using the Hawala route. Mumbai Police arrested one Hawala operator Alpesh Patel along with actor Vindoo Dara Singh in connection with betting mafia in the ongoing IPL. Over one crore rupees (US \$200,000) was recovered from Patel, who acted as a conduit in money transfers between India and Dubai.

### Decentralization of Betting

In the past there used to be a few large bookies based in Mumbai or Delhi. The more common scenario is now bettors or punters using odds comparison services available online. This has made the bettors significant as compared to the bookies. Although big bookies still exist and transact large volumes, the growth in small bettors spread across large areas is significant. The increase in the use of mobile phones and the Internet has increased the reach of bettors even to distant rural areas.

The spread on the betting community has also given rise to spot fixing. As opposed to match fixing, where the outcome of the match is at stake, in spot fixing bets can be placed on almost all small events of the game. For instance, one could place a bet on the number of 'runs' in an 'over', or whether a player would make ten runs and the like. Live betting, facilitated by new technology favors spot fixing and appears to have become more popular than match fixing. For instance, the investigation in the Hansie Cronje affair revealed that batsmen had been paid not to score beyond a specified number of 'runs', and bowlers paid to allow batsmen to score more than a predetermined number.

### Emergence of Online Betting

Betting or gambling is illegal in most of India, but there is no law that makes online gambling an illegal activity. One of the advisory websites [indiatablet.com](http://indiatablet.com) claims that they do not take bets but help their clients contact international online book makers. The question of whether it is legal to bet from India using an international bookmaker is not very clear in law. While bookmaking in India is illegal, there is no specific law in India, which bans an individual customer from placing an online bet with a bookmaker based outside India. It is difficult to catch internet gambling offenders if the websites are hosted by servers located in countries where betting is legal. Enforcing the act is a tough job if the servers are located offshore. Goa and Sikkim are two states, which have allowed regulated online betting. In March 2009, the Government of Sikkim issued a memorandum known as Sikkim Online Gaming (Regulation) Rules, 2009. This outlines the rules and regulations for online gambling licensing within that state. The Internet has made it easy for anyone to bet online. For instance, one website ([cricketbetting.com](http://cricketbetting.com)) brings the latest news and has guidelines on how to bet. It has inputs on international leagues, IPL and hosts many resources, which are available to its users to learn about betting.

## ***Limitations of Laws Governing Gambling in India***

The Board of Control for Cricket in India (BCCI) is the national governing body for cricket in India. It is not only the richest sporting body in India, but also the richest cricket body in the world with revenues of US\$ 160 million in 2010–2011. Apart from the regular 5 day and 1 day matches, the BCCI has recently established the Indian Premier League (IPL) in limited overs and the Twenty20 cricket matches. It is similar to the major professional leagues such as the English Premier League. The elections of BCCI office bearers have remained controversial with the Supreme Court of India directing the election of office bearers under the supervision of a former Election commissioner in November 2005. The IPL consists of nine teams comprising the best cricket players from around the world. It was the first sporting event ever to be broadcast live on YouTube, and its brand value was estimated at US\$ 2.99 billion in its fifth season (India Business Insight Feb 20, 2010). However, it has been dogged by allegations of money laundering, betting and match fixing on several occasions.

Gambling in India is prohibited through the Public Gambling Act of 1867. The Act does not address betting in sports per se but prohibits all kinds of bets or gambling in general. The Act prohibits both public gambling and the “keeping of common gaming-houses.” A common gaming-house is described as any house, walled enclosure, room or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place. Prohibition on gaming-houses, on its face, prohibits activities such as card games and typical casino-style games, or games that depend on chance. The Public Act specifically does not apply to “any game of mere skill.”

