



FIXING IT

TACKLING MATCH MANIPULATION

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Contact Information

..... The Sports Law and Policy Centre, Bengaluru
..... 411-4M, 4th Main Rd
..... East of NGEF Layout, Kasturi Nagar
..... Bengaluru, Karnataka 560016
..... Email: slpc@lawnc.com

CONTRIBUTORS

The Sports Law and Policy Centre and the Vidhi Centre for Legal Policy would like to thank the following persons for their contribution and assistance in preparing this Report.

AUTHORS

The Sports Law and Policy Centre

Abhinav Shrivastava

Nihal Zachariah

Parvati Bhat

Lokesh Kaza

Eshwar Ramachandran

The Vidhi Centre for Legal Policy

Dr. Arghya Sengupta

Shashank Atreya

DESIGNED BY

Suresh Kota

For the Sports Law and Policy Centre, the current address is:

411-4M, 4th Main Rd

East of NGEF Layout, Kasturi Nagar

Bengaluru, Karnataka 560016

Email: slpc@lawnc.com

For the Vidhi Centre for Legal Policy:

A-232, Defence Colony, New Delhi 110024

Email: vclp@vidhilegalpolicy.in

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The review should not be read as an endorsement of the Report by the reviewer nor as reflecting the views of the reviewer.

EDITORS' NOTE

From Abhinav Bindra receiving the gold medal in the 10m Air Rifle event at the Beijing Olympics in 2008 to M.S. Dhoni hitting the winning-six in the ICC Cricket World Cup 2011 final, sport has produced some of our most cherished memories – reflecting the deep and personal connect that each fan shares with sport and its athletes.

This connect is premised on the principle of healthy competition that is intrinsic to any sports activity, where winning results are a product of the perseverance and exhibition of superior prowess and skills at the game on the day and the expectation that athletes will 'give it their all' in competing in the game.

Where this trust in the competitiveness of sport is eroded, the sense of betrayal and loss cuts as deeply for the fan. Match manipulation, doping, and other conduct against the rules of the sport chip away at the competitiveness and uncertainty of sport, making its outcome predetermined and rendering it less of a test of skill and prowess.

In this Report, titled: 'Fixing It: Tackling Match Manipulation' we will be addressing the issue of Match Manipulation, and proposing a draft legislation to pro-actively prevent and detect match manipulation in sport, and investigate and action it through the State machinery.

Instances of match manipulation are notoriously difficult to investigate and action, due to the differing motivations and multiple actors involved, ranging from athletes to organised crime syndicates, some who are within the sports system and outside of it. Penal laws also require the 'crime' to be committed against an identifiable 'victim' who has suffered harm from the act, which would be difficult to satisfy as the principle 'victim' of match manipulation is the sport itself and it is equally difficult to determine and quantify the 'harm' directly caused to spectator, or sponsor or any other stakeholder in the sport by the act of match manipulation.

This Report considers these questions and issues by first building on the history of match manipulation to examine the values of sport that it conflicts with, and ascertain who the victims of match manipulation are and the nature of harm caused by match manipulation.

Match manipulation may be motivated by financial rewards or a strategic benefit within the event, with the former eroding trust and integrity in the game and the latter exemplifying skill at the game – meaning that match manipulation must be seen in the context of the object of the act to determine if it denigrates or serves the values of the sport. The Report examines these differing motivations and their compatibility with the values of sport in order to differentiate acts of match manipulation that merit penalisation from acts which are within the ethical framework of the sport.

While the execution of an act of match manipulation may require a single act and actor, its operation involves a network of internal and external actors, many of whom may be unwitting participants. The Report examines the different actors involved and their roles in executing the match manipulation to provide guidance on whom to treat as a perpetrator of match manipulation and whom as a contributory.

Certain categories of persons also benefit treatment with a degree of sensitivity due to their naivety or lack of agency, and so the Report considers the merits of differential treatment for minors and coerced participants who engage in match manipulation.

Match manipulation increasingly involves transnational and global networks, which raises jurisdiction concerns and a need for inter-agency cooperation and information sharing, with the Report examining the legal principles at play and are employable to assert jurisdiction.

Finally, the Report looks at the nature of the offence of match manipulation, and whether it benefits treatment as a crime or a civil offence, as well as the implications of investigating and actioning it as a crime or a civil offence.

In continuation of the report on match manipulation, it was felt necessary to also propose a draft Match Fixing Legislation which can specifically criminalize the offence of match fixing and enable the monitoring, prevention and prosecution of such an offence. The provisions of the Indian Penal Code does not suffice for a specialized offence such as match fixing, the ingredients of match fixing have multiple factors such as involvement with betting syndicates, attempts to reduce the integrity of the game and the nature of offence being distinct for each sport. To reflect the uniqueness of the offence, there is a need for a dedicated law which identifies specific ingredients and standards for prosecution. To address the uniqueness of the offence of match fixing and build a culture which promotes fair play in sports, the Sports Law and Policy Centre and Vidhi Centre for Legal Policy have proposed the Prevention of Match Fixing and Promotion of Fair Play in Sports Bill, 2020.

The Bill takes forward the findings of the report and recognizes three key stakeholders who have the potential to make an adverse impact on a sport. First, members of the concerned sport which include the players, officials and staff. Second, interested persons, which include broadcasters, advertisers, sponsors. Lastly any other person who aids and abets the offence of match fixing. Proposed Bill also recognizes spot fixing, unlike other model bills proposed on this subject, and makes it a specific offence. Considering matches are largely influenced by altering specific situations, recognizing spot fixing becomes an important step towards minimizing corruption in sports.

Match fixing is noticeable at all levels of sports and in all age groups as well. To ensure minors are safeguarded from the ills of sports corruption the proposed Bill prescribes a higher threshold of punishment for those who influence minors to participate in match fixing. Alternatively, minors who willingly participate may be held guilty and their punishment has been recommended to be in accordance with the Juvenile Justice Act.

Apart from criminalizing the offence of match fixing the proposed Bill also requires disciplinary committees of sports associations to recommend suspension or penalty to those involved in the offence. To ensure that the disciplinary committee is guided by certain principles while making its decisions, the proposed Bill mandates all sports associations to publish a code of ethics and requires all decisions to be based on it. Provision for challenging the decision of the disciplinary committee before an appellate board has also been made.

To oversee implementation of the proposed Bill and also undertake sensitization measures to reduce corruption in sports, an Authority known as the National Fair Play Authority is sought to be established. The Authority has been given all necessary powers to investigate offences of match fixing and also coordinate with other enforcement agencies.

This Bill seeks to be an encompassing legislation to address all the facets of sports corruption and also take steps to improve the culture of sports in the Country.

Reforming sports in India is much needed, the report and Bill which provides a pathway to curb corruption is only the first step out of the many that are required for a better culture of sports in India.

This Report is a collaborative endeavour of the Sports Law and Policy Centre and the Vidhi Centre for Legal Policy.

Abhinav Shrivastava and Shashank Atreya.

Abhinav Shrivastava is a researcher at the Sports Law and Policy Centre, Bengaluru. He completed his undergraduate degree (B.A. LL.B.) from NALSAR University of Law in 2010 and his post-graduate degree (LL.M) in Regulation and Technology from King's College London in 2012. He was awarded the Dickson Poon School of Law prize for the best student on the LLM in Regulation and Technology 2011/2012. Abhinav's research interest lies in Privacy and Data Rights, Sports Governance and Gaming Laws.

Shashank Atreya is a resident fellow at the Vidhi Centre for Legal Policy. He graduated from Christ University with a Law and Business Administration degree in 2017 and has been working with Vidhi Centre for Legal Policy, Karnataka since its founding. His interest areas lie in urban governance, urban transport and improving quality of living in Indian cities. Outside of law and policy, he is a former National Ranked Tennis Player and a certified 'foundation coach' by All India Tennis Association.

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...I loved the World
...I have told you earthly things, and ye believe, how shall ye believe, if I tell you of things which no man hath ascended up to heaven, and which is in heaven, and which the Son of man hath ascended up to heaven, and which the Father loveth the Son, and hath given all things into his hand. Whoever believeth in him should not perish, but have everlasting life.

The Woman at Jacob's Well

4 When therefore the Lord knew how the Pharisees had heard that Jesus had baptized more disciples than John, (Though Jesus himself baptized not his disciples,) he left Judaea, and departed not to Galilee.
5 And he must needs go through Samaria.

6 Then cometh he to a city of Samaria, which is called Sychar, near to the parcel of ground that Jacob gave to his son Joseph. Now Jacob's well was there, thus on the way, and it was about the fourth hour.

7 There cometh a woman of Samaria, and saith unto him, Sir, thou art a Jew, and I am a Samaritaness; how canst thou say these things, seeing we have not a well here, but thou hast said, I have water of life? This she said, because she had said, My husband is dead.

8 Jesus answered and said unto her, My husband whom thou speakest, that is dead: but thou sayest, I have water of life? This she said, because she had said, My husband is dead.

9 Jesus answered and said unto her, Thou art right, because thou hast said, I have water of life; but thou sayest, I have water of life? This she said, because she had said, My husband is dead.

10 Jesus answered and said unto her, My husband whom thou speakest, that is dead: but thou sayest, I have water of life? This she said, because she had said, My husband is dead.

11 Jesus answered and said unto her, My husband whom thou speakest, that is dead: but thou sayest, I have water of life? This she said, because she had said, My husband is dead.

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- **CBI:** The Central Bureau of Investigation, India's premier investigating agency.
- **CPC:** The Code of Civil Procedure, the primary legislation of India which has detailed provisions on procedure applicable for civil proceedings in India.
- **CrPC:** The Code of Criminal Procedure, the primary legislation of India which has detailed provisions on procedure applicable for criminal proceedings in India.
- **Doping:** The act of taking prohibited substances or using prohibited methods to enhance or maintain sporting performance.
- **FIFA:** Fédération Internationale de Football Association, the international governing body of the sport of football.
- **ICC:** The International Cricket Council, the international governing body of the sport of cricket.
- **ICC ACU:** The department within the ICC, responsible for monitoring compliance with and investigating potential breaches of the ICC's Anti-Corruption Code for Participants, 2018.
- **ICC Code:** ICC's Anti-Corruption Code for Participants, 2018.
- **ICC PMOA Standards:** ICC's Minimum Standards for Players' and Match Officials' Areas at International Matches, 2018.
- **IOC:** The International Olympic Committee, a non-governmental organisation engaged in organising the modern Summer and Winter Olympic Games.
- **IPC:** The Indian Penal Code, the primary legislation of India which has detailed provisions on criminal offences, applicable penalties and all other substantive aspects of criminal law.
- **IPL:** The Indian Premier League, a franchise based professional Twenty20 cricket league in India.
- **Macolin Convention:** The Convention on the Manipulation of Sports Competitions framed by the Council of Europe and entered into in Macolin, a multilateral treaty that aims to prevent, detect, and punish match fixing in sport which came into effect on September 1, 2019.
- **Match fixing:** A form of manipulation in which the result of a sports competition is played out to a completely or partially pre-determined result.
- **MCOCA:** The Maharashtra Control of Organised Crime Act, 1999, a legislation enacted in the state of Maharashtra to combat organised crime and terrorism in the state.
- **MCYAS:** The Ministry of Culture, Youth Affairs and Sports, Government of India.
- **MYAS:** The Ministry of Youth Affairs and Sports, Government of India.

- **PCCAA:** The Prevention and Combatting of Corrupt Activities Act, 2004, a legislation enacted in South Africa concerned with penalising acts of bribery by public officials.
- **PGA:** The Public Gambling Act, an Indian legislation which criminalises the act of gambling in a public forum in India and the keeping of a 'common gaming house', i.e., any enclosed space, in which instruments of gaming are kept or used for profit or gain.
- **PMOA:** The areas designated as Players' and Match Officials' Area under the ICC PMOA Standards.
- **SBIU:** Sports Betting Intelligence Unit, a unit within the Gambling Commission of the United Kingdom concerned with detecting and investigating betting-related corruption.
- **Sports Betting:** The act of placing a wager on the outcome of a sports event or series of events, or on the happening or not happening of an action within an event.
- **Spot fixing:** A form of manipulation in which an isolated aspect of a game, typically unrelated to the final result or outcome of the game, is pre-determined and fixed in an attempt to ensure a certain result in a wager placed on such aspect.
- **Supreme Court:** The Supreme Court of India, the apex judicial body in India.
- **Olympic Anti-Manipulation Code:** The Olympic Movement Code on the Prevention of the Manipulation of Competitions adopted by the IOC in 2015 which aims to provide the Olympic Movement and its members with harmonised regulations to protect all competitions from the risk of manipulation.
- **PORSA:** The Prevention of Offences Relating to Sports Act, 2019, a legislation in Sri Lanka enacted to strengthen national and international cooperation among sports organizations, law enforcement agencies and betting operators to exchange information relating to match fixing, corruption, illegal manipulation and illegal sports betting in or affecting sports in Sri Lanka.
- **WADA:** The World Anti-Doping Agency, a foundation initiated by the IOC to investigate and action against Doping in IOC organised/sanctioned events and events organised by other International Federations that have adopted the World Anti-Doping Code.
- **World Anti-Doping Code:** A code of regulations promulgated and administered by WADA to harmonise anti-doping standards recognised by national sports federations.



2

INTRODUCTION TO MATCH MANIPULATION

Sport provides joy to millions of people around the world. It has the power to unite people and give them an immersive cultural and emotional experience. For centuries, mankind has relied on sport for recreation and entertainment and has built livelihoods and cultural identities around sport.

Healthy and fair competition is at the root of any sports activity, as it assures participants that winnability at the sport is determined by the participant's skill and ability in the sport which incentivises practice and training by participants to better their skills and creates contests between closely matched participants which engage and excite the audience of the sport through skill exhibition and keenly contested matches.

When results or the course – of sports matches, events or games – are determined not by fair competition but by some form of manipulation, the innate quality of fair competition stands violated.

Match manipulation damages the integrity of sport by removing critical aspects of uncertainty and genuineness from the competition and by enabling winner determination other than through a contest of participant skill. Varied forms of manipulation jeopardize the core values of sport and its social, cultural and educational values.

Match manipulation also undermines economic role of sports, which shapes the life of a large number of athletes and other stakeholders in sport such as sports clubs, broadcasters, sponsors, governing organizations and civil society as a whole¹. Viewer demand and fan-engagement in sport arises more from interest in observation of the contest and the exhibition of skills by participants in competition, rather than the outcome of the contest – the means matter more than the ends. Match manipulation strikes at the root of this expectation that participants will employ their skills to the best of their ability, which would have a domino effect on economic activity in connection with sport, e.g. the sale of match tickets, licensing of image rights and/or media rights, sale of merchandise, in-stadia catering, and event related travel and hospitality services.

As consumption of sport by fans is the driving force behind the sustenance of sports leagues and teams, loss of interest and reduced consumption can prove to be detrimental to any sport affected by instances of match manipulation.

In global sport today, as fans become increasingly informed and engaged in sports culture, commercial stakeholders have realized the great extent to which they must anticipate, and be responsive to, their



customers and community values and expectations. In the Indian context, the increase in private investment in sport, combined with the resulting appreciation of the importance of public trust in authenticity of results, has brought the issue of participant-integrity to the forefront of legal discourse².

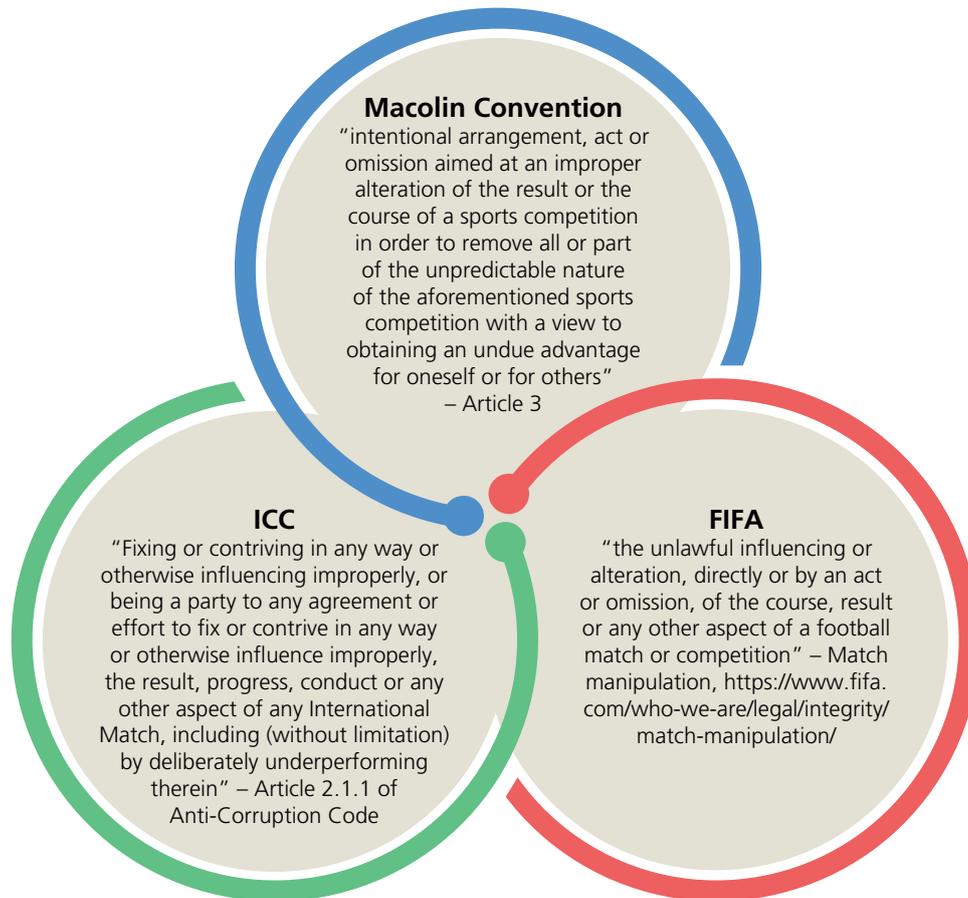


To a certain extent, corrupt behaviour may be tackled by sports bodies through transparency, increased sensitisation and good governance. Sports bodies tend to focus their initiatives against match manipulation on facilitating rigorous national and international coordination and ensuring player welfare³. As a supplement to sports bodies' own efforts and initiatives to tackle match manipulation, a legal framework is required in order to thoroughly investigate and robustly sanction perpetrators on and off the field. Such a framework would give public authorities the required tools to target criminal and illegal activities relating to sport⁴, and secure the viewer's faith in sport.

In light of the growing scale and spread of match manipulation and associated corrupt practices in recent times, it has become vital to understand what activities constitute match manipulation, what values it infringes and what motivates match manipulation in order to devise protocols and practice that can effectively tackle match manipulation.



2.1. WHAT CONSTITUTES MATCH MANIPULATION?



While the scope of these definitions can cover a wide range of acts including doping, match-fixing (in this report, the terms 'match-fixing' and 'match fixing' are used interchangeably), use of insider information, and conflict of interests, a common thread amongst these definitions is the intent to pre-determine and fix the result of a sports competition.

In this report, we will explore and dissect acts that are calculated to fix or determine match results other than by fair competition as 'match manipulation'. These manipulative events may occur on or off the field and across both individual and team sports. They could involve athletes, coaches, referees and other off-field perpetrators who intend to gain certain benefits by carrying out or encouraging the commission of certain acts of match manipulation.

For the purpose of this report, match manipulation shall refer to: *"Acting, encouraging, influencing or instructing a participant in a sports event to take actions that would produce a flawed result in a sports event with the purpose to unduly derive benefits, privileges or advantages of any kind for the participant or other perpetrating actor."*

2.2. HISTORY OF MATCH MANIPULATION

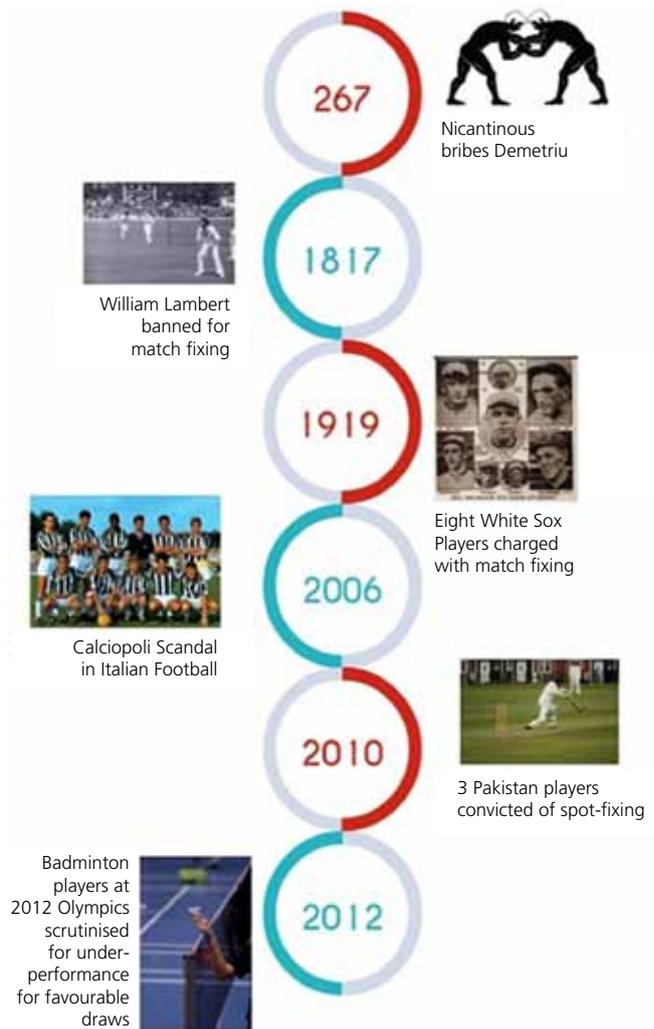
Match manipulation has had a storied history that goes back as long as sport has existed. Corruption in sport was known to the ancient Greeks, with the history of the Olympic Games recording allegations of athletes accepting bribes to lose competitions. City-states engaged in sending athletes for participation in the Olympic Games were often accused or found to manipulate the outcomes of such competitions with bribes and threats to competing athletes or officials. Punishment for cheating in the Olympics of Ancient Greece could include fines, public flogging and city-state wide bans from competition⁵.

British historians recently deciphered a Greek contract (dating from 267 AD), which indicates the fixing of a wrestling match between two teenagers was predetermined. The contract was made between the father of a wrestler called Nicantinous and the trainers of his rival, Demetrius. The two wrestlers were set to contest the final of the 138th "Great Antinoeia," a series of games held during a religious festival in ancient Egypt. The contract recorded that Demetrius agreed to, "when competing in the competition, fall three times and yield" in return for a reward from Nicantinous' father⁶.

In the early nineteenth century, with the emergence of recurring sports leagues involving the participation of clubs and professionally contracted players, and the creation of a betting market for sports matches, particularly in cricket, match manipulation saw the involvement of the bookie as a go-between the beneficiaries of a fix and the players engaged in the fix, with anecdotal accounts attesting to prices for match fixing being set for matches in Surrey or Kent⁷.

Records also attest to such corrupt practices being found out and actioned, like with William Lambert, an acclaimed professional cricketer was found guilty of match fixing and banned for life in 1817⁸. Thereafter, through the 1820s, cricket authorities vigorously proceeded against match fixing to clean-up the sport and secure its integrity.

The early twentieth century saw match fixing in professional football, with seven players from Manchester United Football Club and Liverpool Football Club fixing a match to save Manchester United Football Club from relegation to the second division⁹ and the Black Sox Scandal in 1919, where eight members of the Chicago White Sox were found to have thrown the 1919 World Series of Baseball Championship against the Cincinnati Reds in exchange for significant pay-outs from a gambling syndicate¹⁰.



External Influences

Internet +
Spot Betting +
Limited Monitoring

Internal Influences

Lower Levels +
Less Scrutiny +
Few Protections

In the last few decades, an increasing number of match manipulation cases in different sporting disciplines have been recorded all over the world. The advent of the Internet and the resultant changes in computing and communications technology has revolutionised the sports betting market, making match manipulation attractive for fixers with pay-outs from the betting market easily supporting any payments made to players to engineer the fix. Online betting, in particular, is regarded as having materially contributed to the rise of match manipulation as its trans-national nature makes it difficult to monitor and regulate while its offering of spot-bets on events within a match makes it difficult to determine if an action is genuine or fixed¹¹.

Lesser scrutiny of games and fewer protective measures to separate players from corruptors at lower levels in the hierarchy of sports events coupled with few incentives for professional advancement has also been seen as facilitating match fixing within sport¹².

Acts of match manipulation are varied across sporting disciplines, but the current forms of such acts are usually situated in the following scenarios:

- When an individual or a team 'need' to win to the extent that they influence other teams or match officials for favourable outcomes.
- When certain athletes, players or concerned sporting stakeholders stand to gain a financial or extraneous benefit from the outcome of a match or a specific situation or moment in a match.
- When athletes or individuals take an action during a match for strategic reasons to gain a benefit in the larger context of the tournament or league¹³.

Calciopoli scandal of 2004-06, where major Italian football clubs were found to have influenced referee appointments to get favourable referees to officiate their matches.

The 2013 Lebanese football match-fixing scandal, in which many players were found guilty of being bribed by betting companies to purposefully lose games, in both domestic leagues as well as international competitions.

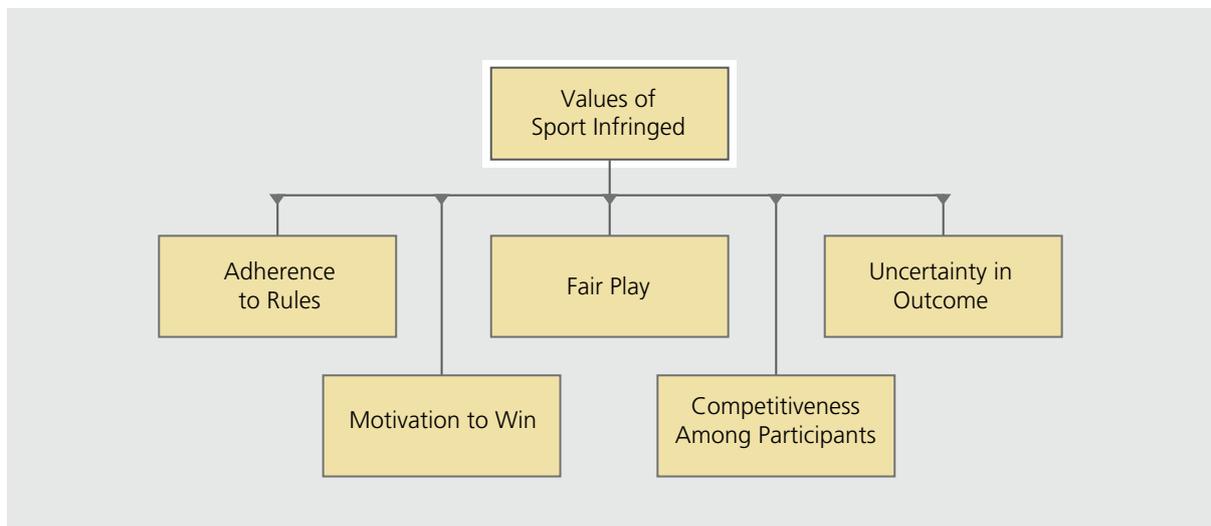
During the 2012 Olympics several badminton women's doubles matches came under scrutiny for deliberately under-performing to get favourable draws in the knockout stage.

Apart from these more obvious forms of match manipulation set out above, there are other forms which may be far more difficult to track. For instance, with the emergence of a spot-betting market and live-betting, any fixes on the first or last player to receive yellow or red cards, the number of minutes of additional time, the name of the first substitute to come onto the pitch, may be difficult to monitor and differentiate from genuine actions¹⁴. Further, match manipulation may involve environmental or logistical elements of a sporting event, such as interference with equipment or the pitch on which the contest is due to take place¹⁵.

2.3. VALUES OF SPORT THAT MATCH MANIPULATION CONFLICTS WITH

Acts of match manipulation pose a grave threat to sports and sports competitions. The gravity of this threat has been encapsulated by Jacques Rogge (former president of the IOC) who noted that in contrast to doping offences, which affect an individual athlete, "...the impact of match fixing effects the whole competition. It is much bigger"¹⁶.

There is indeed good reason to view match manipulation as posing a serious threat to sports and sports competitions for it infringes on a number of primary values of sport as set out below.



Respecting the rules of the sport, adhering to the principles of fair play, engaging in honest conduct and participating in sports competitions with dedication and commitment, are among the practices and values which are fundamental to our understanding and appreciation for sports and sports competitions¹⁷.

While adhering to the foregoing, the participants are also expected to compete for victory. The competitiveness among the participants and the uncertainty in the outcome constitutes a key draw for spectators as well as a fundamental value of sports and sports competitions¹⁸.

“
The tension of competitors vying to be the best is what makes sports exciting and meaningful
 - Kimberly Crow (Olympic Sculler)

Acts of match manipulation typically conflict with some combination of the above-mentioned values of sports and sports competitions. Illustratively, an act of underperformance (for financial gain from a fix) on the part of a participant, compromises the values of uncertainty in outcome and the expectation that participants compete to win. Further, with a number of sport governing bodies including as part of their codes of conduct, the requirement for the participants of the sport to make best efforts¹⁹, an act of underperformance constitutes a violation of the rules of the sport. Additionally, such an act of underperformance, as an act of betrayal of the fans and of the obligations towards fellow competitors (as set below), infringes on the values which constitute fair play such as respect and excellence²⁰.

“
Sports competitions are “a mutual test of prowess and a search for excellence that can only be achieved through competition”
 ”

Sports competitions are viewed as representing among the participants, *“a mutual test of prowess and a search for excellence that can only be achieved through competition”*²¹. Acts of match manipulation, as they impact a participant’s performance to the best of her abilities result in this purpose of sports competitions being vitiated. Where the perpetrator of such an action is a participant, the opponents and the teammates of the participant stand disrespected by the participant, and stand denied the opportunity to test their prowess and excellence in the game.

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TL;dr (Too long; didn't read)

- Match manipulation shall refer to acting, encouraging, influencing or instructing a participant in a sports event to take actions that would produce a flawed result in a sports event with the purpose to unduly derive benefits, privileges or advantages of any kind for the participant or other perpetrating actor.
- Match manipulation damages the integrity of sport by removing critical aspects of uncertainty and genuineness from competition and enabling winner determination through a contest of participant skill – impacting a fan's expectation of genuine competition.
- Consumption of sport by fans is the driving force behind the sustenance of sports leagues and teams, supporting economic activities related to sport, such as match ticket sales, image rights licensing, media rights licensing, merchandise sales, catering, travel and hospitality services.
- The advent of the Internet and the resultant changes in computing and communications technology has revolutionised the sports betting market, making match manipulation attractive for fixers with pay-outs from the betting market easily supporting any payments made to players to engineer the fix.
- Match manipulation is situated in three principle scenarios:
 - An individual or team 'need' to win to the extent that they influence other teams or match officials for favourable outcomes.
 - Athletes or officials stand to gain some benefit from fixing an event in or the outcome of the match.
 - Athletes take action for strategic reasons to gain a benefit in the larger context of the league or tournament.
- Match manipulation conflicts with the fundamental values of sport: Adherence to Rules; Fair Play; Uncertainty in Outcome; Motivation to Win; Competitiveness Among Participants – which are key draws for spectators and make sport meaningful.



3

ELEMENTS OF MATCH MANIPULATION

The elements of match manipulation may also be used for classifying acts of match manipulation into penal and non-penal conduct, and to further determine the actors in the act of match manipulation and treat their conduct with appropriate seriousness befitting their role in executing the manipulation.



3.1. MOTIVATION

Engagement in match manipulation serves an underlying purpose that motivates intentional influencing of match outcomes. Most instances of match manipulation are carried out with the following motivations:

FINANCIAL BENEFIT	STRATEGIC BENEFIT
<p>When persons off the field direct manipulation to make illicit financial gains using a mixture of legal and illegal sports betting mechanisms and share a proportion of the profit with the actors engaged in the sport who executed, or helped execute the fix on the field.</p>	<p>When persons engaged in a match influence match events or outcomes for benefits within the subsequent part of the match or in the broader scheme of the tournament or league of which the match is a part.</p>

The motive for engaging in an act of match manipulation serves as a key determinant for whether the match manipulation should be treated as an offence and abuse of good faith in the sport or as a permissible act within the ambit of the values of sport.

In case of match manipulation motivated by financial (or other extraneous) benefit, such acts of match manipulation are uniformly treated as offences against the spirit and values of the sport as the financial gain is extraneous to the game or match itself.

To the contrary, acts or conduct motivated by strategic reasons such as easing of play to conserve energy or to play defensively to tire out or frustrate an aggressive opponent, is not seen as constituting an offence of match manipulation²², as such conduct is driven by good faith motives and not by extraneous considerations such as improper financial or non-sporting gain²³. Additionally, such conduct exemplifies the participant’s skill and prowess at the game itself, as the participant is engaged in evaluating the match on an ongoing basis to determine when to play defensively or expend energy with aggressive play.

However, where such strategic conduct affects the very outcome of the match and is designed to achieve an extraneous benefit, the classification of the conduct as fair and not an offence is rendered less clear. In the London 2012 Olympics, eight badminton players were found to have deliberately attempted to lose matches with the object of securing a more favourable opponent in the next round. In other words, they attempted to underperform with the 'strategic objective' of finding an easier path in the competition draw.



The Badminton World Federation however took the view that such conduct was "abusive or detrimental to the sport" and disqualified the players from the competition²⁴. In contrast, Japan's football team's underperformance to avoid winning a football match at the London 2012 Olympics for a similar strategic benefit did not invite similar treatment from FIFA²⁵.

This lack of clarity is evident in the various bills (yet unlegislated) introduced to tackle match manipulation in India as well, with some treating financial gain as a requisite condition for the offence²⁶ while under other bills²⁷, the motive is not limited to financial gain but extends to other forms of advantages or gratification. In the case of the Prevention of Sporting Fraud Bill, 2013, the conduct of the kind engaged in by the badminton players and the football players would be entirely exempt from penalisation under the exemption provided for underperformance attributable to 'strategic or tactical reason' that is in the sport's interest or team's interest²⁸.

A view that 'strategic conduct' of a kind that influences the very outcome of a match would constitute a case of match manipulation, presents challenges in practical application. By way of example, it is common practice for football and cricket teams that have qualified to the next round of a multi-leg tournament to rest some of the key players of their squads in the remaining matches of their current leg of the tournament. However, by not fielding the best squad, the team in effect is directly impeding its chances of success. Adopting the view that conduct of any kind that influences the very outcome of the match constitutes an offence of match manipulation would render such practices in football and cricket penal as match manipulation.

A potential solution lies in excluding from the ambit of match manipulation good faith conduct motivated by strategic considerations that does not detract from the end goal of winning the match or tie.

Consequently, conduct such as actions of teams to rest key members of its squad and tactical decisions made by a team during the course of a match to substitute players or play defensively for gains in subsequent parts of a match, should invite scrutiny and penalisation as match manipulation only where such conduct is motivated by a positive intention to lose a match or tie. Where such an intention is not evident from the conduct of the participants, the act should be viewed as an act within the values of the sport and not an act of match manipulation.

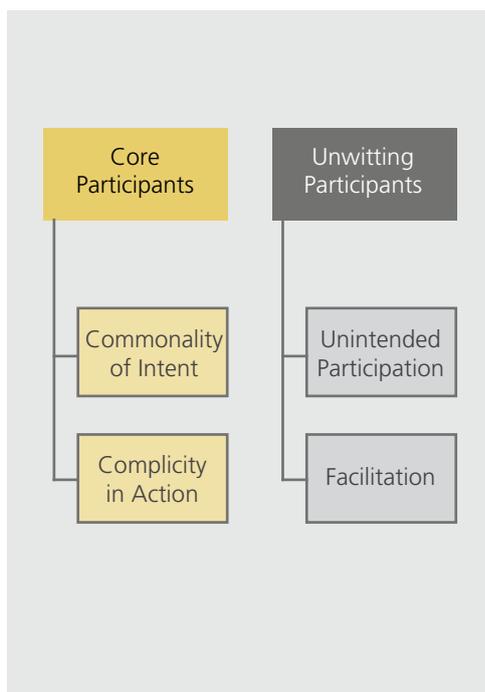
Such a term should be carefully crafted to account for strategic conduct in the context of a league, where there are benefits in drawing a match or preventing the conceding of a goal in place of seeking a win, where such a draw (and points gained from a draw) or avoidance of conceding a goal secures the team's position in the league table, as such strategic conduct remains fair and aligned with the objective of the league system of determining league positions through competitive engagement amongst participating teams.

3.2. INTENT

An act of match manipulation is decided by human behaviour. There are those who suggest engaging in it, those who accept the suggestion, and those who actually carry out the act, all of whom form an interpersonal network²⁹.

Intent to manipulate a sports event through an act or omission in return for a benefit definitively renders the actor as the perpetrator of match manipulation.

There may be multiple actors within transaction that leads to match manipulation, with their commonality of intent to manipulate the match rendering each of them complicit in the act as a perpetrator.



However, in certain cases, an unwitting participant may contribute or facilitate the match manipulation. For example, if an athlete shares information about team composition or injury risk with an acquaintance before a match (without any ulterior motive to obtain a benefit), the acquaintance may still be involved in match manipulation based on such knowledge. In such cases, the lack of knowledge and intent would typically enable the unwitting participant from avoiding sanction for the match manipulation itself, with any sanction applied limited to the breach of protocol or covenant on the part of such participant. However, in case the action or facilitation by the unwitting participant is such that intent can be reasonably imputed, such as where the action is against the rules of the game or is based on instructions that make it reasonably suspect, then such participant may be considered a perpetrator of the fix as well, even in the absence of specific intent on the part of such participant.

While intent is determinative of the perpetrators of match fixing, considering the high levels of integrity expected from sport, unwitting or unintending participants may also be drawn in and considered perpetrators of match manipulation.

3.3. KNOWLEDGE

Disclosure of inside information about a team composition and strategy would reduce the element of uncertainty of the course of a sports competition or the result of a sports competition, enabling the devising of a strategic and tactical response or use for a financial benefit arising out of the match.



Disclosure of inside information with the knowledge of the information being disclosed being or likely to be of commercial interest to persons receiving the same may be distinguished from those where disclosure is made without such knowledge. The former evidences complicity in the act and unjust enrichment and therefore makes the discloser liable for the act in the same measure as the actors engaged in securing the unjust commercial benefit, while in the latter, the lack of knowledge befits the attribution of lesser sanction commensurate to the breach of confidentiality. This standard of knowledge of the ultimate purpose of an act within the transaction also enables attribution of intent and the differentiation of perpetrators from unwitting participants for sanctioning for an offence of match manipulation.

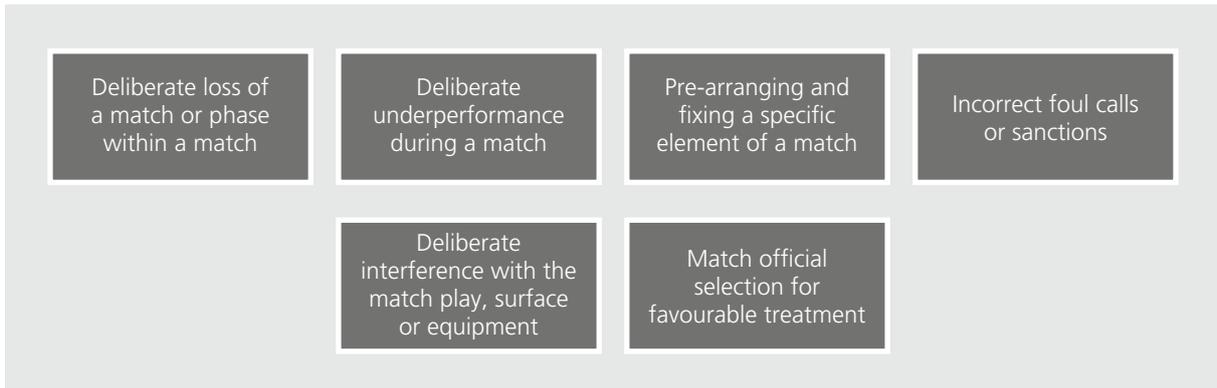
Aside from knowledge that serves to determine perpetrators, on account of the difficulty in detection of acts of match manipulation, sports governing bodies have increasingly imposed a higher standard of integrity and accountability on stakeholders in the sports eco-system, particularly athletes. As part of this higher standard, knowledge of an approach or attempt to engage in match manipulation and the failure to report it to the relevant anti-corruption unit itself is made actionable.

Such a reporting obligation and the establishment of a reporting mechanism for approaches to engage in match manipulation and penalisation of concealment of such approaches is an essential tenet of the Olympic Movement Code on the Prevention of the Manipulation of Competitions³⁰, the Macolin Convention³¹ and a number of sports federations' anti-corruption codes³². These measures make effective reporting mechanisms in sport, a crucial part of the fight against corruption in sport, both as a means of detecting and deterring corruption³³.

Knowledge of the act of match manipulation enables recognition of perpetrators of the act and may also be independently actionable in the context of protocols typically adopted to act against match manipulation and corruption in the sport.

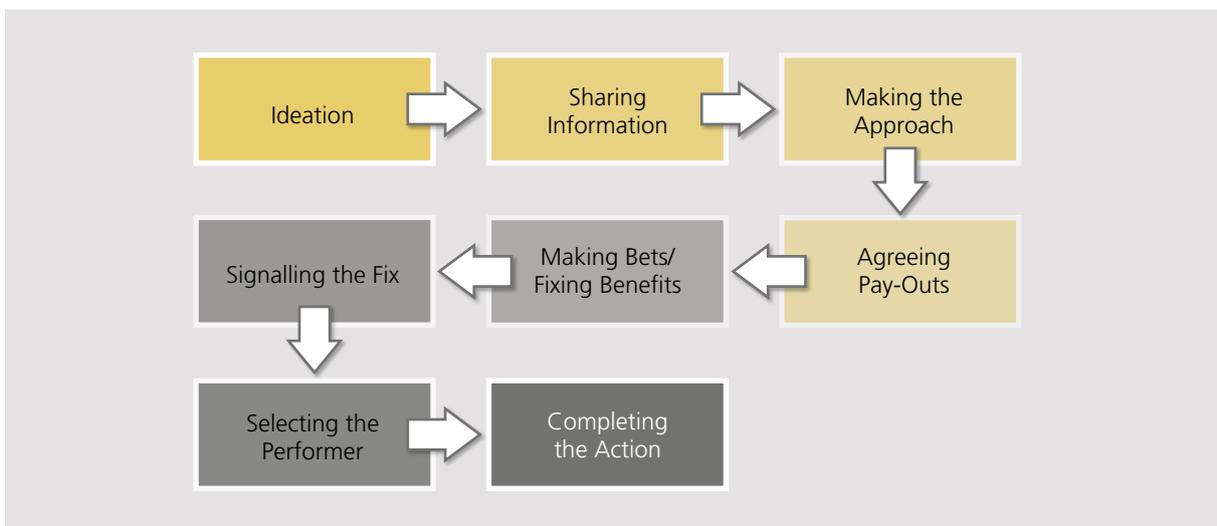
3.4. ACTION

Typical actions that lead to match manipulation, as can be gauged from various known cases that have come to light are³⁴:



These acts involve interference with match-play or participants in the match and thus the actors for direct engagement in match manipulation are the participants who are close to the sporting action, i.e. players, team managers, coaches, referees, pitch curator, physiotherapists or doctors.

However, the act that causes match manipulation is a culmination of a number of acts that together constitute the transaction underpinning the match manipulation:



The different actors involved the transaction would have varying levels of knowledge and involvement in the match manipulation. However, treating all of the actors as perpetrators would be to attribute sanctions that are disproportionate to the actions. As highlighted previously, the act of match manipulation may involve unwitting participants who are not aware of the intended match manipulation.

For instance, the team coach engaged in a match-fix may instruct the captain of a cricket team to ensure that a bouncer is bowled every alternate over in the first six overs of a match under the garb of a tactical decision. The captain would communicate the instructions to the bowler to bowl such a bouncer, without knowing of the underlying match-fix that is the basis of the instruction from the team coach. Short bowling and its tactical use by a bowler is a legitimate action in cricket, and thus the participating bowler and team captain, in acting on the team coach’s instructions would unwittingly contribute to the match-fix without knowledge or intent to perform the match manipulation. In such a case, treating the bowler and team captain as perpetrators match manipulation would be unreasonable and would have a chilling effect on tactical and strategic calls within a match. Thus, to ensure the sport’s competitiveness and in recognition of the unwitting nature of participation in the fix, neither

the bowler nor the team captain would be treated as a perpetrator, as neither had either intent or knowledge to manipulate the match to achieve an arranged outcome³⁵.

In actioning match manipulation layers of intent and knowledge would have to be uncovered alongside engagement in the act itself, with the core conspiring participants who acted with the intent of manipulating the match having direct liability for match manipulation while no sanction for the act of match manipulation would apply to actors who unwittingly contributed to the match manipulation (unless intent can be reasonably imputed on such actor).