However, the Public Act does not define gambling or explain what a game of skill might be, and does not address betting in general or sports betting specifically. The fines provided are insignificant. For instance, anyone who owns, occupies, is in charge of, or uses such a gaming-house, is liable for a fine not exceeding Rs. 200 (US \$4) and 3 months in jail. Whoever is only *found* in the gaming-house for gaming can be fined up to Rs. 100 (US \$2) and sentenced to 1 month in jail. Any person found in a gaming-house “shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

The Supreme Court of India has defined gambling in ‘*Lakshmanan v. State of Tamil Nadu & Anr*’ (AIR 1153, 1996 SCC (2) 226). It used the Encyclopedia Britannica’s definition to describe gambling as “the betting or staking of something of value, with consciousness of risk and hope of gain on the outcome of a game, a contest, or an uncertain event the result of which may be determined by chance or accident or have an unexpected result by reason of the better’s miscalculations”.

However, because the Public Act does not define game of skill, it is unclear whether the Public Act governs gambling in cricket. Cricket is a game of skill; however, the law does not address this issue clearly and leaves the scope of the Act unspecified. The Government of India, however, considers betting on cricket illegal. Only two states (Goa and Sikkim) allow casino gambling and legal gambling in

other states is restricted to horse racing. Some cities in India can also enforce their own gambling laws and make gambling, including betting on cricket, illegal. For instance, the Delhi High Court found individuals guilty of betting on a cricket match and violating the provisions of the Delhi Public Gambling Act, 1955.

## ***Recommendations***

### **Designing Effective Laws to Govern Betting in Sports**

Not only is the law in India unclear and the penalties minor, there are problems in investigation. For instance, all offenses under the Act are bailable. This means that the arrested person is entitled to be released on bail as soon as he is apprehended. The absence of custodial interrogation does not allow investigation agencies to reach to the depth of the case. Typically, offenders would confess and get away with a minor fine, and then they are often outside the reach of the criminal justice system having gone through the entire process, albeit in a very short time. Except Sikkim and Goa, most states do not have any legislation on betting and they continue to use a colonial era law to control gambling. As pointed, Indian law is not only out of sync with its history and culture, but also is out of sync of other major cricket playing nations such as South Africa and England that have laws which regulate gambling and online betting.

The outright banning of gambling in India has driven it underground making it harder for investigation agencies and cricket managements to control the menace. There are other handicaps to investigation by law enforcement agencies and monitoring by Cricket Boards. For instance, it is difficult to obtain judicial permission to tap phones of the suspects and monitor the transactions of underground economy that facilitates transfer of money undetected through the system. It is not possible to prevent meetings in locker rooms or hotels, and there is little material evidence as everything is done through telephones and cash transactions. A provision of law, namely Section 25 of the Indian Evidence Act, 1872, makes any confession before police to be inadmissible in court. This makes it difficult to prosecute unless substantial material evidence is collected.

There have been demands from BCCI and other stakeholders to legalize and regulate betting in India. Recently, the law minister of India has mentioned that there needs to be a law to recognize match fixing and spot fixing as a criminal offense. However, he did not comment if betting is proposed to be made legal.

### **Lessons from UK and South Africa's Law**

#### **The UK Law**

The England and Wales Cricket Board (ECB) is the national governing body of cricket in the United Kingdom. Its regulations address match fixing and betting and

apply to players and employees of the ECB. No bet is allowed to be placed by the players, nor is any information allowed to be shared that would give someone an unfair advantage in placing a bet (Mahyera 2012). The Board can ban a player from playing international cricket on behalf of England, if it finds violation of its rules and regulations. ECB rules do not prevent bets by individuals who do not participate in matches, and are only spectators.

Thus, the Gambling Act, 2005, does not criminalize gambling, but regulates the betting covering all individuals, including cricketers and spectators. The Act does differentiate between legal and illegal gambling. Placing a bet on a particular outcome is considered legal, however, match fixing and spot fixing are covered under illegal betting. Penalties include imprisonment up to 2 years and fine. The Act also establishes a Gambling Commission, which permits legal gambling and generates reports about incidents and regulation of gambling.