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TL;dr (Too long; didn't read)

- Match manipulation involves Motivation, Intent, Knowledge and Action to complete – the presence of these elements determines the core-perpetrators for penalisation.
- **Motivation:**
 - Key determination for whether match manipulation is an abuse of good faith or a permissible act within the values of the sport.
 - Match manipulation for financial (or other extraneous) benefit is uniformly treated as an offence against the values of sport, while for strategic benefits within the match is permissible as an exemplification of participant skill.
 - Strategic underperformance for gains in a league or tournament is more problematic to classify as an offence – a potential solution lies in excluding strategic conduct that does not detract from the end goal of winning the match or tie.
- **Intent:**
 - Deliberate manipulation of a sports event through an act or omission in return for a benefit definitively renders the actor as the perpetrator of match manipulation.
 - Execution of match manipulation may involve unwitting participants – unwitting participants typically avoid sanctioning for match manipulation unless intent can be reasonably imputed.
- **Knowledge:**
 - Disclosure of inside information reduces uncertainty in the sports competition enabling the devising of a strategic response or use for a financial benefit.
 - Disclosure of inside information with the knowledge that the information is of commercial interest or is meant to facilitate match manipulation indicates complicity making the discloser liable in the same measure, while without such knowledge the discloser's liability is limited to breach of protocol and confidentiality.
 - On account of the difficulty in detection of acts of match manipulation, knowledge of an approach or attempt to engage in match manipulation and the failure to report it to the relevant anti-corruption unit itself is made actionable.
- **Action:**
 - Acts of match manipulation can take the form of: deliberate loss or underperformance in a match, pre-arranging a specific event in a match, incorrect foul calls or sanctions, deliberate interference with match play, playing surface or equipment, or match official selection for favourable outcomes.
 - The act of match manipulation is the culmination of a number of acts, such as ideation, making the approach, fixing bets and execution of the action, with some performed off-field and some on-field.



4 MATCH MANIPULATION – PERPETRATORS AND VICTIMS

4.1. PERPETRATORS OF MATCH MANIPULATION

If a suitable regulatory response is required to tackle instances of match manipulation, it is first essential to identify the perpetrators who acted in common concert and with common intent to execute the match manipulation. This determination assumes particular importance in the matter of ensuring accountability and enforcing appropriate penalties across a multitude of participants with varied degrees of intent, knowledge and level of engagement. Sport involves a number of different stakeholders and it is essential to consider how each of these stakeholders may play a part in facilitating an act of match manipulation, or in preventing it from taking place.



All instances of match manipulation require collaboration and concerted actions from participants in the sporting community. Participants may be conscious offenders using their free will, or may have been coerced or unknowingly manipulated to perform an action necessary to execute the match manipulation. Some incidents may involve individuals or a small network of participants, such as a few players or some players and a coach acting together. Individual fixers are generally involved in spot-fixes, where the individual has greater control and ability to execute the fix independent of other participants in the game while a network of fixers may be employed for more complex match manipulations, such as fixing a match outcome.

On the other hand, there may be incidents of match manipulation involving larger networks of participants such as teams and event organisers. For example, in the 2004-2006 Calciopoli scandal, officials from teams in Italy's top professional football league enlisted and pressured league organisers to ensure the appointment of certain referees to their matches to obtain favourable outcomes in certain games. Both small and large networks may coordinate with external influencers to manipulate the outcome of a match or tournament. In many cases, such external influencers have included betting syndicates and organised criminal groups which employ the fixed outcome to secure financial benefits from the betting market.

Based on the nature and scope of networks engaged in a fix, match fixing conduct has been classified into four types³⁶:

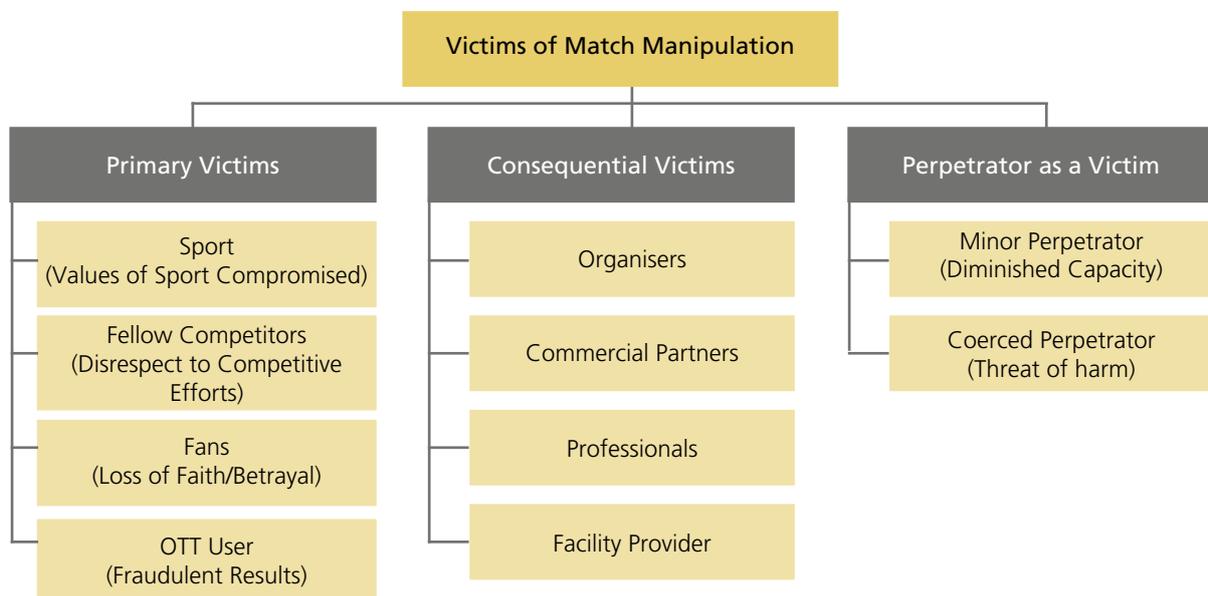
TYPE 1	Organization-based match fixing with an internal–external human network and with monetary involvement.
TYPE 2	Relationship-based match fixing involving an internal–external human network but without monetary involvement.
TYPE 3	Sustenance-based match fixing with an internal human network and with monetary involvement.
TYPE 4	Goal-based match fixing involving an internal human network but no monetary involvement.

This classification is employed for determining the gravity of the offence of match manipulation and apply appropriately severe sanctions, with Type-1 treated as the most grave offense on account of the match manipulation involving organisational support, coordination between internal and external actors and a financial motivation and the gravity descending thereafter to Type-4, which is treated least severely due to its involvement of internal actors alone and its strategic motivation.

4.2. VICTIMS OF MATCH MANIPULATION

While there is consensus that match manipulation affects the spirit of the game and causes emotional or pecuniary harm to spectators and other participants (such as other team members who lose on further progression or winnings due to the fix), one of the prominent challenges that authorities in India have faced in prosecuting persons suspected of engaging in an act of match manipulation has been that of identifying the ‘victims’ of such an act³⁷. The challenge stems from the narrow construction of a victim under the present scheme of the law³⁸.

To address this lacunae with respect to the narrow construction of a victim, it is necessary to consider the impact of match manipulations in broad terms and examine its impact on the different stakeholders in sport. Such an exercise requires consideration of the unique nature of sports and the multitude of relationships that comprise the sports ecosystem.



4.2.1. PRIMARY VICTIMS OF ACTS OF MATCH MANIPULATION

Sport: An act of match manipulation engineers a departure from the fundamental values of sport, such as fair play, competitiveness of participants, rendering the sport itself as the foremost victim of an act of match manipulation.

Fellow Competitors: Thereafter, the next victims of match manipulation are innocent team members and opponents whose performances are tarnished by acts of match manipulation and who's progress and winnings from the game are affected by the match manipulation, such as fellow team members losing out on a win due to the act, or by the consequences of match manipulation, such as the other participants' progress in a game or league being affected by the cancellation of results in a manipulated match. One of the foremost principles of sporting ethics is that a win is meaningful only where the opponent has tried her hardest to win/competed to the best of her ability³⁹.

An act of match manipulation, which detracts from this principle, disrespects opponents and innocent team members whose competitive efforts stand diminished and progress in the sport adversely affected by the match manipulation.

Fans: Another set of victims directly affected by match manipulation are the fans of the sport, including, in particular, the spectators at stadiums and the viewers who have subscribed to the broadcast of the sports competition⁴⁰.

“
“The sacred bond between athlete and fan underlies great sporting ecosystems – shared identities, beliefs and dreams make elite sport the spectacle that it is”
 – Nandan Kamath (Sports Lawyer)
 ”

“
“It is the insidious effect of your actions on professional cricket and the followers of it which make the offences so serious...[which will have] a hugely detrimental impact on the lives of many who look to find good honest entertainment and good-hearted enjoyment “from following an honest, albeit professional sport” - Justice Cooke while sentencing Pakistan cricket team players for spot-fixing in 2013
 ”

Sports competitions and the participants in such competitions - national teams, clubs, athletes etc., attract loyal fan following involving considerable emotional investment and investment of time on the part of the fans of the sport and/or the participant(s)⁴¹. Indeed, such is the unique nature of sports that there is legal recognition that when viewed from the eyes of the fans, a sport is not substitutable *inter se* with another sport⁴².

Acts of match manipulation erode the confidence of the fans in the integrity of the sports competition, constitute acts of betrayal and impinge on the emotional investments made by the fans.

Additionally, where the fans have made a monetary investment in the form of a purchase of a ticket or subscription to a broadcast service, an act of match manipulation results in the fans being deprived of the 'sporting competition' that is the object of the ticket purchase or service subscription.

OTT User: Another class of victims that are directly impacted by match manipulation are users of over-the-top (OTT) services that rely on the sports event and statistics generated from the event. These persons may comprise of users of fantasy sports services and betting services.

In the case of fantasy services, users employ their judgement and evaluation of player records to select teams of virtual equivalents of real-world players who, in their estimation, stand to generate the most number of points based on the real-world players' participation in the match.

In case the match outcome or a real-world player's figures in the match are predetermined and fixed, then such figures would lie outside the parameters employed in the fantasy service user's estimation and so would affect the points generated by the fantasy service user's team from the match event and the likelihood of the fantasy service user winning in the contest.

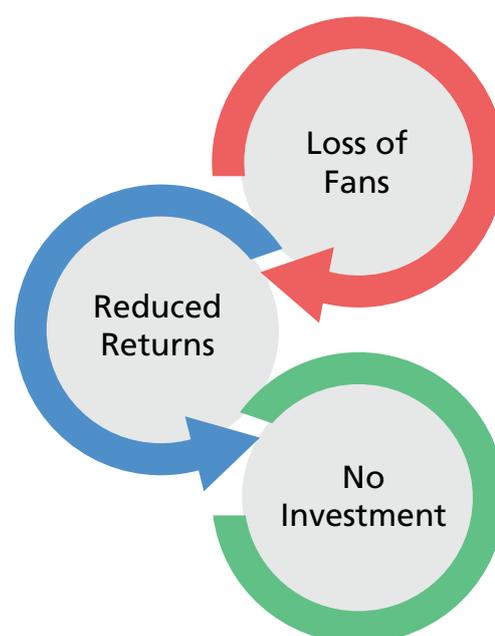
Similarly, in the case of betting services, the victim would be the bookmakers involved in offering odds over the outcome or other aspects of the sports event as well as the users engaged in placing bets on the sports event or aspects of the sports event. The determination of odds and making of decisions to place bets is based on the analysis of past player/team performance to make projections on the likelihood of the happening of the contingency that is the subject of the bet. In case the contingency occurs or fails to occur pursuant to a match-fix, then it would operate outside of the parameters analysed to make the projections on which the bet is premised and operate to defraud the bookmakers and punters engaged in offering and placing bets on the relevant contingency. Indeed, the cricketers involved in the spot-fixing incident in the United Kingdom were convicted of the offence of defrauding the bookmakers⁴³. However, as betting on sports events is illegal in India, bookmakers and punters engaged in betting on the sports event in India will be ineligible to be classified as victims of a match manipulation.

Alongside users of OTT services, the OTT platform itself would be consequentially affected in case match manipulation causes users to hesitate to place stakes on their predictions of match statistics or outcomes or to lose interest in the sport.

4.2.2. CONSEQUENTIAL VICTIMS OF MATCH MANIPULATION

As stated above, acts of match manipulation may engender a loss of faith in the integrity of the sport among the fans of the sport. Such a loss of faith would cause fans to lose interest in the sport and could result in lesser participation at the amateur and grassroots levels. Such loss of interest is a particular risk in case of repetitive acts of match manipulation or carrying on of match manipulation with impunity.

Fewer fans and reduced participation and engagement in the sport would adversely affect the growth of the sport. Such reduced interest in the sport would also adversely affect stakeholders who have made financial investments in the sport and those pursuing employment opportunities within the sport, as illustrated below.



This would perpetuate a vicious circle where reduced fan-interest causes lower returns from the sport and thereby lesser interest to invest in the sport, leaving lesser funds being available for the promotion and growth of the sport, resulting in the erosion of remaining interest in the sport.

Organisers: The first class of stakeholders consequentially affected by match manipulation comprise of organisers of sports competitions. Organised sport sees investment of significant resources in the organisation and running of sports competitions. This is best evidenced by the effort and resources that go into organising a single edition of the Olympic Games⁴⁴. Host cities of the Olympic Games engaged in investing billions of dollars hope to recover at least some part of the investment through tourism, media rights and sponsorship of the event itself⁴⁵ and consequential benefits from interest and engagement in sports leading to the creation and sustenance of livelihoods for athletes, coaches and other participants in sport.

Where an act of match manipulation contributes to reduced interest in the Olympics, not only do the revenue streams stand affected, even benefits such as the Games serving as a platform to showcase the host country/city's culture to the world and to promote engagement in sports in such country, stands compromised.

Failure to check match manipulation would also raise integrity concerns with the sport organisers, impeding its ability to raise funds for investment in infrastructure for the sport, for engagement of competitions and tournaments to showcase the sport and provide athletes in the sport with sustainable livelihoods and for the promotion of participation in the sport to support its growth.

Commercial Partners: The next class of stakeholders consequentially affected by match manipulation are those who seek to derive commercial benefits from association with a sports competition and exploitation of rights associated with the sports competition. This class includes broadcasters, commercial partners such as kit sponsors, beverage partners etc. Such stakeholders make significant investments to acquire the broadcast rights/rights of association⁴⁶.

Commercial investments are made by commercial partners after factoring in potential tangible and intangible returns from their association with the sports competition. Illustratively, in the case of broadcasters, considerations factored in at the time of bidding for the acquisition of the media rights of a sports competition include considerations such as the likely revenue from selling subscriptions, leveraging likely viewership to generate income from advertising and broadcast sponsorship and from sub-licensing the broadcast rights⁴⁷.

“ In aftermath of the spot-fixing incident in the IPL 2013 television ratings for the event were surmised to fall by fourteen percent (14%) - Gaurav Laghate, Spot-fixing impact, BUSINESS STANDARD (May 24, 2013) ”

Where an act of match manipulation results in lesser viewer interest and thereby a loss of interest or reduction in prices willing to be paid by advertisers/sub-licensees/broadcast sponsors, the broadcasters' calculations and projections would be materially impacted.

“ The spot-fixing incident is surmised to have caused PepsiCo to withdraw its title sponsorship of the IPL and to have caused the JSW Group to drop its plans of acquiring an IPL team - Rebecca Bundhun, Pepsi quits IPL cricket sponsorship after match-fixing scandals, THE NATIONAL (Oct. 18, 2015) ”

When an act of match manipulation causes negative values to be associated with a sport, it would adversely affect the inclination of sponsors to be associated with the sport⁴⁸ and cause current potential sponsors to pause any further engagement and fresh investment in the affected sporting brand.

Professionals: Another class of stakeholders consequentially affected are those who pursue a professional career in and around sport. These stakeholders include athletes, referees, groundsmen, coaches, trainers, sports psychologists, pitch curators, etc.

Acts of match manipulation risk alienating fans and depreciating the economic value of the sport or the league in question, causing potential investors to drop investment plans for the sport and tournament and athlete sponsors to elect not to sponsor the sport or its participants.

Lack of investment in the sport could have a direct bearing on the professional careers of such individuals and their ability to generate sustainable incomes from engagement with the sport.

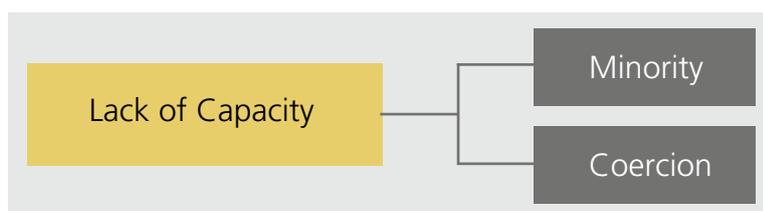
Facility Provider: The fourth class of stakeholders consequentially affected by match manipulation comprise of those who provide facilities and services to sports competitions. Prominent members of this class include stadium owners, ticketing service operators, caterers, security agencies etc. Where an act of match manipulation results in the depreciation of the investments made into the sport and adversely affects the organisation of sports competitions, this class of stakeholders would be materially affected. With some participants, the impact would be mitigated by the fungible nature of their services, i.e. caterers, security agencies, and ticketing operators can continue generating income from non-sporting activities.

In the case of stadium owners, OTT service providers and other service providers whose facility or services are intrinsically linked to the sport, the impact of the diminution of interest in the sport and lack of tournaments in the sport would directly affect their revenues, ability to recover investments made in developing the facility for the sport and inclination to maintain and upgrade facilities or otherwise support and further invest in the growth of the sport.

Additionally, a loss of interest in participation in the sport at amateur or grassroots levels would significantly impact the incomes of sports facility operators and sports academies, as fewer users would engage these facilities for the affected sport. Such lack of interest may lead to the sport itself being dropped from the academy roster which would precipitate a downward spiral in the growth of the sport.

4.2.3. THE PERPETRATOR OF MATCH MANIPULATION AS A VICTIM

The perpetrators of an act of match manipulation could in some instances be operating under coercion or other circumstances which diminish their capacity to act freely. These circumstances are relevant factors for ascertaining the complicity of the person in the match manipulation and benefit lesser sanctions on account of the lack of intent and free-will to execute the match manipulation.



Minor Perpetrator: Where the person involved in an act of match manipulation is a minor, such person is legally and conventionally considered to lack the full mental capacity to enter into legal obligations⁴⁹

and so befits treatment with a degree of sensitivity and difference from adults under contractual and penal laws⁵⁰. This differential treatment is equally appropriate for persons affected by a disability which diminishes their mental capacity and ability to exercise free-will.

Keeping in mind that the diminished capacity of minors renders them in some ways, victims themselves, penalisation of their participation in the fix must account for this element. Such accounting should take place at two levels, at the first level, minors under the age of 12 years old should be exempt from consideration and penalisation as perpetrators of match manipulation and thereafter between the ages of 12-18 years old, the fact of being a minor should be treated as a mitigating factor in the sentencing of a minor for engagement in match manipulation.

Further, the involvement of a minor should be treated as an aggravating circumstance in the sentencing of any person who has co-opted a minor into a scheme of match manipulation.

Minor participants, newly major participants and participants with diminished capacity are also reliant and unquestioningly accepting of instructions from senior and authority figures, such as senior team-members and coaches, which makes them particularly susceptible to being induced to participate in and/or execute a fix.

Thus, for participants who have newly acquired majority, i.e., within the ages of 18-21, their age may be considered a mitigating factor in cases of match manipulation involving an internal network, on account of the greater influence that senior team-members and/or player coaches engaged in the match-manipulation are likely to have in comparison to older participants.

Coerced Perpetrator: With perpetrators who are coerced to participate and execute a fix, as their participation in the fix is not borne out of free-will but a threat of harm to them, their persons-of-interest (such as friends, dependents, or relatives) or their professional careers, such participation would be lacking the full force of requisite intent to be treated as a wholly-engaged perpetrator of the match manipulation.

Junior members, while enjoying the agency to act by reason of their majority, are reliant and unquestioningly accepting of instructions from senior and authority figures, such as the captain and team-coach(es), with non-participation in the fix carrying an implied threat of non-selection or other impact on their playing career, which makes them particularly susceptible to being induced to participate in and/or execute a fix.

This factor was noted by Justice Cooke in the case of Mohammed Amir, who was found guilty of defrauding bookmakers pursuant to his involvement in spot-fixing in cricket⁵¹, and accordingly Mohammad Amir was handed a sentence of six months for his involvement in spot-fixing, which was significantly lower than the sentences handed to other participants in the fix⁵².

“*You [Mohammad Amir] were only 18 at the time and readily leant on by others” – Justice Cooke while sentencing Mohammad Amir for spot-fixing in 2013*”

The fact of coercion would not absolve such participants from being considered perpetrators of the match manipulation but would allow for the issuing of lesser punishment than other participants in the match manipulation.

In such cases, the coerced participation in the match manipulation may have an adverse impact on their inclination to continue with the sport or inhibit their progress in the sport due to penalisation of the match manipulation, rendering such persons as victims of the match manipulation as well.

In similar fashion to match manipulation involving the participation of minors or persons with diminished capacity, the employment of coercion to co-opt participants in a match manipulation should be treated as an aggravating circumstance in the sentencing of any person who has co-opted a minor into a scheme of match manipulation.

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Tl;dr (Too long; didn't read)

- **Perpetrators**

- There are a multitude of actors in the sporting ecosystem (those close to the sporting action, those acting as the intermediaries and those away from the sporting action) who play a role in perpetrating an act of match manipulation.
- Networks engaged in a fix can be classified into four types:
 - Type 1: Organization-based match fixing with an internal–external human network and with monetary involvement.
 - Type 2: Relationship-based match fixing involving an internal–external human network but without monetary involvement.
 - Type 3: Sustenance-based match fixing with an internal human network and with monetary involvement.
 - Type 4: Goal-based match fixing involving an internal human network but no monetary involvement.
- The classification is employed for determining the gravity of the offence and severity of sanction, with Type-1 treated as the most grave offence and the gravity descending to Type-4, which is treated least severely.

- **Victims**

- The primary victims of match manipulation are the sport, fellow competitors, fans, and OTT Users.
- The loss of faith and reduced interest in a sport on account of match manipulation causes consequential victims in the form of organisers, commercial partners, professionals in sports and facility providers.
- In case of minor participation or coerced participation in a fix, such participant would be a victim unto himself/herself and their diminished capacity should be treated as a mitigating circumstance while penalising their conduct.
- The involvement of a minor or coerced participant should be treated as an aggravating circumstance in the sentencing of persons engaged in co-opting or applying coercion.
- Junior members of a team are reliant and unquestionably accepting of instructions from senior members and authority figures (like coaches) with non-participation carrying the threat of non-selection or other adverse impact on their career, which makes them particularly susceptible to being induced to participate in a fix.
- For coerced participants, the fact of coercion would not absolve the participant from being considered a perpetrator of the match manipulation but would allow for issuing lesser punishment.



5 FACTORS THAT CONTRIBUTE TO MATCH MANIPULATION

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“I cannot tell you the huge shame that it caused me, the great passion I have for my country, the great passion I have for my team mates and the unfortunate love I have for money. I do like money, I’m not trying to get away from that.”

– Hansie Cronje, former captain of the South Africa Men’s Cricket Team.

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The statement above by Hansie Cronje, former captain of the South Africa Men’s Cricket Team, made in the context of his confession to having accepted money from bookmakers to fix games⁵³ encapsulates the significance and influence of monetary gains in match manipulation. Hansie Cronje likened the temptation of money to that of an alcoholic⁵⁴, a costly addiction which caused him to predetermine and manipulate match outcomes, despite his great passion for the game of cricket, for his country and for his teammates.

While monetary gains are a significant draw for match manipulation, leading even celebrated cricketers like Hansie Cronje⁵⁵ to fix matches, there may be strategic outcomes and motivations or duress that underlie the act of match manipulation.



5.1. STRATEGIC SPORTS BENEFIT

Some instances of match manipulation may be motivated by tactical or strategic calls for benefits in subsequent portions of the match or in the larger context of the tournament of which the match is a part.

In some cases, the participants of a game would be strategically opting to be less competitive to strategically out-manoeuvre the opponent and produce a winning outcome. In the course of a game, there are multiple circumstances where it is in a player’s or team’s self-interest to strategically determine when to ease-off in a match and allow an opponent to dominate a segment of play, to conserve energy⁵⁶ while tiring out the opponent. In such cases, the motivation for the manipulation remains to compete to win the tie or obtain points from the game.

Such manipulation may also be employed to achieve a benefit in the larger scheme of the tournament or league of which the match is a part. For example, defensive play to avoid conceding a goal and thereby safeguarding a team’s goal-difference tally, which is a key measure to determine ties between teams in a league, or defensive play to secure a draw in place of a win in order to secure a team’s position in the league table, or deliberate under-performance in order to secure a more favourable draw in the second stage of a competition.

Match manipulation for strategic benefits is likely to play out on account of the format of the tournament, assessment of the strengths and weaknesses of the actors and their opponents in the game, length of a match, results in other matches of the tournament and similar other factors that contribute or affect a team's position in a tournament.

As noted in Chapter 3.1, strategic conduct may be fair and within the spirit of the game or beyond the values of the game based on the motivations for undertaking the same, and any inquiry or actioning of the same must tread a fine line to avoid penalising and having a chilling affect on strategic or tactical call-making that remains aligned with the values of sport.

5.2. MATCH MANIPULATION FOR FINANCIAL REWARDS

As evident from the testimony of Hansie Cronje cited above and from the history of match fixing, rewards and financial benefits are a significant factor and contributor for match participants to engage in match manipulation.

However, in evaluating the role of money as a contributing factor, there are a number of related contributory factors that influence the decision to accept the financial benefit in return for executing a match-fix.

5.2.1. Opportunity Cost of Manipulation

Match manipulation, across sporting disciplines, is treated severely with fines and prohibitions from participation in the sport⁵⁷. However, such sanctions are only effective as a deterrent to match manipulation if it is backed by an effective investigation and enforcement mechanism.

Considering the professional and legal implications of being caught, engagement in match manipulation involves an evaluation by the perpetrator of the risks of detection and severity of penalisation of the match manipulation against the potential reward offered for participation in the match manipulation.

In such evaluation, the characterisation of the offence as a civil or criminal wrong is also a material factor, as absence of criminal penalties (involving the deprivation of liberties on conviction) for match-fixing offences may make the risks of detection and penalisation, solely as a civil offence, more acceptable to the fixer.

Another factor that is material is the effectiveness of the sport's governance and proactive engagement of the sport's governing bodies in sensitising players, scrutinising player conduct and matches and actively engaging in detection, investigation and penalising of match manipulation offences.

The materiality of this factor was noted in the report of the Independent Review Panel commissioned by International Tennis Federation, Association of Tennis Professionals, Women's Tennis Association and Grand Slam Board⁵⁸, which noted that the lack of spectators at lower levels of the sport⁵⁹ results in lesser scrutiny and investigation of deliberate underperformance. Coupled with inadequate facilities to protect players from potential corruptors, the panel found tennis professionals engaged in participation at lower levels of the tournament hierarchy particularly susceptible to co-opting for match manipulation.

Similar findings have been made in the case of professional football as well, where lesser scrutiny and consequently the lesser threat of detection in lower-level leagues was found to make players in such leagues particularly susceptible to co-option in match manipulation schemes⁶⁰.

Lapses in governance, weak investigation and ineffective penalisation of match manipulation also reduce the risks of engagement. For example, when matches leading up to the 2010 World Cup were suspected of being fixed, a referee who was at the centre of suspicion later stated that no one from FIFA contacted him for questioning. A New York Times investigation found that FIFA did not act on information received against officials at the time of the 2010 FIFA World Cup and took two years to look at possible match fixing reports⁶¹.

Similarly, several instances of match manipulation in cricket in India have been reported through police action or media 'sting operations', and not by the BCCI's Anti-Corruption Unit, meaning that the operations and actions of the Anti-Corruption Unit receive little visibility and indicating that match manipulation matters are being handled privately at the administrative level and away from the public spotlight⁶².

Such conduct communicates to participants in the sport a lack of priority and dedication to addressing match manipulation on the part of the governing body, reducing the risk of detection for participants in the fix.

5.2.2. Remuneration from Sport and Inequity in Pay

Economic models of match manipulation suggest that the opportunity cost for engagement in match manipulation comprises of the probability of being caught multiplied by the penalty for fixing⁶³, with this opportunity cost determining the minimum price for the match manipulation.

Offences of match manipulation typically involve prohibitions from further participation in the sport for a specified duration or the lifetime of an athlete. As an athlete's playing career is a short duration, this would mean that the athlete stands to lose out on potential remuneration from participation and progress in the sport – making economic consequences of detection and penalisation determinable from the remuneration expectation of the athlete from the sport.

Where a player's potential remuneration from the sport is high, there is an increased penalty for engaging in any fixing activity. Thus, raising player's fees from sport not only diminishes the attractiveness of engaging in any illicit activities for additional income, but also increases the price that must be paid to co-opt the player in a match manipulation transaction.

Players at the elite level of professional sport are less likely to be engaged by perpetrators to execute match manipulation. High salaries and high professional playing fees from sport do not absolutely eliminate match manipulation, but increases the cost of match manipulation and makes match manipulation less enticing for players who are already well compensated from the sport.

However, not all participants engaged in professional sport receive the scale of remuneration that the top players may earn. It has been noted in professional sport, particularly football and tennis, the players in the lower levels of the league system or tournament hierarchy are susceptible and often fall victim to fixing⁶⁴. Players at such levels are not paid nearly as much as players in the higher-level leagues, and especially with players nearing the end of their playing careers, there may be little expectation of further upward progression in the league/tournament hierarchy⁶⁵.

Similar circumstances affect footballers playing in leagues and/or representing developing and poorer nations. Low match fees and failure to receive regular payments may potentially tempt such players to look for additional income to supplement their meagre earnings.

In cricket, the proliferation of domestic twenty20 (T20) cricket leagues across the world in the past ten years has opened up new opportunities for the betting market, and consequently opportunities for fixers. Domestic T20 leagues may be considered more susceptible to fixing than international cricket, as the matches include players who are compensated far less than players selected for international games, and the regularity of payments and remuneration from the sport may be significantly lesser in comparison to players engaged in participating in international games. Thus, soliciting players to take part in a fix is also less expensive.

Domestic T20 cricket also brings to light pay-inequality among team-mates, with players earning only a couple of thousand of dollars for a T20 league season engaged in playing alongside players earning hundreds as much for participation in the league⁶⁶.

Such inequalities in pay may cause vulnerable players to take a short-cut to secure parity with higher remunerated players through executing a match-fix in place of continuing to participate in the sport for meagre remuneration.

Another aspect of pay-inequality is the vast difference in the professional fees received by match officials when compared with the comprehensive compensation received by players. In many cases, match officials are not full-time professionals and are engaged in officiating matches alongside their non-sport professions. Even in cases where match officials are full-time engagees of league organisers, there is a significant gap between their remuneration and the remuneration of players involved in the match. In English professional football for instance, referees are full-time professionals and earn around £100,000 per year whereas some of the players they officiate earn that and more in a week⁶⁷. Fixers themselves seek to engage match officials, as they control the ebb and flow of the game and can take significant decisions to impact the course of a game, and thus manipulate a game towards a desired outcome – making it possible to fix match outcomes or aspects of a match through the engagement of one person in place of multiple players.

This disparity in remuneration may cause vulnerable match officials to look at short-term gains to secure some form of parity in rewards from the sport as professional players – this risk is particularly acute with part-time officials as their livelihoods are not dependent on officiating matches.

While professional women's sport is seeing increasing interest (both popular and commercial), it is another field where the pay disparity is conspicuous. The increasing interest as well as the disparity in pay, has led to concomitant enthusiasm by fixers to set their targets on women's sport. Academic studies suggest that women are less likely to cheat or break the rules, and these have largely held true as far as incidents of fixing by women in sport are concerned⁶⁸. There exists two levels of inequality in women's sport however. One, the wide disparity in pay received by men and women competing in the same sport. Two, financial disparities between women's teams competing in major sporting events such as the FIFA Women's World Cup and the ICC Women's Cricket World Cup, where players paid increasingly well by the leading teams compete against semi-professionals⁶⁹. Such disparities expose the players who are poorly or less-regularly remunerated to corruptors looking to manipulate matches at major sporting events.

Additionally, many tournaments at the lower level may not have significant prize money, and the players are thus tempted to manipulate matches for money, which may help them in accessing better training and coaching facilities. For example, in the professional tennis circuit where thousands of lower ranked players make meagre remuneration from the sport, which may not even compensate them for costs incurred in participation in the sport, and with manipulation executable by a single contributor (as opposed to engaging a team to execute a fix), lower-level professional tennis has been found to be particularly susceptible to match-manipulation.

5.2.3. Business of Sport

Modern professional sport involves a diverse cast of commercial and other stakeholders, each playing an important role in building a viable and sustainable commercial model for such sport. There are many parties seeking to earn a share in the commercial pie of modern sport, most looking at innovative and legitimate means to associate with sport, with a few looking to make illegitimate gains from the business of sport⁷⁰.

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“Football is no longer a sport. It is more like a business now. So I think we’re just trying to make money out of this business” – Wilson Raj Perumal (convicted match-fixer) in Don Riddell & Matthew Knight, ‘Wilson Raj Perumal: The man who fixed football’, CNN (Aug. 26, 2014)

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Sports governing bodies and event organisers contract with sponsors, commercial partners and broadcasters and receive significant revenue from such transactions. Such revenue is typically ploughed back into the sport to provide sustainable incomes to participants and ensure the growth of the game.

However, as sports governance is increasingly pyramidal in structure, with the governing body determining the parameters for the waterfall distribution of revenue, there may be certain parties, such as players or other key participants in the game, who may feel disgruntled about their share in the revenue in comparison to other stakeholders.

Such discontent among participants in the sport and perception of inequity in the sharing of revenue from sports might lead such stakeholders to look elsewhere, even to illicit sources, to augment their incomes and receive ‘just’ rewards for their effort and participation in the sport.

Another scenario is where sports governing bodies and event organisers are themselves able to extract from organising an event only a minor portion of the aggregate revenues generated from the event. For instance, in a sport such as horse racing, the event organiser’s revenue from organising the event, i.e. from selling participation slots, audience tickets, merchandise and licensing of broadcast and statistics, and commission from over-the-top services (like betting) offered within the event venue, may be a minor portion of the revenue generated from betting on horse races at such an event. This would make the reward likely to be generated from controlling the outcome of the event exceed any commercial benefits that the governing body/organiser may be able to extract from organising a fair and competitive event, which would raise the risk of the capture and complicity of the event organiser (or persons with supervisory and managerial roles within the event organiser) in fixing events for illegitimate gains from businesses and operations that rely on the match outcomes⁷¹.

This risk is also applicable to professional sports leagues which operate on poorly framed commercial models or are based on untenable consumer interest projections. In such cases, the lack of a working commercial model or sustainable consumer interest would raise questions on the longevity of the

league, and cause the event organiser, league participants (such as a team owner, coach or player) and the league sponsors to believe that they are unlikely to receive any returns on their investment in the league.

In poorly managed or unsustainable sports leagues, stakeholders in such a league may be tempted to engage in pre-determining and fixing match outcomes to recover their investments through illicit gains from the manipulation, especially if questions of the league's sustainability raise the risk of a writing-off of their investment in the league.

The growth of legal avenues for betting on sports has also magnified the risk of match manipulation, as the rewards of the manipulation would be clean of taint (i.e., the winnings themselves) and thereby bankable and transferrable through normal banking channels. While reliance on legal betting avenues would create traceable records of winnings, the benefit of the fungibility of the returns and the beneficiaries' legal claim to these winnings, as opposed to carrying the risk of forfeiture of stakes and winnings in the case of illegal betting operations, would be a significant draw to facilitate and participate in a match manipulation.

5.2.4. The Nature of the Fix

While historically significant instances of match fixing may have involved the throwing of entire games, fixing today includes the manipulation of specific incidents or phases of play in a game. Manipulating such phases may not have a significant impact on the final result of the game but may generate significant returns from the spot-betting market.

Spot-fixes are also difficult to detect and investigate as they are based on a single event and are difficult to differentiate from genuine actions within the match.

For players, the limited impact that a spot-fix has on the result and the lesser likelihood of being caught for participating in such 'Small-Fix' or 'Spot-Fix' reduces the risk of participation in it. In games such as T20 cricket, a 'spot-fix' may be relatively easy to execute and may be missed by the wider public due to the fast-paced nature of the game.

The risk-rewards ratio in executing such a spot-fix may potentially tilt to the rewards side. Further, the player may feel that the fix is insignificant in the context of the game itself as he is not actually throwing away the entire game through executing it, implying that executing it causes no damage to the event and other participants in the event.

In such instances, the player may feel that there is a potential dual reward, the monetary reward from carrying out the spot-fix, as well as the monetary and sporting rewards from a successful sporting performance.

There may also be situations where the outcome of a particular sporting contest/match does not affect the final outcome of the sports competition. These 'dead rubber' matches/contests, where a winning outcome for either team would not affect their position in the league, are other potential avenues for match manipulation. The participants in such a match may be lured to participate in an 'irrelevant-fix', that is, manipulating a match whose result does not impact their status or success in the final competition outcome, as such a manipulation would not be seen as harming or inhibiting the progress of participating teams in the league or tournament of which the league is a part.

5.2.5. The Nature of the Game

Factors such as whether the sport is an individual or a team sport, the duration of a match and the number of events or phases of play, and whether particular individuals (players or referees) have disproportionate power to influence the final outcome, tallying of scores or determining the occurrence of specific events in a match (like number of yellow cards or red cards issued in a match) also have a significant bearing on the susceptibility for match manipulation of participants in such sports.

The Black Sox scandal from a hundred years ago involved the bribery of eight members of the Chicago White Sox baseball team by a gambling syndicate to lose the 1919 World Series⁷². Even here, one may observe that individuals who may play a key part in the game, are easier to corrupt than an entire team. Individuals involved in a non-team game are easier to manipulate than those involved in a team environment, where the risk is much higher due to complex interactive outcomes⁷³.

Individual sports, such as tennis⁷⁴ or snooker⁷⁵, and individual actors such as referees and umpires⁷⁶ are particularly at risk.

Individual sports and match officials have been found to be particularly susceptible to inducement as the match manipulation can be executed by a single player and is not reliant on cooperation amongst team-members or opponents.

Limiting the number of participants in the fix also lessens the risk of discovery of the match manipulation as the number of actors with knowledge of the fix is limited and capable of monitoring by the perpetrators of the match manipulation.

In the case of tennis, the Independent Review Panel constituted to review integrity in tennis found the nature of the game of tennis to lend itself to manipulation as there are many contingencies and only one player needed to act⁷⁷. In addition, under-performing in particular sets or phases of play, or tanking in particular matches, for the purpose of strategic advantage or to prevent further injury, is not uncommon.

In tennis, the sale and dissemination of official live scoring data for matches at the lower tiers of the sport, greatly expanded the opportunities for breaches of integrity by creating many more betting markets involving many more players (who are already vulnerable) than would have otherwise existed⁷⁸. Separately, tennis umpires were also found to have committed corrupt acts by manipulating scores input into the electronic scoring system for betting-related purposes and personal profit⁷⁹.

5.3. INTIMIDATION AND DURESS

5.3.1. Organised Crime Syndicate

The growth and globalisation of illegal betting and gambling markets has increased the vulnerability of sport to manipulation to serve the interests of the unregulated betting and gambling industry. In the past, players and officials organised the fix themselves, and benefitted financially from it. In today's match-fixing scandals, a secretive betting and gambling syndicate is most likely responsible for organising the fix⁸⁰. Members at different tiers of such syndicates play different roles in the fix. Some of the lower-level members are responsible for approaching players and officials, while the higher-level members may be far removed from the on-field action.

Illegal gambling syndicates are closely associated with organised crime gangs, and are known to employ duress and other threats to players and officials to execute fixes. Notorious fixers and criminal gangs have been known to use honeytraps to blackmail players and umpires, threatening to release compromising images to their families and the public in case the players/umpires refuse to participate in a fix⁸¹. In a match-fixing scandal which hit Korean professional football, one player committed suicide and referred to a match-fixing ring in his suicide note⁸².

Players and sports participants may choose to engage in match manipulation where they feel a strong threat of harm to their personal and/or family's safety by criminal gangs and betting syndicates.

In operationalising a match manipulation, a fixer may approach players and match officials, and sometimes even governing bodies and national associations⁸³. Fixers seek to become confidantes of players, and may seek to groom and cultivate players or officials over a period of time⁸⁴. Many approach players pretending to be sports managers⁸⁵, or saying that they are businessmen or commercial agents with a potential commercial/sponsorship opportunity. They may offer gifts to the players and work on the players for a while, prior to actually asking them to manipulate a game.

Once a player has been involved in a fix, he may potentially be trapped by the fixer forever, as the fixer will have records of past gifts and rewards given to the player or official and evidence of match manipulation executed by such player or official in the past, which are useful tools to blackmail the player in case the player refuses to be involved in future fixes.

5.3.2. Intimidation by other Players

Another form of coercion is intimidation by senior players or authority figures (such as coaches or selectors) on junior players, wherein senior players persuade junior players to engage in a particular match manipulation activity for the benefit of the junior player's career and/or selection opportunities or employ their position of trust with a junior player to have the player participate in a match manipulation – conversely non-participation in the match manipulation may carry the implied threat of harm to player careers.

Senior players or team coaches/selectors may take advantage of a junior player's insecurity and naivety and deploy the junior as the principal player committing the fix in order to limit their risk and reputational damage as the direct executors of the match manipulation in case of discovery.

In the trial into spot-fixing by Pakistan cricketers Salman Butt, Mohamed Asif and Mohammed Amir, Mohammed Amir's counsel drew attention to his youth, naivety, and the influence of his Captain, Salman Butt, on Mohammad Amir's participation in the fix⁸⁶. These factors were considered to be mitigating factors by the sentencing court as well, with Mohammad Amir handed a sentence of six months for his involvement in spot-fixing, which was significantly lower than the sentences handed to other participants in the fix⁸⁷.

Such intimidation is equally possible in the case of part-time or junior match officials, who may be persuaded by senior officials to participate in match manipulation for a reward (such as permanent appointment or promotion to higher leagues/higher match grades) and intimidated with the threat of existing privileges and positions being removed.

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Tl;dr (Too long; didn't read)

- While monetary gains are a significant draw for match manipulation, a match fix may also be motivated by a strategic sports benefit or intimidation and duress.
- Strategic Sports Benefit: Such manipulation is employed by strategically opting to be less competitive in a game or ease-off in a match to ultimately win the tie or obtain points from the game.
- **Financial Rewards:** In considering the role of financial rewards as a motivation for match manipulation, the influence of the following contributing factors are relevant:
 - Opportunity Cost of Manipulation: Engagement in match manipulation involves an evaluation by the perpetrator of the risks of detection and severity of penalisation of the match manipulation against the potential reward offered for participation in the match manipulation.
 - Remuneration from Sport: Inequalities in pay may cause vulnerable players and match officials to take a short-cut to secure parity with higher remunerated players through executing a match-fix in place of continuing to participate in the sport for meagre remuneration.
 - Business of Sport: Discontent among participants in the sport and perception of inequity in the sharing of revenue from sports or amongst event organisers, franchise holders and sponsors on potential revenues from a sports event might lead such stakeholders to augment their incomes and revenues through illicit means.
 - Nature of the Fix: Spot-fixes are difficult to detect and differentiate from genuine actions in a match and executing them may have an insignificant impact on the game outcome.
 - Nature of the Game: Individual sports, such as tennis or snooker, and individual actors such as referees and umpires have been found to be particularly susceptible to inducement as the match manipulation can be executed by a single player and is not reliant on cooperation amongst team-members or opponents.
- **Intimidation and Duress:** Organised crime syndicates and senior players/coaches/officials are in a position to employ duress or to intimidate players/officials to participate in a match manipulation through threats of bodily harm or adverse impact on careers in sport.



6

GAPS IN THE INDIAN REGULATORY FRAMEWORK

The values of sport intend to epitomise progress and achievement through skill, perseverance and fair competition among participants. However, sport has also witnessed its fair share of deviations from these values in terms of acts of doping and match-fixing.

In India, the sport of Cricket, while being the most valuable sport in India⁸⁸, has seen its fair share of match-fixing scandals from the match-fixing scandal of 2000 involving players from the senior men's cricket team to the emergence of a major spot-fixing controversy in the IPL in 2013.

However, as India does not have a legislation or regulation that specifically actions match fixing, the investigation and prosecution of past incidents of match-fixing is illustrative of the difficulties faced in actioning such conduct and safeguard integrity in the sport.

6.1. CHALLENGES IN PROSECUTION

6.1.1. Match-fixing Scandal in 2000

In and around 2000, various media reports made allegations of under-performance and match-fixing against several cricket players from the Indian Men's Senior Cricket team, including Ajay Sharma, Ajay Jadeja and then captain Mohammad Azharuddin. These reports led the MCYAS of the Government of India to direct the CBI to conduct an enquiry into the allegations and suggest appropriate action against errant players⁸⁹.

While the CBI registered a preliminary enquiry ("PE") in relation to the allegations of match-fixing and related malpractices and conducted a thorough investigation, it was unable to register a regular case ("RC") to take the prosecution forward. By way of background, a PE is registered when the complaint received does not prima facie disclose the suspected commission of a cognizable offence while an RC is registered by the CBI only if the complaint received by the CBI discloses the suspected commission of a cognizable offence. As a PE is employed for an examination to determine if the ingredients of a cognizable offence are made out, the CBI does not have any powers of arrest or search as such an investigation is not conducted under the provisions of the CrPC⁹⁰.