The Commission grants licenses to individuals and betting syndicates and thereby regulates gambling activities. The commission maintains a record of all activities taking place in the gambling facilities and utilizes the authority to review betting practices before being made to ensure legal compliance. To further address illegal sports betting, the United Kingdom also developed the Sports Betting Intelligence Unit (SBIU) as part of the Commission. SBIU works with sports governing bodies to help keep corruption out of sports betting and encourage the flow of information. The SBIU does this by requiring license holders to inform the Commission anytime a bet occurs that the Commission would want to void. The license holders also have to report any violations of the laws of sports governing bodies. The SBIU collects and develops information about corrupt sports betting. SBIU also coordinates with the local police if criminal activity is suspected.

The commission has powers to revoke a gambling license, and issue a penalty. It can also limit the hours of operation of the licensee or change other licensing conditions. There are always fears that legalizing gambling make promote addiction to gambling. The Commission has established a Responsible Gambling Strategy Board (RGSB) to deal with the problem (Orford 2012). The RGSB also promotes responsible gambling by encouraging licensed operators to provide socially responsible gambling products and players to have control over their play. The licensee cannot hire an employee or allow an existing employee to engage in any work unless the employee meets the requirements of the Act.

### South Africa's Law

The Cricket South Africa (CSA) is the national governing body of cricket in South Africa. The country had banned gambling initially, but started regulating gambling through the National Gambling Act, 2004. Similar to the UK Act, the South African Act also differentiates between legal and illegal gambling. Licenses are granted to individuals or entities where activities permitted or available are specified, including the premises.

In addition to the national legislation, there are nine provincial statutes (one for each province) which regulate and grant licenses for gambling. The provincial authorities conduct inspections to ensure compliance with the Act, provincial law, and conditions of provincial and national licenses. By issuing licenses, the National Gambling Board (NGB) and provincial authorities can keep track of individuals engaged in gambling.

South Africa has also established the National Gambling Policy Council to oversee the NGB and make policy recommendations to the government (Collins 2002). This system creates a free flow of information between NGB, NGPC, provincial authorities and the national government. The NGB and the provincial authorities can not only revoke licenses but award imprisonment up to 10 years or fines up to about \$ 1.4 million if there is evidence of illegal gambling or betting. Thus, the South African Act does not criminalize all aspects of sports betting, but addresses the problem of betting in cricket through an elaborate arrangement of administrative apparatus and close monitoring of betting activity.

At present, the Asian markets are huge and unregulated, with India being at the center of cricket betting. In order to regulate betting, it would be prudent to draw upon the experiences of the major cricketing nations of the world and enlist the support of researchers who can attempt to find out the causes and remedies to the ever increasing threat of corruption in cricket. The following suggestions are worth considering.

#### Internal Supervision/Vigilance by BCCI/Clubs

The body, which controls cricket in India, is the BCCI. It is a society, registered under the Tamil Nadu Societies Registration Act. It often uses government-owned stadiums across the country. As a member of the International Cricket Council (ICC), it has the authority to select players, umpires and officials to participate in international events and exercises total control over them. Apparently, BCCI has failed to control corruption within cricket in India. It has limited powers of taking action except suspending the players. The examples of South Africa and England can be used to create bodies like the National Gambling Board, Responsible Gambling Strategy Board, and Strategic Betting Intelligence Unit to handle the education of players, monitor the betting syndicates, and develop intelligence on illegal betting and take legal action if corrupt practices are noted.

#### Legalizing Gambling

There is growing support to legalize gambling in the country. Betting on the outcome of sports, other than racing, continues to be illegal, except in Sikkim, the only state to legalize betting on cricket, including the Indian Premier League (IPL) and



other sports such as football, tennis, golf and chess. Illegal gambling on the outcome of sports events, especially cricket, remains an unregulated, huge and lucrative market. Online gambling operators, both domestic and offshore, operate with impunity in India, thanks to inadequate legislation; lack of enforcement and an indifferent judiciary that allows unregulated and untaxed gambling. In recent times, there has been a growing opinion that the government needs to examine ways to legalize the activity. A provincial court judgment even suggested that sports betting should be made legal and the revenue generated used for public welfare. The International Cricket Council chief executive recently urged the Indian government to legalize cricket gambling in the country. The government is reportedly looking into the possibility of legalizing sports gambling seeking directions from parallels in other countries, particularly Britain's Gambling Act of 2005. The government is seen driven by the prospect of huge revenues, which could ostensibly be used to fund public good including sports development. Arguments for legalizing and regulating gambling include:

- (i) Increased revenue generation for states potentially amounting to around 2 % of the nation's gross domestic product;
- (ii) Reduced funding to criminal and terror-related activities, as most of the illegal betting activities are run by the Mumbai-based underworld and the profits are suspected to fund drugs, illegal arms-deals, boot-legging and terror activities; and
- (iii) The possibility that regulation would provide avenues for preventing and treating problem gambling.

### Empowering Law Enforcement Agencies

The criminal justice system in India is under considerable strain and faltering. Insecurity, growing violence and criminality are evident in every part of the country. Further, terrorist threats originating from across the border to instigate secessionism and threaten stability of the country are also serious challenges to the security agencies. In such a state, the ability of the police to deal with white-collar crimes and in particular gambling in major sports is limited. The police lack basic resources, training and personnel to deal with this menace. The police continue to function under an antiquated legal and organizational system where local accountability is absent and politicization is rampant. The police need to undergo major reforms, upgrade their capabilities and incorporate modern management systems to become more effective. The police also need to be empowered with greater legal powers to keep surveillance over the activities of bookies and collect evidence about financial transactions. Furthermore, the police and the cricket authorities need to work together to face this problem of betting and advent of syndicated mafia in major sports of the country.

## **Enhancing Public Disapproval**

Sport is a mass entertainment activity with millions of dedicated supporters and fans. Team fortunes and players in particular are followed closely and adulation matches that of film stars and politicians. Hence, fudging games and violating rules of the games is a major let down for the fans and one that has the potential of damaging the sport. For this reason alone it is imperative that illegal betting in cricket be controlled and eliminated quickly. One possible method is to involve the fans in condemning the players and officials involved in illegality. Public shaming could be a powerful mechanism to deter offenders (Harris and Murphy 2007). This may even be a more effective instrument than policing the sport. As described above, cricket provides a large number of avenues to bet on the outcome and it is next to impossible to supervise everyone involved in the game. Only public censure and condemnation can be effective mechanisms to control such illegal betting in the game. Loss of prestige and face may be the best deterrence to keep cricket the gentleman's game.

## **Encouraging Research into the Issue of Corruption in Cricket**

Corruption occurs in all sports including cricket as does it occur in all spheres of life and all over the world. The World Bank estimates more than US\$1 trillion is paid in bribes each year (Judge 2011). Corruption significantly deters the development of markets, increases uncertainty, undermines the rule of law and turns away fans from the sports. Sponsors may also withdraw if they feel sports are not generating the energy required by them. For instance, Sahara India recently announced its decision to withdraw from the IPL's costliest franchise of US \$ 370 million by pulling out of T20 cricket matches (Times of India, May 21 2013). This has come after a series of scandals where the police arrested three cricket players of Rajasthan Royals cricket team for match fixing.

There is a need to systematize the knowledge available so far on corruption in sports, particularly cricket. Researchers can fulfill that need by examining which strategies works and those, which do not work. This would prevent duplication of efforts and repetition of mistakes. While a commoner may suggest one system of governance as better as compared to the other, extensive research can go into depth and analyze the effectiveness of strategies to deal with the issue of corruption. For instance, INTERPOL has entered into a 10-year initiative with the Fédération Internationale de Football Association (FIFA) in May 2011 to develop and implement a Training, Education and Prevention Programme in regards to raising awareness around the key role of organized crime in match-fixing and corruption in football (Forrest 2012). This would hopefully create a body of knowledge, which can be used to deal with betting and other problems in sports. Researchers can also identify target groups in the education sector who can assist in raising awareness of the problems associated with match-fixing and illegal betting. Thus researchers can present the issues and the way to move forward in a holistic fashion drawing from the best practices the world over.

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