In this case, pursuant to its investigation as a PE, the CBI submitted its report on the match-fixing allegations ("CBI Report") to MCYAS on 31st October, 2000⁹¹. In the absence of any legislation that dealt with match-fixing or defined what comprised match-fixing, the CBI in its report, defined "match fixing" as⁹²:

- (i) Instances where an individual player or group of players received money individually/collectively to underperform;*
- (ii) Instances where a player placed bets in matches in which he played that would naturally undermine his performance;*
- (iii) Instances where groundsmen were given money to prepare a pitch in a way which suited the betting syndicate; and*
- (iv) Instances of current and ex-players being used by bookies to gain access to Indian and foreign players to influence their performance for a monetary consideration.*

The CBI investigation revealed a deep nexus between the Indian cricketing fraternity and bookmakers and punters who were involved in betting on cricket matches. In the course of its investigation, the CBI interviewed and recorded the statements of many Indian cricket players as well as of bookmakers and came to the conclusion that various Indian cricketers had received money and gifts from bookmakers in exchange for fixing matches, providing 'information' on cricket matches and assisting the bookmakers by introducing them to other players⁹³. This behaviour fell squarely under the ambit of match-fixing as defined by the CBI.

However, despite having strong reason to believe that some players were involved in match-fixing and players like Azharuddin and Ajay Sharma admitting to having taken money from bookmakers in exchange for favours in relation to matches, the CBI could not convert the PE into an RC as it was unable to establish that these cricketers had clearly violated any existing penal legislation in India.

The CBI, in its report, suggested that Azharuddin and Ajay Sharma could be held liable under the Prevention of Corruption Act, 1988 as they were public servants, being employees of the SBI and Central Warehousing Corporation, respectively. Nevertheless, there existed reservations about the applicability of this Act as neither of the players had committed any misdemeanour in relation to their status as public servants⁹⁴. The CBI consequently consulted its legal advisors and concluded that while the behaviour of various players was suspect, there was no criminally prosecutable case that could be made out in respect of the allegations against the players⁹⁵.

On the request of the MCYAS, the BCCI also instituted a commission headed by K. Madhavan⁹⁶ ("Commission") to investigate the matter. The Commission relied on interviews with players and the findings of the CBI Report to find that a number of the players involved in match manipulation were guilty of misconduct, even if such misconduct did not amount to a crime. Relying on the fact that such behaviour from senior players was morally suspect, undesirable and prohibited by implication, the Commission stated that, irrespective of the allegation of match-fixing/betting and non-existence of BCCI's Code of Conduct prior to the commission of the questionable acts on the part of the players, the BCCI should take action against such culpable players⁹⁷.

Consequently, the Disciplinary Committee of the BCCI banned several players from playing any cricket matches conducted or authorized by ICC/BCCI or affiliated associations and also debarred them from holding any position in ICC/BCCI or any of its affiliated associations.

Mohammad Azharuddin, Ajay Jadeja and Ajay Sharma, who were all banned by the BCCI from playing matches conducted by it or the ICC, challenged the decision in different courts. In 2012, the Andhra Pradesh High Court set aside the BCCI decision in relation to Mohammad Azharuddin, stating that the procedure followed by the BCCI Disciplinary Committee was illegal and did not follow its own internal rules and regulations⁹⁸. One of the grounds for setting aside BCCI's decision was the fact that rules of natural justice were not followed as the Commission did not allow the accused player to cross-examine the witnesses (such as the bookmakers) whose statements were relied on by the Commission in reaching its conclusions. On similar grounds, the bans from participation in professional cricket issued to Ajay Sharma⁹⁹ and Ajay Jadeja¹⁰⁰ were also set aside by courts.

As noted by the Commission in the beginning of its report, while the CBI has broad investigative powers, in its capacity as a Commission instituted by the BCCI, the Commission had the power to

summon and examine only those persons who were under the control of the BCCI, namely past and present cricket players, officials and employees of the BCCI¹⁰¹. Therefore, the Commission relied on the CBI's report which recorded the statements of the bookmakers but was unable to examine the bookmakers themselves or allow for cross-examination of such bookmakers by the accused players.

The 2000 match-fixing scandal and the events thereafter illustrate that the absence of appropriate legislations can lead to offenders of match manipulation escaping penal consequences as there are limitations in the investigative and penalising powers of governing bodies for sport in India.

In the case of Mohammed Azharuddin v The Board of Control for Cricket in India, Justice G. Krishna Mohan Reddy of the Andhra Pradesh High Court in his concurring opinion stated that the case was the best example of a player wriggling out of the serious allegations of match-fixing made against him because of the failure of the BCCI to take appropriate action as per procedure established by law¹⁰². Moreover, sports governing bodies do not have the jurisdiction or power to penalise members of the external network in a match manipulation transaction, such as intermediaries, bookmakers, punters and syndicate operators.

While bans and suspensions of players may serve to deter players from engaging in match manipulation, it would have no impact on the instigators and facilitators of match fixing, who stand to benefit from the match manipulation by a greater degree than players.

In actioning the conduct of such persons, the enforcement mechanism is dependant on the State executive and its prosecution arm, which may not treat it at par with other investigations and prosecution of similar stature and so would be unlikely to preferentially devote resources to action the same in comparison to such other similarly statured investigations and actions.

6.1.2. IPL Spot-fixing incident in 2013

In 2013, another match manipulation incident came to light in cricket in India when three players of the Rajasthan Royals (a participating team in the IPL): S. Sreesanth, Ajit Chandila and Ankeet Chavan were arrested for spot-fixing.

The accused players along with the bookmakers involved in the spot-fixing were charged under the MCOCA for participation in an 'organised crime'¹⁰³. This penal entry was employed as the investigation found that bookmakers engaged in interacting with players and engineering the spot-fix had links with the Dawood Ibrahim – Chota Shakeel crime syndicate and that the spot-fixing was done at their behest. The players were accused of pre-determining and fixing the bowling of no-balls and wides¹⁰⁴.

Since the MCOCA was enacted to deal with organized crime, the standard for proving guilt under the Act is rigorous. The accused have to be members of an organized crime syndicate and continually use unlawful means for carrying on unlawful activity as such members for economic gains. Moreover, the continuing unlawful activity has to be a cognizable offence punishable with imprisonment of three or more years, in respect of which more than one charge sheet has to have been filed before a competent court in the preceding ten years, and the court should have taken cognizance of such offence¹⁰⁵.

In this case, the prosecution could not provide sufficient evidence to prove that the players accused of spot-fixing were part of the crime syndicate, or that they were carrying on continual unlawful activity consisting of cognisable offences punishable with imprisonment of three or more years. Therefore, the Delhi District Court concerned with the case acquitted all of the players of charges under MCOCA for lack of evidence.

In parallel to charges under the MCOCA, the prosecution also charged the players under Sections 419, 420 and 120B of the IPC, which concern cheating and conspiracy to commit a crime¹⁰⁶. The prosecution argued that the accused were guilty of cheating under Sections 419 and 420 of the IPC and submitted that the Captain, the Chief Executive Officer and Chief Finance Officer of Rajasthan Royals were cheated by the players who made them believe that they would perform to the best of their ability but had undertaken to underperform in matches in exchange for money from the bookmakers. The prosecution further alleged that this also made the public feel cheated who expected the players to perform to the best of their abilities. However, the court held that the prosecution was unable to provide proof of underperformance by the players.

It further held that the requirements of Section 415 of the IPC, which defines cheating, were not fulfilled¹⁰⁷. The explanation to Section 415 states that a “dishonest concealment of facts” is a deception within the meaning of the section. The term “dishonestly” is defined under Section 24 of the IPC as anything done with the intention of causing wrongful gain to one person or wrongful loss to another person.

The court held that a player concealing the fact that he was receiving money from punters or bookmakers did not cause any wrongful loss to any party including the spectators and hence cannot be termed as cheating. It further held that cheating is not an offence that can be committed against the world (or a segment thereof) at large but that it had to be against a specific person. Moreover, since the Section required the transfer of property from the deceived party and in the case of match-fixing/spot-fixing there is no such transfer, it ruled that the offence of cheating is not made out.

In addition, the court stated that Section 120B required common intention to commit a criminal conspiracy, which was also not established from any of the material on record.

The court further added that while corruption in the IPL was apparent pursuant to the investigation undertaken by the police in this case, it was constrained from convicting any of the accused under any penal statute in view of the huge vacuum of law in this regard. This decision of the District Court has been challenged in the Delhi High Court and is currently pending.

Separately, the BCCI, pursuant to its internal investigation, held S. Sreesanth guilty of violating its Anti-Corruption Code and banned him from being associated with any activities of the BCCI or its affiliates for life.

This decision was challenged by Sreesanth and the Supreme Court eventually set aside the ban. While the Supreme Court did not reverse the BCCI’s decision of holding Sreesanth guilty under its Code, it asked the BCCI to reconsider the quantum of punishment, noting that its judgment would not impact the criminal proceedings pending in the Delhi High Court¹⁰⁸.

6.1.3. Recent Developments

The Bengaluru Central Crime Branch is currently undertaking an investigation in relation to spot-fixing done in the Karnataka Premier League. Players and bookmakers involved have been chargesheeted under Section 420 of the IPC for cheating¹⁰⁹.

However, as indicated by the prosecution of past instances of match manipulation, there are limitations on the extent to which the provisions of the IPC can be stretched to action match manipulation as

a criminal offence, and thus in the absence of legislation specifically concerned with actioning match-manipulation, the only sanctions possible for engagement in match manipulation would lie under the rules and codes of participation in the sport administered by its governing body, which would render the offence a civil wrong that can be penalised through fines and disbarment from participation in the sport.

6.2. RECOMMENDATIONS OF VARIOUS COMMITTEES

Committees and commissions that have been appointed to examine sports related corruption as a result of match-fixing scandals in the country, have recommended that (i) match-fixing should be criminalized, and (ii) sports betting should be legalized and regulated in order to better detect match-fixing.

Due to the large impact that spot/match-fixing scandals have had in the past, various committees and commissions have been mandated with the task of suggesting measures that can be employed to act against match manipulation in India. These bodies have submitted reports containing suggestions and recommendations to improve accountability in the sporting system.

6.2.1. Justice Mudgal IPL Probe Committee

Independent of the arrest of the Rajasthan Royals players in 2013, an investigation by the Crime Branch of the Mumbai Police also revealed links between bookies and Gurunath Meiyappan, part of the owner-group of the IPL team, Chennai Super Kings. The BCCI formed commission to investigate the involvement of the owner of Rajasthan Royals, Raj Kundra, and Gurunath Meiyappan in the betting and spot-fixing surrounding the IPL. The formation of this committee was challenged in the Bombay High Court in the case of Cricket Association of Bihar v BCCI & Ors¹¹⁰. The High Court held that the constitution of the commission was beyond the scope of the BCCI rules/regulations. The Supreme Court then constituted a three member Probe Committee headed by Mr. Justice Mukul Mudgal, retired Chief Justice of the Punjab and Haryana High Court, through its order dated October 10, 2013 to conduct an investigation into the roles of Mr. Kundra, Mr. Meiyappan, and the Rajasthan Royals players in the spot-fixing and betting that occurred in IPL 2013¹¹¹.

The Committee concluded that Mr. Meiyappan was guilty of betting in breach of the IPL Operational Rules, the IPL Anti Corruption Code and the IPL Code of Conduct for Players and Team Officials. The Committee stated that further investigation was required with respect to the allegations against Raj Kundra but did not provide any recommendations with respect to the players of Rajasthan Royals as they were already facing criminal trial and adequate punishment had been imposed upon them by the BCCI.

However, the Committee made various other observations in relation to the position of corruption in sport as specified below, based on the extensive investigation undertaken by it¹¹²:

- (i) *Investigative agencies lack the tools to track the bookies, the wager amount and detect sporting fraud sans intelligence from sources such as phone tapping.*
- (ii) *Legalizing sports betting would reduce the element of black money and the influence of the underworld helping in the focusing of the investigation and better detection of match-fixing.*
- (iii) *There should be coordination between the Anti-Corruption Unit of the BCCI and different law enforcement agencies for sharing of intelligence and to enable effective conducting of investigations.*

6.2.2. Justice Lodha Committee

In the course of hearing the case of BCCI v Cricket Association of Bihar & Ors¹¹³, an appeal filed in the Supreme Court against the Bombay High Court judgement in Cricket Association of Bihar v BCCI & Ors¹¹⁴, the Supreme Court constituted a Committee under the chairmanship of former Chief Justice of India, Mr. Justice R M Lodha to make recommendations for reforms in the regulation of the BCCI, while dealing with the appeal in the above mentioned case of BCCI v Cricket Association of Bihar & Ors¹¹⁵.

In its report, among other suggestions, the Committee emphasised the need for separate treatment of match/spot fixing on the one hand and betting on the other, by punishing match fixing and regulating betting. The Committee, among other reforms, recommended that match/spot-fixing be made a criminal offence.

6.2.3. 276th Report of the Law Commission of India

The Supreme Court after considering the Lodha Committee report, made a reference to the Law Commission of India to examine the issue of legalising betting in India¹¹⁶. The Law Commission in its Report also examined the close nexus of match manipulation and illegal betting. The Report referenced the fact that one of the advantages of regulating sports betting is that it would lead to the accountability of large amounts of money, which is otherwise transferred and employed through illegal channels towards match-fixing, money laundering and other crimes.

6.3. MATCH MANIPULATION LAWS IN OTHER JURISDICTIONS

6.3.1. The Macolin Convention

The aim of the Convention is to counter unethical and corrupt practices in sport including manipulation of sports, through co-operation among public authorities, sports organisations, competition organisers and sports betting operators at national and international levels.

The Macolin Convention is, at present, the only existing international treaty which seeks to combat the manipulation of sports¹¹⁷. Unlike the rules and regulations adopted and enforced by sports governing bodies, the Macolin Convention is addressed to nation-states, and obligates signatory nation-states to implement measures to address match manipulation across organised sports.

The Convention requires parties to the Convention to co-ordinate policies and action of all public authorities concerned with the fight against manipulation of sports competitions¹¹⁸. The Convention also specifies that each country that is party to the Convention must identify a responsible authority for the implementation of sports betting regulation and the application of relevant measures to combat manipulation of sports competitions in relation to sports betting¹¹⁹. It requires information exchange at the international and national levels including between various domestic bodies in each country such as public authorities, sports organisations, competition organisers, sports betting operators and national platforms to improve the effectiveness of the fight against illegal sports betting¹²⁰. Under the Convention, “national platforms” are envisaged as the primary body responsible for the implementation of the Convention as well as the means for coordinating with national platforms of other States to ensure cross-border action against match manipulation and illegal sports betting through information exchange.

The Convention requires each State to criminally sanction offences relating to manipulation of sports competition involving coercive, corrupt or fraudulent practices as well as the aiding or abetting of such offences¹²¹. The Convention entered into force on September 1, 2019 on ratification by five countries including three member States of the Council of Europe¹²². Given the multinational nature of the Convention along with the fact that it aims to deal with sports corruption in a comprehensive manner, the Convention has the potential to serve as a roadmap for international cooperation and domestic implementation of laws to fight against match manipulation and illegal sports betting.

6.3.2. Sri Lanka

In November 2019, Sri Lanka became the first South Asian country to pass specific legislation criminalizing match-fixing related offences. The country's cricketing fraternity had been plagued by corruption scandals in recent years, facing investigation by the ICC's Anti-Corruption Unit (ICC ACU)¹²³.

Similar to the Macolin Convention, the object of the Prevention of Offences Relating to Sports Act, 2019 (PORS) passed by the Sri Lankan Parliament is to strengthen national and international cooperation among sports organizations, law enforcement agencies and betting operators to exchange information relating to match fixing, corruption, illegal manipulation and illegal sports betting in sports. The Act also provides for the appointment of an independent and impartial Special Investigations Unit to carry out investigations into offences of match fixing, corruption, illegal manipulation and illegal betting in sports.

The Act criminalises:

- (i) betting and gambling activities that would corrupt a sport or sporting event,
- (ii) underperforming in a sporting event in exchange for money or other reward,
- (iii) preparing a playing surface of any sport in a way agreeable to a person including a betting operator in exchange for money or other reward,
- (iv) providing access to players in order to influence their performance for money or other benefit,
- (v) alteration of the course or the result of a sporting tournament,
- (vi) using inside information for betting or disclosing such information knowing that it would likely to be used to bet on a sporting event.

Aiding, abetting and attempting to commit any of the foregoing is also an offence. An offence under the Act is punishable with a fine not exceeding rupees one hundred million or imprisonment not exceeding ten years or both.

Any person or any person connected to sport who is approached, induced or threatened to perform an offence or who becomes aware of a person performing, having been approached, induced or threatened to perform an offence must disclose such information to the Special Investigations Unit. Failure to do so is also punishable with fine, imprisonment or both.

The Special Investigations Unit consisting of police officers, can investigate offences in accordance with Sri Lanka's Code of Criminal Procedure Act. The Unit can procure evidence as it may deem necessary, require any person to attend before it to be examined and summon any person to produce any data, information, document or other thing in his possession or control. The Unit also has the power to require any service provider to produce subscriber information or traffic data in its possession or control and direct a bank to produce the account details of a person being investigated by the Unit as well as their spouse or children. The Unit can also search premises or persons and seize relevant devices, data or information in relation to an investigation being undertaken by them.

6.3.3. South Africa

The match-fixing scandal that came to light in India in 2000 also implicated members of the South African national cricket team captain, Hansie Cronje. One of the bookmakers that the CBI interviewed during its investigation into the 2000 match-fixing scandal stated that Mohammad Azharuddin introduced him to Hansie Cronje and that he transferred around \$50,000 to Cronje's bank account in South Africa to 'fix' matches when India toured South Africa in 1996-97¹²⁴. Cronje himself confessed to accepting \$100,000 from bookmakers and attempting to bribe teammates, on account of which he received a lifetime ban from the United Cricket Board of South Africa¹²⁵.

Cronje's involvement with bookmakers spurred the South African Parliament to include the so-called "Hansieclause" to deal with sport-related corruption in the Prevention and Combatting of Corrupt Activities Act, 2004 (PCCAA) which came into operation on April 27, 2004¹²⁶.

Section 15 of the PCCAA specifies offences in respect of corrupt activities relating to sporting events. It states that a person is guilty of the offence of corrupt activities relating to sporting events if such person:

- (i) accepts or agrees or offers to accept any gratification from any other person, or*
- (ii) gives or agrees or offers to give gratification in return for:*
 - (a) engaging in any act which constitutes a threat to or undermines the integrity of any sporting event, including influencing the run of play or outcome of a sporting event; or*
 - (b) not reporting the act contemplated in the section to the managing director, chief executive officer or to any other person holding a similar post in the sporting body or regulatory authority concerned or at his nearest police station, or*
- (iii) carries into effect any scheme which constitutes a threat to or undermines the integrity of any sporting event, including, in any way, influencing the run of play or the outcome of a sporting event.*

This offence is punishable under Section 26 of the PCCAA with fine and imprisonment depending on the authority that is imposing the sentence.

6.3.4. United Kingdom

The United Kingdom, similar to South Africa, does not have a legislation dealing exclusively with match-fixing. However, Section 42 was introduced in the Gambling Act, 2005, specific to match-fixing¹²⁷. The Act also led to the establishment of the Gambling Commission which has the power to investigate, prosecute and void bets when there is suspicion of cheating¹²⁸.

Section 42 of the Gambling Act deals with cheating and states that a person who cheats at gambling or does anything for the purposes of enabling or assisting another person to cheat at gambling, commits an offence. The Section also states that for the purpose of determining whether a person is cheating, it is immaterial if the person who cheats improves his chances of winning anything or does win anything. The Section provides that cheating at gambling may consist of actual or attempted deception or interference in connection with:

- (i) the process by which gambling is conducted or,
- (ii) a real or virtual game, race or other event or process to which gambling relates.

Therefore, the Section covers within its ambit any form of interference in connection with a game which should include alteration of a field of play, obtaining or passing inside information with respect to a game, and other forms of match-fixing.

However, while this Section does not place an obligation on a party aware of cheating (such as a player) to provide information with respect to the same, gambling licenses since 2007, have required operators to provide the Gambling Commission with information on suspicious criminal activity¹²⁹.

The punishment for a person guilty of an offence under the Section is:

- (i) imprisonment for a term not exceeding two years and/or a fine on conviction pursuant to an indictment, or
- (ii) imprisonment for a term not exceeding 51 weeks and/or a fine in case of summary conviction.

While convictions for match-fixing in the United Kingdom have been rare¹³⁰, as a pro-active measure to ensure better scrutiny and detection of match manipulation, the Gambling Commission has instituted the Sports Betting Intelligence Unit (SBIU)¹³¹ to analyse match results and betting trends, and otherwise gather intelligence to detect and investigate instances of match fixing.

As a signatory of the Macolin Convention, the United Kingdom adopted a Sport and Sports Betting Integrity Action Plan in 2018, which is aligned with the Macolin Convention and sets out the United Kingdom's measures to act against sport and sports-betting related corruption through information sharing and collaboration between sport, licensed betting operators and law enforcement agencies within the nation and with overseas jurisdictions and international bodies¹³².

6.3.5. Australia

The Federal Government in Australia, in close coordination with Australian State Governments, adopted a National Policy on Match-fixing in Sport in June 2011¹³³. The adoption of this National Policy precipitated the enactment of State legislations to specifically address match fixing or amendment of existing State legislations to specifically penalise match fixing across Australian States¹³⁴.

As these enactments and terms are in line with the National Policy adopted at the Australian Federal level, they serve to ensure a consistent approach to criminal offences in relation to match-fixing and illegal gambling throughout the nation.

By way of illustration of the terms of these State legislations, the Crimes Amendment (Integrity in Sports) Act, 2013 (Vic) amends the Crimes Act, 1958 in the State of Victoria to criminalise the following conduct, when pursued to obtain a financial advantage or causes a financial disadvantage¹³⁵:

- (i) *Engaging in conduct that corrupts or would corrupt a betting outcome of an event or event contingency,*
- (ii) *Facilitating conduct that corrupts or would corrupt a betting outcome of an event or event contingency,*
- (iii) *Concealing such conduct, agreements or arrangements, and*
- (iv) *Using corrupt information for betting purposes.*

The Act provides for a sentence of a maximum of ten years imprisonment on conviction¹³⁶.

Alongside actioning the act of match manipulation, reforms introduced by the government of the State of New South Wales aim to moderate the relationship between sporting organisations and licensed betting service providers by mandating adherence to integrity agreements between sports governing bodies and the betting service providers. The aim of the integrity agreements is to ensure that there is efficient cooperation and coordination between governing bodies and betting service providers in reporting suspect transactions and in preventing, investigating and prosecuting match-fixing or corrupt behaviour in sport¹³⁷.

The National Policy also led to the establishment of a National Integrity of Sport Unit to ensure national oversight, coordination, monitoring and reporting of sports corruption including match-fixing¹³⁸.

Features of match manipulation laws in other jurisdictions

A reading of the statutes detailed above makes it apparent that despite being taken from across the world, they share a few common features. The general principles that these statutes are based on are criminalizing match manipulation and related offences while regulating illegal betting, thereby treating illegal betting as a material contributor to match manipulation.

In every jurisdiction, match manipulation offences are punishable with imprisonment and fine. Most of the laws detailed above, endeavour to criminalise not only the commission of match manipulation offences but also the withholding of information in relation to attempts or commission of such offences.

In line with the Macolin Convention, these laws emphasize the importance of sharing information across agencies with access to information in relation to sports corruption and aim to create a national platform responsible for implementation of the law and ensuring effective coordination across such different organizations. The statutes also reflect the increased importance that nations are beginning to place on international cooperation in dealing with the scourge of sports corruption.

However, there are features that are unique to certain jurisdictions. For instance, the PCCAA in South Africa protects the value of “integrity in sport”. The provision seeks to secure broader protection for the values of sport and therefore allows for purposive reading to action conduct that may not be listed in the PCCAA as an offence but operates to infringe the values of sport.

6.4. PRACTICES ADOPTED BY SPORTS FEDERATIONS TO TACKLE MATCH MANIPULATION

6.4.1. ICC

The primary instrument in ICC’s efforts to act against match manipulation is the ICC’s Anti-Corruption Code (ICC Code)¹³⁹. The ICC Code is applicable to players, player support personnel, ICC officials, pitch curators, umpires and similar persons connected to the sport of cricket¹⁴⁰. The ICC Code specifies various forms of match manipulation as offences¹⁴¹ and imposes penalties in the form of periods of ineligibility which can extend to a lifetime¹⁴². This serves as the first level of measures against match manipulation.

At the second level, to tackle the threat posed by advances in mobile communication technology and greater sophistication in betting practices in cricket, the ICC has formulated the ICC’s Minimum

Standards for Players' and Match Officials' Areas at International Matches (ICC PMOA Standards). Under the ICC PMOA Standards, communication between players, player support personnel and match officials with outsiders on the days of an international match, is sought to be limited. Breaches of the ICC PMOA Standards could attract the requirement of the person in breach having to undertake corrective measures or being subject to monetary fines¹⁴³. Salient features of the ICC PMOA Standards include¹⁴⁴:

- (i) Access control to the Players' and Match Officials' Area (PMOA) (which includes dressing rooms and dining areas used by the teams and match officials), through accreditation passes, surveillance of access points to dressing rooms of teams, etc.,*
- (ii) Access control to communication devices through requirement of surrendering of mobile devices prior to entry into PMOA/venue, limited and conditional exceptions for possession and use of communication devices to specified persons such as team managers, analysts and match referees, etc., and*
- (iii) Vesting of wide powers in the ICC's anti-corruption manager, including the power to audit activities of communication devices in the PMOA, and the power to search clothing, baggage etc., of any person in the PMOA.*

At the third level, the ICC ACU monitors, investigates and proceeds against instances of match manipulation. The ICC ACU's staff include former law enforcement professionals and the department enjoys wide powers under the ICC Code. For example, as part of an investigation, the ICC ACU is authorised to demand of a participant, information in the form of telephone records, bank statements, data on mobile devices etc. And in this regard, the ICC ACU is also empowered to require a participant to allow the ICC ACU to download or copy information from the participant's mobile device¹⁴⁵. Additionally, the ICC ACU's ability to investigate and successfully proceed against perpetrators is strengthened by the ICC Code which penalises participants':

- (i) non-cooperation in investigations and proceedings instituted by the ICC ACU¹⁴⁶, and
- (ii) obstructing and tampering with ICC ACU's investigations¹⁴⁷.

Further support for the ICC ACU's investigative operations is found in the form of the ICC Code mandating participants to promptly report any approaches that they receive for match manipulation and penalising a participant for not reporting approaches to engage in acts of match manipulation¹⁴⁸.

To aid its investigative efforts, the ICC ACU had also adopted an amnesty programme in early 2019. The amnesty programme provided a 15 day amnesty period for participants to come forward and report acts of match manipulation with the promise that participants who came forward would not be penalised for the delay in reporting and incidental breach of the reporting obligation¹⁴⁹.

At the fourth level, the ICC has instituted an ICC's Anti-Corruption Tribunal for hearing cases of alleged match manipulation and provided it with greater flexibility than courts and judicial bodies in admitting evidence and determining its probative value¹⁵⁰. Further, non-participation in a hearing of a Tribunal has been specifically called out with the Tribunal allowed to draw an adverse finding in case of such non-participation¹⁵¹.

These measures adopted by the ICC seek to ensure fair hearing and determination of an offence of match manipulation, with recognition of the difficulties faced in investigation and gathering evidence.

6.4.2. FIFA

FIFA prohibits acts of match manipulation in its Disciplinary Code¹⁵² and the Code of Ethics¹⁵³. In

particular, the Disciplinary Code provides for the penalisation of perpetrators of match manipulation with bans from engaging in any football-activity (including training or playing at amateur levels), which, in serious cases, could extend to a lifetime-ban of the perpetrator¹⁵⁴.

Additionally, in its handbook for member associations on protecting the integrity of football, FIFA has set out extensive guidelines for member associations to strengthen their integrity initiative and framework¹⁵⁵. The handbook provides insights into FIFA's approach to tackle match manipulation. These include:

- (i) Appropriate reporting mechanisms: FIFA requires players, clubs, match officials, other officials etc. to promptly report to FIFA, approaches/information related to manipulation of a football match. Further, FIFA has established a web-based whistleblowing system and a mobile application, for persons to submit information concerning match manipulation without disclosing personal information i.e., a confidential reporting mechanism¹⁵⁶.
- (ii) Regulating betting association: FIFA forbids persons bound by the FIFA's Code of Ethics (players, officials, etc.) from participating in betting, gambling, lotteries and other similar events in respect of football matches, competitions, and related football activities. Further, FIFA prohibits such persons from having any interests in entities engaged in betting, gambling, lotteries, and other similar events in respect of football matches, competitions, and related football activities¹⁵⁷.
- (iii) Monitoring: FIFA has partnered with stakeholders in the betting industry to receive updates concerning integrity issues from them. Further, in pursuance of a data driven approach to identify match manipulation, FIFA has concluded an agreement with an organisation which provides dedicated fraud detection systems and intelligence services¹⁵⁸. The fraud detection systems are deployed to detect suspicious betting patterns and behaviour. In its handbook too, FIFA has emphasised to its member associations, the importance of betting related data in the effort against match manipulation¹⁵⁹.
- (iv) Pre-competition and in-competition measures: Measures taken by FIFA to protect competitions under its jurisdiction from match manipulation include (i) workshops for the integrity officers of member associations and FIFA referees; and (ii) setting up a specialist unit, on site, to implement necessary protocols against match manipulation¹⁶⁰.
- (v) Contracts: FIFA has urged member associations to include as part of the contracts concluded with players, coaches and officials, clauses forbidding match manipulation and involvement in betting activities and clauses requiring reporting of approach to engage in, or information concerning, match manipulation¹⁶¹. This measure would open up opportunities for pursuing breach of contract remedies in respect of engagement in acts of match manipulation.

6.5. MATCH MANIPULATION BILLS IN INDIA

While India currently does not have any laws dealing with match-fixing, over time, several efforts have been made to enact legislation in this regard. This section details some of the bills that have been drafted to deal with sporting corruption and fraud, focusing on the manner in which these bills treated match manipulation and its criminalization.

6.5.1. The Prevention of Sporting Fraud Bill, 2013

The Prevention of Sporting Fraud Bill, 2013 was drafted and placed in the public domain by the MYAS (successor to the MCYAS) in 2013, inviting comments and suggestions from stakeholders in sport and members of the public.

The Bill intended to criminalise sporting fraud committed by any person, whether a participant in the sport or an external influencer who facilitates the sporting fraud¹⁶². Sporting fraud was defined in the Bill as¹⁶³:

- (i) manipulating sports results, irrespective of the actual outcome, including making arrangements for an irregular alteration of the field of play or the result of an incidental event, in order to obtain any economic or other advantage or promise of such advantage;*
- (ii) wilfully underperforming for economic or other advantage except for strategic or tactical reasons deployed in the interest of the team;*
- (iii) disclosing inside information to a person with the knowledge that disclosure of such information is likely to result in financial gain or is likely to be used in relation to betting or manipulation of a sporting event;*
- (iv) failure to provide information in relation to commission of the aforementioned acts to the "appropriate authority" (designated by the government), the team management or the National Sport Federation.*

The Bill contemplated the establishment of a functionary at the Union level to implement its provisions, investigate claims of match manipulation and to make complaints to a court to enable the court to take cognisance of an offence under the Bill. An offence under the Bill was punishable with imprisonment for upto five years and a fine of upto five times the economic benefit arising out of the match manipulation¹⁶⁴.

The Bill treated attempts to commit an offence under the Bill or the abetment of the commission of an offence at par with the commission of the offence and accordingly sought to punish such attempt or abetment to the same degree as the actual commission of the offence¹⁶⁵.

However, the Bill was not introduced in either Houses of Parliament and was eventually shelved¹⁶⁶.

6.5.2. National Sports Ethics Commission Bill, 2016

Another attempt was made to introduce legislation to action match manipulation in India in the form of the National Sports Ethics Commission Bill, 2016. The National Sports Ethics Commission Bill, 2016 was introduced in the Lok Sabha (Lower House of Parliament) as a private member bill by Member of Parliament, Anurag Thakur¹⁶⁸.

This Bill intended to require every Sports Federation¹⁶⁹ to establish an Ethics Committee which would be responsible for framing a Code of Ethics for prevention, monitoring and detection of unethical practices in sports as well as the offences specified under the Bill¹⁷⁰. The Ethics Committee would also be required to submit evidence and report on any offence committed by sportspersons affiliated to the relevant Sports Federation to the National Commission¹⁷¹.

The Bill proposed the establishment of a National Commission by the Central Government to provide guidelines for the Code of Ethics that was to be adopted by Sports Federations and to adjudicate violations of such Code of Ethics and other provisions of the Bill¹⁷². This Bill intended to introduce a tribunal, in the form of the National Commission, for adjudication of sports ethics violations and

so provided the National Commission with powers similar to a civil court under the CPC¹⁷³ while adjudicating such matters.

The National Sports Ethics Commission Bill, 2016 specifically called out and penalised match fixing as an offence against the ethics of sport. The Bill defined “match fixing” as¹⁷⁴ :

- (i) instances where an individual sportsperson or coach or member of Sports Federation or a group of them receives money individually or collectively to underperform;
- (ii) instances where an individual sportsperson or coach or member of Sports Federation or a group of them places bets in athletic competitions in which they play or influence decision that shall naturally undermine the performance;
- (iii) instances where an individual sportsperson or coach or member of Sports Federation or a group of them passes information to a betting syndicate about team composition, probable result or any other insider information regarding the sports;
- (iv) instances where grounds men are given money to prepare a pitch in a way which suited the betting syndicate; and
- (v) instances where former or current individual sportsperson or coach or member of Sports Federation or a group of them are used by bookies to gain access to Indian and foreign players to influence their performance for a monetary consideration.

The Bill specified that any person found guilty of match fixing would be debarred by the Sports Federation from participating in any existing or future sports event in any capacity and such person would also be punished with rigorous imprisonment for a minimum of ten years and/or with fine equal to five times the amount involved in the match fixing (with a minimum fine of Rs. 10,00,000)¹⁷⁵.

While the Bill has been introduced in the Lok Sabha, it has not been debated by Parliament and remains pending for its consideration¹⁷⁶.

6.5.3. The Sports (Online Gaming and Prevention of Fraud) Bill, 2018

In 2018, Member of Parliament, Dr. Shashi Tharoor introduced the Sports (Online Gaming and Prevention of Fraud) Bill, 2018 as a private member Bill.

The Bill aimed to maintain integrity of sports by preventing and penalising sports fraud, including manipulation of sports results, and regulating online sports gaming. The Bill specifically included international sporting events within the scope of actionable ‘Sports Fraud’¹⁷⁷, and thus sought to extend the jurisdiction of the Bill to Sports Fraud committed within India as well as Sports Fraud committed by an Indian citizen abroad.

The Bill defines match fixing within its definition of ‘Sports Fraud’ to refer to the act of accepting, agreeing or receiving any gratification (other than legal remuneration) for¹⁷⁸:

- (i) manipulation of sports results, irrespective of whether the outcome is actually altered,
- (ii) causing an irregular alteration of the field of play or the result of a sporting event including its incidental events,
- (iii) deliberately misapplying the rules of the sport.

Alongside the above, the Bill also terms the following conduct that facilitates the execution of match manipulation as ‘Sports Fraud’¹⁷⁹:

- (i) providing, attempting to provide or facilitating the provision of any gratification other than legal remuneration for commission of Sports Fraud;*
- (ii) failure to give information in relation to the commission of any of the foregoing within such time as may be prescribed, to the appropriate authority instituted pursuant to the Bill, the police, the team management or the National Sports Federation for the relevant sport.*

In case of events outside India, where the aforesaid conduct is committed by a citizen in India for or in relation to a sports event within India or outside India, the Bill terms such conduct as Sports Fraud that is actionable under the Bill¹⁸⁰.

In case any person reports an approach to commit Sports Fraud to such player's team management or the National Sports Federation, the Bill requires such body to inform the appropriate authority or the police, within three working days of receiving such information¹⁸¹.

The Bill provides for the investigation of Sports Fraud in relation to a domestic sporting event by an officer in charge of the jurisdictional police station, which investigation is to proceed in accordance with provisions of the CrPC¹⁸². In case of Sports Fraud committed in relation to international sporting events, the investigation of such Sports Fraud is to be undertaken by the appropriate authority established pursuant to the Bill¹⁸³.

The punishment for Sports Fraud in relation to match manipulation may consist of imprisonment for a term of upto five years and a fine of five times the economic benefit derived from the Sports Fraud (with a minimum fine of Rs. 10,00,000)¹⁸⁴. A person who abets the commission of the offence of Sports Fraud shall be punishable with the same punishment as provided for the offence¹⁸⁵.

While the Bill has been introduced in the Lok Sabha, it has not been debated by Parliament and remains pending for its consideration¹⁸⁶.



Features of Indian Match Manipulation Bills

While all the Bills criminalise match-fixing with the objective of preventing and penalising fraud and corruption, there are slight variations in the definition used in each Bill. The Prevention of Sporting Fraud Bill, 2013 and National Sports Ethics Commission Bill, 2016 include wilful 'underperformance' in exchange for financial gain by an athlete as an element that would constitute sports fraud or match-fixing, which is in line with the definition of match-fixing that the CBI included in its report on match-fixing in 2000.

However, the Sports (Online Gaming and Prevention of Fraud) Bill, 2018 does not include 'underperformance' in its definition of 'Sports Fraud', given that wilful underperformance by an athlete in light of such athlete's actual potential would be difficult to prove in a court of law. However, given that the definition of 'Sports Fraud' in the Sports (Online Gaming and Prevention of Fraud) Bill, 2018 includes manipulation of sports results, regardless of the actual outcome, it can be argued that the definition is broad enough to cover an underperformance motivated by financial gain by an athlete.

The Prevention of Sporting Fraud Bill, 2013 and Sports (Online Gaming and Prevention of Fraud) Bill, 2018 also treat the failure to provide information in relation to commission of an offence under the respective Bills as an offence. As discussed in Chapter 3.3 of this Report in relation to knowledge of match manipulation as an element of match manipulation, the inclusion of a positive reporting obligation and the treatment of concealment of knowledge of match manipulation as an offence is in line with the practice of international sports federations.

The Prevention of Sporting Fraud Bill, 2013 and Sports (Online Gaming and Prevention of Fraud) Bill, 2018 also criminalise abetment and attempts to commit offences in the same manner as the actual commission of an offence, which ensures that all perpetrators who share a commonality of intent to engage in match manipulation are equally treated and penalised, immaterial of which perpetrator actually executes the match manipulation.

While each of the Bills also provides for the creation of a national platform like agency, none of the Bills emphasise that such national platforms would form the conduit for information flow in relation to all sports fraud and match manipulation related offences.

The Bills also do not adequately address the need for the creation of a mechanism for cooperation and information exchange between various law enforcement agencies in the investigation of an offence. Given the multinational ambit of transactions that lead to of match manipulation, it is also important to build in processes to ensure cross-border cooperation with different jurisdictions while dealing with sports fraud related offences.

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106. Section 419 of the IPC states that "Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both". Section 420 of the IPC states that "Whoever cheats and thereby dishonestly induces the person deceived to delivery any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine." Section 120B of the IPC states that "(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if

he had abetted such offence. (2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.”

107. Section 415 of the IPC states that “Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”. Explanation – A dishonest concealment of facts is a deception within the meaning of this section”.
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TL;dr (Too long; didn't read)

- As India does not have a legislation or regulation that specifically actions match fixing, the investigation and prosecution of past incidents of match-fixing is illustrative of the **difficulties faced in actioning such conduct and safeguarding integrity in sport.**
- **Match-fixing scandal in 2000:** Allegations of under-performance against Ajay Sharma, Ajay Jadeja and Mohammad Azharuddin of the Indian Men's Senior Cricket team.
 - Despite players like Azharuddin and Ajay Sharma admitting to having taken money from bookmakers in exchange for favours in relation to matches, the Central Bureau of Investigation was unable to proceed with prosecuting the players as it was unable to establish that these cricketers had clearly violated any existing penal legislation in India.
 - Disciplinary Committee of the BCCI banned several players from playing any cricket matches conducted or authorized by ICC/BCCI or affiliated associations and also debarred them from holding any position in ICC/BCCI or any of its affiliated associations.
 - The Andhra Pradesh High Court set-aside Mohammad Azharuddin's ban by the BCCI as the accused player was unable to cross-examine witnesses whose statements the Disciplinary Committee relied on to reach its conclusions.
- **IPL spot-fixing incident in 2013:** Allegations that S. Sreesanth, Ajit Chandila and Ankeet Chavan, players with the Rajasthan Royals franchise, executed pre-determined no-balls and wides.
 - Players charged under MCOCA for participation in 'organised crime' with the Dawood Ibrahim – Chota Shakeel crime syndicate, and for cheating under the IPC.
 - Prosecution could not provide sufficient evidence to prove the player's participation in a crime syndicate for penalisation under MCOCA.
 - Delhi District Court also found that the conduct of players did not cause any wrongful loss to spectators nor did it involve any transfer of property from the deceived party, meaning that the offence of cheating was not made out.
 - Separately, the BCCI, pursuant to its internal investigation, held S. Sreesanth guilty of violating its Anti-Corruption Code and banned him from being associated with any activities of the BCCI or its affiliates for life.
- The Justice Mudgal Committee, Justice Lodha Committee and the Law Commission of India, recommended that (i) match-fixing should be criminalized, and (ii) sports betting should be legalized and regulated in order to better detect match-fixing.
- The Macolin Convention is an international treaty that sets out measures that can be adopted by signatory nations to tackle manipulation of sports.
- Jurisdictions such as Sri Lanka, United Kingdom, Australia, and South Africa have enacted specific legislations or amended their criminal codes to specifically penalise match fixing.
- Sports bodies such as FIFA and the ICC have instituted specific norms to enable detection, investigation and sanctioning of match manipulation within professional football and cricket, respectively.
- Indian legislators have drafted and proposed the following bills for tackling match manipulation and corrupt practices in sport: (i) Prevention of Sporting Fraud Bill, 2013, (ii) National Sports Ethics Commission Bill, 2016 and (iii) The Sports (Online Gaming and Prevention of Fraud) Bill, 2018.



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JURISDICTIONAL ISSUES CONCERNING MATCH MANIPULATION

7.1. BACKGROUND

Rapid advances in cellular technology, internet penetration and in the broadcast and media space have facilitated increased access to sporting competitions held in different parts of the world. On the one hand, this has allowed for the growth and the development of sport and more specifically, allowed for sporting enthusiasts located in different parts of the world to follow their sport of interest and stay abreast of the happenings in real time. On the other hand, the increased accessibility has allowed for match manipulators located far away from the venue of the sports competitions, to manipulate the occurrences in the competitions, to place bets, and defraud the betting market, from their own overseas location.

In such a globalised scenario, the transactions that induce and facilitate match manipulation may occur in jurisdictions far removed from the jurisdiction in which the match manipulation is executed, and such match manipulation may impact victims in another jurisdiction altogether. For example, an act of match manipulation in an England v. India match in the United Kingdom may be instigated by a syndicate located in the United Arab Emirates, with the match manipulation executed in the United Kingdom and the impact of the match manipulation acutely felt by spectators in India.

7.2. PRINCIPLES FOR INVOKING CRIMINAL JURISDICTION

International law accounts for the different incidences of States in relation to an offence and allows for concurrent claims of criminal jurisdiction of States. The principles on which criminal jurisdiction is typically invoked by a State under international law are¹⁸⁷:

- (i) **Territorial principle:** This principle stipulates that a State would be entitled to claim jurisdiction if the alleged offence was committed, (whether in whole or part) within its territory. The State invoking this principle of jurisdiction must prove that a 'constituent element' of the offence occurred within its territory.
- (ii) **Doctrine of effects:** In certain instances, States have invoked jurisdiction over offences committed outside their territory when the effects are produced within their territory, despite these effects not being a 'constituent element' of the offence.
- (iii) **Nationality principle:** This principle elucidates that States have jurisdiction over offences committed by their nationals abroad.
- (iv) **Protective principle:** The protective principle empowers States to exercise jurisdiction over acts

committed by non-nationals abroad which threaten the State. Some such threats include threats to the security and territorial integrity of the State.

- (v) **Universality principle:** This principle, as the name suggests, permits States to assert jurisdiction to prosecute offenders, regardless of the nationality of the offenders or the location of the commission of offence or the State in which the effects of the offence are felt. The exercise of such jurisdiction is typically limited to a narrow set of offences such as piracy, war crimes and crimes against humanity.

7.3. PRINCIPLES FOR INVOKING JURISDICTION UNDER INDIAN LAW

As per the Seventh Schedule to the Constitution of India (Entry 1, List III), read with Article 245 of the Constitution of India, the Parliament of India may frame penal laws whose territorial jurisdiction extends to the territory of India, and beyond the territory of India¹⁸⁸. Thus, the power to frame laws basis the principle of territoriality and laws whose jurisdiction extends beyond the territory of India, have been provisioned for under the Constitution of India.

Furthermore, in the case of Republic of Italy through its Ambassador v. Union of India¹⁸⁹, the Supreme Court recognised the doctrine of effects as a permissible means of exercising extra-territorial jurisdiction and observed as follows, “...the Parliament, undoubtedly, has the power to make and apply the law to persons, who are not citizens of India, committing acts, which constitute offences prescribed by the law of this country, irrespective of the fact whether such acts are committed within the territory of India or irrespective of the fact that the offender is corporeally present or not within the Indian territory at the time of the commission of the offence.....”

Presently, under the IPC, jurisdiction is vested with Indian courts to try offences committed in any part of the territory of India¹⁹⁰ and to try offences committed by Indian citizens in any part of the world i.e.,¹⁹¹ the IPC recognises exercise of jurisdiction on the principles of territoriality and nationality.

Thus, there is recognition under Indian law for the invocation of criminal jurisdiction on the principles of territoriality, nationality and the doctrine of effects. These principles should be employed in any enactment proposed to tackle match manipulation in India to ensure its application to offences committed in India, offences which have an impact in India and offences committed by an Indian citizen.

However, other principles, namely, the protective principle and the universality principle do not enjoy the same degree of legal recognition and sanction, and so would not be available to extend the scope of the enactment in India concerning match manipulation beyond the aforesaid remit.

7.4. JURISDICTION CONTEMPLATED UNDER PRIVATE MEMBER BILLS AND INTERNATIONAL CONVENTIONS

Legislative efforts to tackle the offence of match manipulation include the Macolin Convention, the Prevention of Sporting Fraud Bill, 2013, the National Sports Ethics Commission Bill, 2016 and The Sports (Online Gaming and Prevention of Fraud) Bill, 2018.

On the issue of jurisdiction, the Macolin Convention requires States party to the Convention to establish jurisdiction over the offence of manipulation of sports competition, on the principles of territoriality, and,

nationality and habitual residence of the offender¹⁹². In addition, the Convention requires member States to provide for jurisdiction, where extradition of the offender on account of her nationality is not possible¹⁹³.

The Prevention of Sporting Fraud Bill, 2013 defines the offence of 'Sporting Fraud' around the occurrences in respect of a sporting event¹⁹⁴. A 'sporting event' is defined as a domestic, national or international sporting event held in India and an international sporting event held outside India in which the Indian team or member from India participates¹⁹⁵. A member is defined as a member of a 'National', 'State' or domestic team or event¹⁹⁶. The Bill does not clarify the meaning of the terms national, state and domestic teams and domestic, national and international sporting event. Consequently, it seemingly brings within its folds, both organised and unorganised sports. Further, the Bill vests jurisdiction with the Indian courts in respect of sporting events held in any part of the world on the mere ground of the involvement of a member from India in the event and without factoring in the nature of the impact on India's interests or the involvement of Indian nationals¹⁹⁷. The jurisdiction under the Bill is wide and may not stand up to scrutiny.

The National Sports Ethics Commission Bill, 2016 which defines 'match fixing' as an offence¹⁹⁸, too lacks clarity on the principles for exercising jurisdiction in respect of the offence of match fixing. The offence of match fixing as defined under this Bill is tailored around acts in respect of 'sportspersons', 'coaches', 'Sports Federations', 'grounds men' and 'athlete competitions'¹⁹⁹. While the term 'grounds men' is not defined under the Bill, the other terms are defined neutrally or so widely²⁰⁰, that the precise grounds of jurisdiction is not ascertainable from the Bill²⁰¹.

The Sports (Online Gaming and Prevention of Fraud) Bill, 2018 defines the offence of 'Sports Fraud' around the occurrences in respect of a 'domestic sporting event' and an 'international sporting event'. Domestic sporting event is defined as any domestic, national or international sporting event held in India and sanctioned or recognised by a National Sports Federation or a State Sports Federation²⁰². An international sporting event is defined as an international sporting event held outside India which is recognised by a National Sports Federation/International Sports Federation and which involves participation of an Indian team or a member from India²⁰³. Thus, in contrast to the Prevention of Sporting Fraud Bill, 2013 this Bill limits its scope to organised sports. Further, the offences under the Bill are largely defined with incidence in the form of the principles of territoriality and nationality²⁰⁴ and therefore would meet scrutiny. However, the requirement (and the offence in the event of the failure to meet the requirement) that a person (including a non-national) located in any part of the world, report information as to commission of any offence in respect of a domestic sporting event²⁰⁵, lacks required incidence and will likely fail scrutiny if it were to be applied to non-nationals.

7.5. CONCURRENT CLAIMS OF JURISDICTION

Sports competitions are today accessible around the world. Consequently, while the actual act of match manipulation may occur at the venue of the sport competition, there may be other perpetrators located in different jurisdictions and the effects of such an act of match manipulation may be felt in an altogether different set of jurisdictions. Applying the principles of invocation of jurisdiction under international law, multiple states may claim jurisdiction to try the perpetrators giving rise to concurrent claims of jurisdiction. Thus, a situation of a stalemate may arise with concurrent claims of jurisdiction being advanced by States. One solution to deal with such a situation of claims of concurrent jurisdiction finds mention in the Macolin Convention - resolution of claims of concurrent jurisdiction by consultation among member States²⁰⁶.

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TL;dr (Too long; didn't read)

- The act of match manipulation and its effects could occur in different jurisdictions giving rise to concurrent claims of exercise of criminal jurisdiction by States.
- Criminal jurisdiction is typically invoked by States on the territorial principle, doctrine of effects, nationality principle, protective principle and universality principle.
- Under the Constitution of India and the IPC, invocation of jurisdiction on the principles of territoriality and nationality are explicitly recognised.
- Grounds for invocation of jurisdiction differ across the private members' bills formulated to tackle match manipulation.
- Where concurrent claims of criminal jurisdiction are made, international law does not require one State to give way to the claims of the other. One solution to deal with such a situation of concurrent claims of concurrent finds mention in the Macolin Convention - resolution of claims of concurrent jurisdiction by consultation among member States.



8

TACKLING MATCH MANIPULATION

8.1. CRIMINAL OR CIVIL ACTION

8.1.1. Civil Action: A civil action is an action that protects private interests²⁰⁷, with the primary purpose of compensating affected party in case of a breach of a duty of care owed to the affected party by an actor²⁰⁸, a breach of a contract or bond between the affected party and an actor or a dispute over property or family relations²⁰⁹.

A civil action is a personal action which is initiated and pursued by an affected party for the primary purpose of financial compensation for the injury occasioned by the civil wrong²¹⁰. As the action is personal and aimed to secure private interests, with few ramifications on the public interest, the standard of proof employed for determination of the claim is balance of probabilities²¹¹, i.e., as per the evidence before the adjudicating authority the facts as claimed is more probably true than false.

Thus, a civil action would essentially be in the nature of a claim for damages or breach of contract, with the consequences limited to a monetary amount or bar from further participation in organised sport.

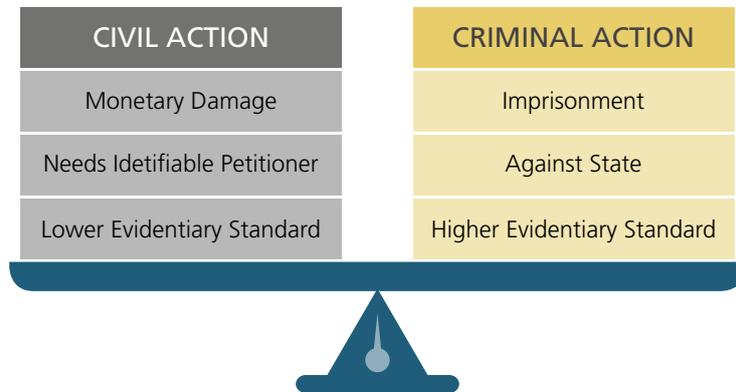
8.1.2. Criminal Action: A crime is a wrongful act whose impact is felt beyond the immediate victim(s) – the commission of the act injures a third party or society in general²¹². Closely aligned to this view, is that a crime is a wrongful act that affects the community at large by breaching values central to the community's identity and self-understanding²¹³.

Consequently, under this view, only such acts which necessitate punishment on the part of the State to emphasise to the perpetrator and the community at large, the magnitude of the wrongful act, ought to be criminalised²¹⁴.

As an offence against society and the public, crimes are treated as graver offences than (private) civil wrongs and their penalty may involve the suspension of civil liberties through imprisonment or application of fines that are intended to penalise the act rather than compensate parties affected by the act.

As these are graver offences with starker penalties, the standard of proof for criminal actions is higher than for civil actions, with such actions requiring proof beyond reasonable doubt for penalisation²¹⁵.

8.1.3. Considerations for Criminal or Civil Sanctioning of Match Manipulation



Civil actions proceed to determine causes based on the lesser threshold (in comparison to criminal sanctions) of balance of probabilities.

Civil actions also involve greater evaluation of economic rights and greater flexibility to grant equitable remedies and action wrongs, particularly as the law of civil wrongs is not codified in India but largely reliant on judicial precedents²¹⁶.

“*In a criminal case it is essential to prove a charge beyond all reasonable doubt whereas in disciplinary inquiry under Anti-Corruption Code of BCCI the preponderance of probability is to serve the purpose*” – **Justice Ashok Bhushan** in *S.Sreesanth v. BCCI, Supreme Court*.

In contrast, in a criminal trial, the prosecution is required to meet the high evidentiary standard of ‘beyond reasonable doubt’ to succeed in a criminal trial²¹⁷. Rule of statutory constructions also mandate that penal statutes be strictly construed²¹⁸, meaning that the offence must be clearly made out as per the provisions of the criminal statute with the satisfaction of the prescribed ingredients in order for it to be penalised as a crime.

This mandate played out in the prosecution of players in the IPL spot-fixing incident in 2013, where the court dismissed charges of engagement in organised crime and of cheating as the ingredients of each offence was not made out by the conduct and participation of the accused players in spot-fixing²¹⁹.

As examined in Chapter 2.3 of this Report, an act of match manipulation infringes primary values of sport including fair play, competitiveness among participants and uncertainty in outcome.

The violation of such values necessitates disciplinary action on the part of sports governing bodies responsible for the integrity, development and welfare of the sport. In disciplinary proceedings, punishment is not inflicted by a State; punishment is inflicted by an organisation against its member for a breach in the course of performance of the organisation’s activities or for conduct that raises questions over continued membership in the organisation²²⁰.

Where participants have entered into contracts with sports governing bodies, franchises, etc. to render services and such contracts require the participants to perform to the best of their abilities uninfluenced by external influences, a participant’s engagement in an act of match manipulation would constitute an act in breach of the participant’s contractual obligations. This would therefore allow the organisation to institute a civil proceeding for the breach of contract.

At the same time, as elaborated in Chapter 3 of this Report, the consequences of an act of match manipulation extend beyond the sport and the sports governing body.

The victims of an act of match manipulation include primary victims in the form of the fans and fellow participants, and, consequential victims in the form of organisers of sports competitions, individuals pursuing a career in and around sport, commercial partners of sport/sports competitions and service providers to sports competitions. Therefore, the injury perpetuated by an act of match manipulation extends to third parties and the wider community, satisfying the characteristics of crime as identified in the pre-ceding sub-section.

The next question that is required to be answered is whether an act of match manipulation which possesses the characteristics of a crime, should indeed be criminalised. In this regard, the Lodha Committee called for criminalising the act of match-fixing and the Law Commission of India has backed such a proposal²²¹. Further, multiple countries around the world have enacted laws criminalising acts of match manipulation and legislative bills drafted to tackle match manipulation in India too have sought to criminalise acts of match manipulation²²².

However, in response to calls for match manipulation to be treated as a crime, some commentators have compared an act of match-fixing to cheating in marriage, fixed reality shows and talent competitions, and deliberate underperformance to help a rival in a business setting²²³. A commentator argues that cheating at sport is a *“crime against a very fragile humanity that sports was designed to uphold, but it is not a crime per se – not in the legal sense of the word”*²²⁴. The commentator believes that the perpetrators should be punished within the sporting domain through the civil actions for breach of codes of governance and not punished as if they have committed a crime²²⁵.

However, in considering this argument, it would be appropriate to look at the position and stature of sport in comparison to familial relationships, entertainment shows and talent competitions. Specifically in the context of treating sports as a business endeavour, there is recognition that sports enjoy certain specificities and unique characteristics which contribute to its fan-following and viewership, and differentiate it from other economic endeavours and avenues of general entertainment²²⁶. These differentiating factors stem from the values of sport and its role in rewarding prowess, exhibition of superior skill and perseverance by participants²²⁷, and operate to engender a public following and engagement with sport that is wider in scope than inter-personal or intra-market relationship and deeper than general entertainment. In such circumstances, a negation of these values by an act of match manipulation has an impact on a cross section of society and not a limited and determined set of private interests²²⁸.

The magnitude of the impact has been noted in the judgement of the Andhra Pradesh High Court in *Mohammed Azharuddin v The Board of Control for Cricket in India*²²⁹ with Justice G. Krishna Mohan Reddy describing the investigation of the allegations of match fixing in cricket in the match-fixing scandal of 2000²³⁰ as pertaining to a *“serious matter of national importance”*.

Similarly, in his sentencing remarks in the case against Pakistan cricketers found to have engaged in spot-fixing, Justice Cooke observed that the spot-fixing incident had *“...a hugely detrimental impact on the lives of many who look to find good honest entertainment and good-hearted enjoyment from following an honest, albeit professional sport.”*²³¹

Therefore, with due consideration of the nature of victims of a match manipulation and its impact on the values of sport, legislations concerning match manipulation should be treated and penalised under law as crimes. Such treatment would subject crimes of match manipulation to a higher threshold for penalisation and would require the proposed legislation to be appropriately comprehensive and sufficiently nuanced to account for all forms of match manipulation, but such treatment would attribute a degree of gravity to the offence that is appropriate in light of the nature and ambit of victims affected by match manipulation.

Penalisation of match manipulation as a crime would also enable the application of stringent penalties, such as imprisonment and fines, on perpetrators in order to appropriately penalise participants and deter engagement in match manipulation.

8.2. LEGISLATIVE COMPETENCE OF PARLIAMENT TO ENACT A LEGISLATION TO CURB MATCH FIXING

The draft Prevention of Match Fixing and Promotion of Fair Play in Sports, Bill 2020 in Sports criminalizes the offence of match fixing, mandates each sporting association to publish a code of ethics and establish a disciplinary committee to recommend suspension from playing or penalty to those held guilty of match fixing. Further, the 2020 Draft Bill establishes an Authority to coordinate the objectives of the Bill with all the stakeholders and investigate complaints of match fixing. Further, the Bill also recommends certain advocacy measures to sensitize players and staff on the ills of match fixing. Lastly, this legislation is in pursuance of the resolutions made in the conference entitled, “Safeguarding Sport from Corruption” co-organized by India, Brazil, the Russia Federation, China, and South Africa in June 2018. The purpose of the conference was to raise awareness of good practices and to disseminate tools to help address corruption in sport. During the conference, it was agreed that all participants would work to curb corruption of sports in their respective countries.

Based on the above objectives, the scope of the proposed Bill encompasses multiple subjects under the three lists of the Seventh Schedule of the Constitution. The following are the entries it covers,

- A. Entry 1 and Entry 2 of List III- The power of the Central and State Government to legislate on matters of criminal law and procedure.
- B. Entry 33 of List II- State Government’s power to legislate on matters of sports.
- C. Entry 13 of List I- Central Government’s power to participate in international conferences and implementing decisions the made thereat.

Hence the subject of the proposed legislation may not be attributed to a particular subject under the Seventh Schedule. The Delhi High Court²³² in 2014 while determining the constitutionality of the National Sports Development Code, 2011(“the code”) observed that the code does not fall within any specific lists or entry of the Seventh Schedule and although ‘Sports’ per se falls within the legislative domain of the State, considering international and inter-state ramification, the code falls under Entry 97 of List I (Residuary List). Similarly, in the context of the proposed legislation, the offence of match fixing especially during tournaments becomes an inter-state matter and is often connected with other offences such as money laundering and terrorism which are criminalized under Central Legislation. Further, this legislation would also be an extension of India’s international obligations to curb match

fixing. The Supreme Court has ruled in the case *Union of India v. H.S Dhillon*²³³ that, *“if subject-matter of the impugned legislation does not fall under any entries then Parliament can take recourse to the residuary power, or it can be combined with any entry in List I”*.

8.3. DRAFT PREVENTION OF MATCH FIXING AND PROMOTION OF FAIR PLAY IN SPORTS BILL, 2020

The Sports Law and Policy Centre and Vidhi Centre for Legal Policy would like to present a draft bill which enshrines the findings of the Report.

The Prevention of Match Fixing and Promotion of Fair Play in Sports Bill, 2020 (“2020 Draft Bill”) seeks to criminalize the offence of match manipulation and establish a framework for its prevention, monitoring and investigation.

While its focus is on match manipulation in India, the 2020 Draft Bill incorporates good practices from other jurisdictions which have enacted specific laws to criminalize match manipulation, such as the Prevention of Offences Relating to Sports Act, 2019 passed by the Sri Lankan Parliament.

The 2020 Draft Bill seeks to strengthen national and international cooperation among sports organizations and law enforcement agencies to exchange information relating to match fixing, corruption and illegal manipulation in sports.

As mentioned in our report, various countries have criminalised match manipulation, with punishments ranging from fines to incarceration. To enforce higher standards of integrity in sport, legislations criminalise acts of match manipulation across the entire chain of transactions that induce the match manipulation.

These points have been carefully considered while drafting the provisions of the 2020 Draft Bill as well, and thus Section 3 (1) prescribes punishments specifically for perpetrators of match fixing who are close to the sporting action (players, officials and field staff) and who are away from the sporting action (sponsors, selectors, intermediaries and bookies). The classification of perpetrators allows for specification of acts and conduct which contribute to match manipulation as a means of specifically penalising such acts and prescribing punishments that are commensurate with the nature of the offence.

Additionally, some perpetrators may be coerced to participate in the match manipulation. In recognition of their limited agency and forced participation in the offence, Section 6 of the 2020 Draft Bill exempts such coerced participants from imprisonment and prescribes monetary penalties for such persons’ abetment or execution of the match manipulation.

Additionally, the significance of sharing information across law enforcement and sports entities, while creating a platform responsible for implementation of the law and effective governance has also been stressed and the concealment of knowledge of a match manipulation specifically penalised in various jurisdictions. In line with such practice, the 2020 Draft Bill, in Section 5, penalises perpetrators who possess knowledge of match manipulation and fail to declare it. Such treatment of participants who come to know of attempts to engage in match manipulation operates to place greater responsibility and accountability on participants in line with expectations from sports federations.

In Section 5, the 2020 Draft Bill also empowers the National Fair Play Authority proposed to be established pursuant to the Bill to institute a reward scheme to incentivise the provision of information that leads to the investigation and prosecution of match manipulation.

Minors are a category of sports persons who must be treated with a degree of sensitivity, considering their immaturity and diminished capacity. In case of participation by minors in an offence of match manipulation, Section 7 provides certain exemptions from penalisation where minors under the age of 12 years are exempt entirely from penalisation, minors between the ages of 12-14 years are penalisable only with a fine and not imprisonment and minors between the ages of 16-18 years are penalisable under the Juvenile Justice (Care and Protection of Children) Act for any acts committed by them that facilitate or execute match manipulation. The Bill also prescribes enhanced punishment for persons who co-opt minors in the execution of a match manipulation and makes the guardian or parent of the minor liable in case of their complicity in executing the match manipulation through their ward.

The 2020 Draft Bill recognises the role of disclosure of sensitive and confidential match information as a means of facilitating match manipulation, and thereby treats it as an independent offence in Section 8, immaterial of whether it facilitates match manipulation or not.

With respect to the nature of sanctions that ought to be imposed on perpetrators, the 2020 Draft Bill sets out criminal penalties and thereby treats match manipulation as a criminal act. However, in recognition of the role of the sports federations and the governing bodies in ensuring integrity in sport, Section 9 of the 2020 Draft Bill allows sports federations to independently action acts of match manipulation and other breaches of ethics in sport as civil wrongs through the disciplinary committee of such federation.

Alongside defining offences and setting out penalties for match manipulation, the 2020 Draft Bill also intends to further a regulatory goal of inculcating and ensuring adoption of principles of ethics by sports governing bodies and the onward adoption of these principles by athletes, officials and other stakeholders engaged in participation in the concerned sport through the sports federation.

In furtherance of this purpose, Section 10 of the 2020 Draft Bill proposes to require all sports associations to establish a board of ethics governing the conduct of persons connected to such sport to ensure discipline and prevent match manipulation. The board, after consulting with all relevant stakeholders would then recommend a particular code of ethics for that sports association, which would highlight responsibilities of all the stakeholders in relation to various ethical offences and its associated punishments.

Additionally, Section 11 proposes that a disciplinary committee be formed, comprising of administrative or technical members of the sports association and external members with expertise in matters of law and ethics. This committee would be engaged in enforcing the ethical norms adopted by the sports association, inquiring into claims of violation of these ethical norms and passing appropriate disciplinary orders.

Sections 12 and Section 14 of the 2020 Draft Bill propose to establish a National Fair Play Appellate Board ("Appellate Board") and National Fair Play Authority ("Fair Play Authority"), respectively.

The purpose of the Appellate Board is to hear any appeal from decisions of the disciplinary committee set up in sports associations, and determine if the order of the committee is well-reasoned and in-line with 2020 Draft Bill and the provisions of any other applicable statutes or regulations. The Appellate Board is intended to be headed by a judicial member and supported by members who possess experience in matters of sport.

The Fair Play Authority is intended to be a regulatory authority that works with sports federations in establishing and enforcing norms of ethics and integrity in sports, and as a specialised and independent investigation wing to be formed for investigating and actioning complaints of match manipulation or any of the offences set out in the 2020 Draft Bill.

Sections 21 of the 2020 Draft Bill sets out the expected advocacy measures that should be undertaken by the National Fair Player Authority to sensitise players, officials and field staff on match manipulation, coordinate with sports federations in organising workshops and programmes on integrity in sport and to develop an information sharing platform to enable detection of match manipulation. The 2020 Draft Bill intends to leverage technology to detect and investigate match manipulation, starting with the development and maintenance of the information sharing platform to enable the use of data analytics and statistical evaluation to detect incidents of match manipulation and determine networks engaged in match manipulation.

The remainder of the 2020 Draft Bill set outs miscellaneous and housekeeping provisions to enable the promulgation of rules and regulations in pursuance of the principle objectives of the 2020 Draft Bill and the resolution of impediments to the implementation of the 2020 Draft Bill.



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212. *Navtej Singh Johar & Ors. V. Union of India & Ors.*, AIR 2018 SC 4321.
213. *Supra* note 207 Page 616.
214. *Supra* note 207 Page 625-629.
215. *Supra* note 211.
216. Dr. Minal H. Upadhyay, *The Law of Torts in India, 2014 [2] IJRSML 27*, http://www.raijmr.com/ijrsml/wp-content/uploads/2017/11/IJRSML_2014_vol02_issue_02_09.pdf.
217. *Syad Akbar v State of Karnataka*, AIR 1979 SC 1848; *supra* note 90.
218. *Sheila Sebastian v R. Jawaharaj & Ors.*, AIR 2018 SC 2434.
219. *Supra* note 92.
220. *Supra* note 207 Page 625.
221. *Supra* note 116.
222. See Chapter 6 of this Report.
223. Santosh Desai, *Match-fixing: Unethical or illegal?*, Times of India (Blogs) (February 1, 2016), <https://timesofindia.indiatimes.com/blogs/Citycitybangbang/match-fixing-unethical-or-illegal/>.
224. *Ibid.*
225. *Ibid.*
226. *Supra* note 42.
227. See Chapter 2 of this Report.
228. See Chapter 4 of this Report.
229. *Supra* note 89.
230. See Chapter 6 of this Report.
231. *Supra* note 40.
232. W.P. (C) 2310/2012.
233. *Union of India v. H.S Dhillion*, AIR 1972 SC 1061.

Tl;dr (Too long; didn't read)

- A civil action is a personal action which is initiated and pursued by an affected party for the primary purpose of financial compensation for the injury occasioned by the civil wrong – it is essentially a claim for damages or breach of contract, with the consequences limited to a monetary amount or bar from further participation in organised sport.
- Crimes are considered offences against society and the public, and are treated as graver offences than (private) civil wrongs and their penalty may involve the suspension of civil liberties through imprisonment or application of fines that are intended to penalise the act rather than compensating parties affected by the act.
- Where participants have entered into contracts with sports governing bodies/franchises etc. to render services and such contracts require the participants to perform to the best of their abilities uninfluenced by external influences, a participant's engagement in an act of match manipulation would constitute an act in breach of the participant's contractual obligations. This would therefore allow the organisation to institute a civil proceeding for the breach of contract.
- The consequences of an act of match manipulation extend beyond the sport and the sports governing body. The victims of an act of match manipulation include primary victims in the form of the fans and fellow participants, and, consequential victims in the form of organisers of sports competitions, individuals pursuing a career in and around sport, commercial partners of sport/sports competitions and service providers to sports competitions. Therefore, the injury perpetuated by an act of match manipulation extends to third parties and the wider community, satisfying the characteristics of crime.



PREVENTION OF
MATCH FIXING AND
PROMOTION OF
FAIR PLAY IN SPORTS
BILL, 2020

STATEMENT OF OBJECTS AND REASONS

WHEREAS, it is imperative to maintain highest standards of integrity in sports and ensure all stakeholders are committed to enforcing such standards.

WHEREAS, it is necessary to designate match fixing as a specific criminal offence and determine the standards of investigation and the punishment it should attract.

WHEREAS, to monitor, prevent and investigate match fixing there is a need to establish a body to coordinate with all Sports Associations and ensure sports in India is corruption free.

THEREFORE, in furtherance of the above objectives the following legislation is proposed,

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows

An Act to criminalize match fixing and establish a framework for its prevention, monitoring and investigation.

1. SHORT TITLE, COMMENCEMENT AND EXTENT OF OPERATIONS

- 1) This Act may be called the Prevention of Match Fixing and Promotion of Fair Play in Sports Bill, 2020.
- 2) This Act shall come into force from the date of its publication in the official Gazette.

2. DEFINITIONS

- 1) In this Act, unless context otherwise requires,
 - a) 'Authority' shall mean National Fair Play Authority established under Section 6 of this Act.
 - b) 'Tournament' shall mean a series of competitive matches held for a team sport or an individual sport with a single team or participant emerging as winner at the conclusion of such a series.
 - c) 'Complaint' shall mean the Complaint registered with the Authority under Sub-Section (5) of Section 16.
 - d) 'Confidential information' shall mean such information which is material to the outcome a team sports' or individual sports' match and an information which is intended to be restricted to the concerned team or participant.
 - e) 'Gratification' shall mean a financial or non-financial reward.
 - f) 'Host team' shall be the team belonging to the place where the match or tournament is scheduled.

- g) 'Match' shall mean specific scheduled contest within a tournament for a team sport or an individual sport.
- h) 'Member' shall mean the sports players, sports officials and field staff who have registered with the concerned sports association and are directly or indirectly connected to a particular team sports' or individual sports' match.
- i) 'Individual Sport' shall mean a sport where a participant either competes as an individual or against another individual.
- j) 'Interested persons' shall mean any person or entity who is not a member but directly or indirectly connected to a particular team sports' or individual sports' match.
- k) 'Team Sport' shall mean a sport which involves a set of players coming together as a team to compete against another team.
- l) 'Prescribed' shall mean the regulations prescribed by the Authority.
- m) 'Recognized' shall mean a tournament or match which is recognized by the concerned Sports Association.
- n) 'Sports' shall mean any game or competitive physical activity governed by a Sports Association.
- o) 'Sports Associations' shall mean
 - i) Federation or body recognized by the International Olympic Committee; OR
 - ii) Federation or body which determines regulations of a sports and conducts matches or tournaments; OR
 - iii) Any other Federation or body which in the opinion of the Central Government is responsible for the Governance of a sport in India.
- p) 'Sports persons' shall mean those participants involved in playing the concerned team sport or individual sport.

OFFENCE OF MATCH FIXING

3. COMMISSION OF OFFENCE OF MATCH FIXING

- 1) Any member, who accepts or obtains or agrees to accept or attempts to obtain any gratification other than those permitted under law

SPORTS PLAYERS

- (a) to deliberately alter the outcome of a recognized team sports' match by underperforming or performing in a manner prejudicial to the interest of his team or withdrawing his participation from the particular match or from the tournament shall said to have committed the offence of match fixing.

Provided, failure to alter the outcome of the match shall not be treated as an excuse under this provision.

Illustration I- members of Team 'A' who upon receiving or having been promised gratification to deliberately underperform during the course of the match with an intention to lose the match, each member of such a team, individually, shall be guilty of match fixing under this Section.

Illustration II- 'B' is the captain of Team 'A' who upon receiving or having been promised gratification to deliberately strategize and instruct his player 'C' to play contrary to the Rules or underperform, with an intention of losing the match, 'B' and 'C' shall be guilty of match fixing under this Section.

Illustration III- 'X' member of Team 'Z' who upon receiving or having been promised gratification to deliberately withdraw his participation from the team with an intention to lose the match, 'X' shall be guilty of match fixing under this Section.

(b) to deliberately alter the outcome of a recognized individual sports match by underperforming or performing in a manner prejudicial to his own progress in the match or withdrawing his participation from the match or tournament shall said to have committed the offence of match fixing.

Provided, failure to alter the outcome of a match shall not be treated as an excuse under this provision.

Illustration I- 'B' participant in a Tennis singles tournament who upon receiving or having been promised gratification to deliberately lose his match by underperforming shall be guilty of match fixing under this Section.

Illustration II- 'X' participant in the Badminton singles tournament who upon receiving or having been promised gratification to deliberately undertake certain strategic decisions during the course of the match with an intention to lose shall be guilty of match fixing.

(c) to deliberately alter the outcome of an event during the course of a recognized team sports match by underperforming or performing in a manner prejudicial to the interest of his team shall said to have committed the offence of spot fixing.

Provided, failure to alter the outcome of a match shall not be treated as an excuse under this provision.

Illustration I- 'B' a member of the Cricket team 'A' who upon receiving or having been promised gratification to deliberately bowl a no-ball during the fourth over of the match shall be guilty of spot fixing.

(d) to deliberately alter the outcome of an event during the course of a recognized individual sports match by underperforming or performing in a manner prejudicial to his own progress in the match, shall said to have committed the offence of spot fixing.

Provided, failure to alter the outcome of a particular situation during the course of the match shall not be treated as an excuse under this provision.

Illustration I- 'X' who is a participant in the Badminton singles tournament who upon receiving or having been promised gratification to deliberately underperform a point or set of points shall said to have committed the offence of spot fixing.

(e) Any such member who has committed an offence under Clause(a) and (c) of Sub-Section (1) of Section 3 shall be imprisoned for not less than a term of two years and not greater than four years or fine amounting to not less than Rupees Twenty-Five Lakhs and not greater than Rupees Fifty Lakhs or both.

(f) Any such member who has committed an offence under Clause(b) and (d) of Sub-Section (1) of Section 3 shall be imprisoned for a term of not less than one year and not greater than two years or fine amounting to not less than Rupees Fifteen Lakhs and not greater than Rupees Thirty Lakhs.

SPORTS OFFICIALS

(g) to deliberately alter the outcome of a recognized team or individual sports match by misapplying the rules of the concerned sport, with an intention to cause defeat to such team or participant, where such a member is a duly appointed official or referee, shall said to have committed the offence of match fixing.

Provided, failure to alter the outcome of the match shall be not be treated as an excuse under this provision.

Illustration I- 'B' an appointed umpire for a football match who upon receiving or having been promised gratification deliberately misuses his discretion to issue penalty cards for instances not contrary to the rules with an intention to cause defeat to a particular team shall said to have committed the offence of match fixing.

(h) to deliberately alter the outcome of an event within a recognized team or individual sports match by misapplying rules of the concerned sport, where such a member is a duly appointed official or referee, shall said to have committed the offence of match fixing.

Provided, failure to alter the outcome of a particular situation shall be not be treated as an excuse under this provision.

Illustration I- 'X' an appointed referee for a hockey match who upon receiving or having been promised gratification to deliberately misuse his discretion to award a penalty shootout at a particular situation during the course of the match shall said to have committed the offence of spot fixing.

Illustration II- 'A' an appointed linesperson for a tennis match who upon receiving or having been promised gratification to deliberately misuse his discretion to make fake line call at a particular situation during the course of a match shall said to have committed the offence of spot fixing.

Provided, failure to alter the outcome of a particular situation shall be not be treated as an excuse under this provision.

(i) Any such member who has committed an offence under Clause(g) of Sub-Section (1) of Section 3 shall be fined an amount not less than Rupees Thirty Lakhs and not greater than Rupees Fifty Lakhs.

(j) Any such person who has committed an offence under Clause(h) of Sub-Section (1) of Section 3 shall be fined amount not less than Rupees Fifteen Lakhs and not greater than Rupees Thirty Lakhs.

FIELD STAFF

(k) to deliberately alter the outcome of a recognized team or individual sports match by altering or attempting to alter the conditions of the playing field where such person is responsible for maintaining optimum and competitive playing conditions, with an intention to cause defeat to host team or a particular participant shall said to have committed the offence of match fixing.

Provided, failure to alter the outcome of the match shall be not be treated as an excuse under this provision.

Provided further, preparation of playing conditions for a particular match for tactical purposes shall be permitted and shall not be an offence under this Section.

Illustration I- If the curator of a cricket pitch who upon receiving or having been promised gratification prepares a bouncing pitch while being fully aware that the host team does not have sufficient fast bowlers who can utilize the benefits of such a pitch and such a condition is sought to be prepared with an intention to cause defeat to the host team shall said to have committed the offence of match fixing.

Provided, failure to alter the outcome of a particular situation shall be not be treated as an excuse under this provision.

(l) Any member committing an offence under Clause(l) of Sub-Section (1) of Section 3 shall be fined Rupees Fifty Lakhs.

- 2) The provisions of this Act shall be applicable to all recognized matches played within India and shall be applicable to all persons participating in such matches.
- 3) In the event of any member who is a citizen of India and is liable to be tried for an offence under this Section and commits such an offence beyond India, such offence shall be dealt in a manner as if such an offence has been committed in India.

4. COMMISSION OF OFFENCE OF MATCH FIXING BY INTERESTED PERSONS

- 1) Any interested person who is in a position to influence the outcome of a recognized team or individual sports match aids and abets a member to deliberately underperform or play contrary to the rules of the concerned sport.

Provided, failure to alter the outcome of the match shall be not be treated as an excuse under this provision.

Illustration I- Coach 'B' of team 'A' who upon receiving or having been promised gratification ill advises the players of team 'A' with an intention to cause defeat to team 'A' shall be guilty of Match Fixing.

Illustration II- 'A' an entity sponsoring a Football tournament coerces player 'B' to underperform during a match and threatens to cancel his endorsement contract upon his failure to underperform shall be guilty of match fixing under this Section.

- 2) Any interested person who is in a position to influence an event within a recognized team or individual sports match aids and abets a member in any manner to deliberately underperform or play contrary to the rules of the concerned sport.

Illustration I- 'X' a member of a selection committee of a sport Y coerces player 'Z' to underperform during a particular situation of match and upon his failure to do so threatens to remove him from the national team of Sport, 'Y' shall be guilty of spot fixing.

Provided, failure to alter the outcome of a particular situation shall be not be treated as an excuse under this provision.

- 3) Such interested persons who commit an offence under Sub-Section (2) or Sub-Section (3) of Section 4 shall be imprisoned for a term not lesser than two years and not greater than four years or fine amounting to not lesser than Rupees Thirty Lakhs and not greater than Rupees Fifty Lakhs or both.
- 4) In the event of an interested person influencing a minor under Sub-Section (2) or Sub-Section (3) of Section 4 such an interested person shall be imprisoned for a term not lesser than three years and not greater than five years or fine amounting to not lesser than Rupees Fifty Lakhs and not greater than Rupees Seventy-Five Lakhs.

- 5) Any other person who aids and abets commission of an offence under Section 3 shall be imprisoned for a term not lesser than one year and not greater three years or fine amounting to not lesser than Rupees Fifteen Lakhs and not greater than Rupees Twenty-Five Lakhs.
- 6) In the event of any other person has aided and abetted a minor under Section 3 such person shall be imprisoned for a term not lesser than three years and not greater than give years or fine amounting to not lesser than Rupees Fifty Lakhs and not greater than Rupees Seventy-Five Lakhs.

5. PERSONS HAVING KNOWLEDGE OF MATCH FIXING

- 1) Any member or interested persons or others having information pertaining to any acts referred under Section 3 or Section 4 shall forthwith communicate such information to the Authority established under this Act.
- 2) Any member or interested persons or others seeking to inform the authority, in anonymity, pertaining to any acts under Section 3 or Section 4, prior to the commission of such Act by him or any other person, the Authority shall facilitate the same in accordance such regulations as maybe prescribed.
- 3) Where information under Sub-Section (1) of Section 5 has been communicated to the concerned association, the association shall forthwith inform the Authority.
- 4) The Authority shall not initiate any proceedings under this Act if any member or interested persons or others who inform the Authority on matters pertaining to any acts, prior to its commission, under Section 3 or Section 4.
- 5) Any member or interested persons or others who upon informing the Authority perceives fear or danger, the Authority shall forthwith provide all reasonable protection and shall have the power to issue directions to the jurisdictional police station for such purposes.
- 6) Upon Investigation, it has come to the knowledge of the Authority that such member or interested persons or others had been aware of such information and has failed to disclose it, such person shall be punished with a fine not lesser than Rupees Five Lakhs and not greater Rupees Ten Lakhs.
- 7) The Authority shall establish a reward fund for the purpose of rewarding persons who provide information resulting in the detection and prosecution of any offence under this Act and the payment of such reward shall be as prescribed.

Provided, the members of the Authority shall be ineligible for any such reward.

6. EXEMPTION FROM IMPRISONMENT

- 1) If any member has participated in an act of match fixing or spot fixing on account of threat or coercion such member shall be exempted from imprisonment and shall be fined up to Rupees Thirty Lakhs.

7. COMMISSION OF OFFENCE BY MINORS

- 1) Commission of any offence under Section 3 or Section 4 by a minor under the age of twelve years shall not be subject the punishment prescribed under Section 3 and Section 4 but however shall be subject to the proceedings of the disciplinary committee of the concerned Sports Association.
- 2) Commission of any offence under Section 3 or Section 4 by a minor between the age of twelve and sixteen years shall be exempted from imprisonment but shall be liable to fine in accordance with the Act.
- 3) Commission of any offence under Section 3 or Section 4 by a minor between the age of sixteen and eighteen years shall be tried in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2015("Act No 2 of 2016")
- 4) Notwithstanding anything contained under Sub-Section (1) and Sub-Section (2) of Section (7) the guardian or parent of the minor shall be liable to be tried under this Act.

8. DISCLOSURE OF CONFIDENTIAL INFORMATION

- 1) Any person who has access or has gained access to confidential information of particular team sports' or individual sports' match and has disclosed such confidential information prior to its usual disclosure shall have committed an offence of breach of confidential information.
- 2) Any person committing the offence under Sub-Section (1) of Section 8 shall be fined an amount not less than Rupees Thirty Lakhs and not more than Fifty Lakhs.

9. COMMISSION OF SPORTS FRAUD

- 1) Any sports person who deliberately undertakes an act in the course of a recognized team or individual sports match or tournament which provides such sports persons' or his team an unfair advantage, such an act also being contrary to the code of ethics published by the concerned sports association, shall be guilty of sports fraud.
- 2) Any sports person guilty of sports fraud shall be subject to the proceedings of the disciplinary committee.

RESPONSIBILITIES OF THE SPORTS ASSOCIATIONS

10. ESTABLISHMENT OF BOARD OF ETHICS BY SPORTS ASSOCIATIONS

- 1) Sports Associations shall establish a board of ethics to recommend a code of ethics which shall govern the conduct of its members for the purpose of prevention of match fixing and promotion of fair play.
- 2) The board of ethics shall comprise of chairperson and four other members, the chairperson shall

have specializing outside the field of sports and preferably in law and administration or education and other members shall be those nominated by the Association amongst its governing body.

- 3) The board of ethics shall recommend to the Sports Association a code which shall include the following,
 - a) Responsibilities of all the stakeholders of the concerned sport to ensure the integrity of the sport is maintained.
 - b) It shall include amongst others matters such as false age and doping.
 - c) Assessment of conflict of interest for and between all stakeholders of the concerned sport.
 - d) Treatment of match fixing and spot fixing offences involving minors.
 - e) Types of ethical offences and its associated punishments.
 - f) Treatment of offences of sports fraud.
- 4) Prior to the publication of the code of ethics under sub-Section (3) of Section 10 the board shall consult with the members and other relevant stakeholders and seek its opinion.
- 5) The board of ethics in consultation with Sports Associations may conduct periodic anti-match fixing awareness workshops for all players, officials and staff registered with the Sports Associations.
- 6) Any amendment or revision to the code of ethics shall only be upon the recommendations of the Board of Ethics.

11. ESTABLISHMENT OF DISCIPLINARY COMMITTEE BY SPORTS ASSOCIATIONS

- 1) Sports Associations, shall establish a disciplinary committee comprising a chairperson and a minimum of two other members and shall determine the qualifications required for the appointment of the Chairperson and Members.

Provided, the total composition of the Disciplinary Committee shall always be an odd number.

Provided further, in the event of disciplinary committee already established by the Association composition and working of such disciplinary committee shall be made to be in accordance with this Act.

- 2) Notwithstanding the requirements prescribed by the Sports Association, the Chairperson and the Members shall have experience of undertaking an administrative or technical role within a particular Sports Association for a minimum tenure of six months and participated in a minimum of one recognized international match or ten recognized domestic matches.
- 3) The disciplinary committee shall also comprise of two external members who shall be experts in matters of law and ethics.
- 4) Any reference made to the disciplinary committee of an association shall be decided within sixty days and matters referred disciplinary committee shall be determined only after providing the member accused under this Act a sufficient opportunity of being heard.
- 5) The disciplinary committee upon undertaking necessary inquiry and having satisfied itself of the

facts and circumstances shall pass an order of suspension or penalty or both in accordance with the code of ethics adopted by the Sports Associations.

- 6) Any order passed by the disciplinary committee shall be communicated to the Authority within seven days from the date of passing such orders.
- 7) Decisions of the disciplinary committee shall as far as possible be on the basis of simple majority and in the event of a tie the Chairperson shall have the casting vote.

ESTABLISHMENT OF THE NATIONAL FAIR PLAY APPELLATE BOARD AND NATIONAL FAIR PLAY AUTHORITY

12. ESTABLISHMENT OF THE NATIONAL FAIR PLAY APPELLATE BOARD

- 1) The National Fair Play Appellate Board shall be established, and its operations shall begin from such date as the Central Government may by notification determine.
- 2) The Chairperson of the Appellate Board shall be a retired judge of the Supreme Court and appointed by the Central Government in accordance with such procedure determined as per Rules.
- 3) The Appellate Board shall also comprise of two other members, who shall have recognized competence with regard to sports law or international law and sufficient knowledge of sports and its management and shall be appointed in accordance with such procedure as may be determined by Rules.
- 4) The term of office for the Chairperson and members of the Appellate Board shall be five years.
- 5) The Appellate Board shall not be bound by the procedure laid down in the code of civil procedure, 1908 but shall be guided by principles of natural justice and subject to the provisions of this Act and the regulations made thereunder, the Appellate Board shall have powers to regulate its own procedure including the guidelines for hearing matters under this Act.
- 6) The Appellate Board shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure 1908 while trying a suit in respect of the following matters, namely,
 - (a) receiving evidence
 - (b) issuing commissions for examination of witnesses
- 7) Any proceeding before the Appellate Board shall be deemed to be a judicial proceeding within the meaning of Section 193 of the Indian Penal Code ("Act No 25 of 1860").
- 8) The procedure for the working of the National Fair Play Appellate Board and conditions of service of the Chairperson and members shall be as prescribed.

13. FUNCTIONS OF THE NATIONAL FAIR PLAY APPELLATE BOARD

- 1) Any person aggrieved by the decision of the concerned association may appeal to the Appellate Board within thirty days from the date of such decision.
- 2) The Appellate Board shall, upon hearing the association and other persons concerned shall pass an order either upholding the order of the disciplinary committee or modify such order or quash the order of the disciplinary committee.
- 3) The Appellate Board may exercise its power to modify or quash the order of the disciplinary committee, under Sub-Section (2) of Section 13, provided
 - a) The person is a minor
 - b) There has been misapplication of the code of ethics

14. ESTABLISHMENT OF NATIONAL FAIR PLAY AUTHORITY

- 1) An Authority to be called "National Fair Play Authority" shall be established, and its operations shall begin from such date as the Central Government may by notification determine.
- 2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of the property both movable and immovable, and to contract and shall, by the said name, sue or be sued.
- 3) The head office of the Authority shall be at such place as the Government may decide from time to time.
- 4) The Central Government may with due appropriation made by Parliament by law in this behalf make to the boards, grants of such sums of money as the Government may think fit for being utilized for the purpose of this Act and such funds shall be spent to meet all the expenses incurred for operation of the authority.
- 5) The Central Government shall make available to the Authority such staff and employees and in such manner as the Central Government may deem appropriate.
- 6) The Authority may establish officers at other places in India.

15. COMPOSITION OF THE AUTHORITY

- 1) The Authority shall comprise a Chairperson and four members to be appointed by the Central Government.
- 2) The Chairperson shall have experience of playing sport in the highest recognized level and shall be a person of high integrity and standing.
- 3) The members shall be from the fields of law, administration, sports medicine and psychology and shall have standing experience, in such fields, of not less than twenty years.

- 4) The Chairperson and other members of the Authority shall be appointed by the Central Government from a panel of names recommended by a Selection Committee comprising of
 - A. Secretary to the Ministry of Sports and Youth Affairs
 - B. Director General of Sports Authority of India
 - C. Three other members nominated by the Central Government with standing experience in sports administration, business of sports and criminal investigation respectively.
- 5) The term of the selection committee and the manner of selection of panel of names shall be determined by Rules issued by the Central Government.
- 6) Term of office of Chairperson and other members shall be five years and such persons shall not be eligible for re-appointment.
- 7) Conditions of service of the Chairperson and other members shall be as prescribed.

16. POWERS AND FUNCTIONS OF NATIONAL FAIR PLAY AUTHORITY

- 1) The Authority shall work with the Sports Associations to establish highest standards of integrity in sports and compliance of such international conventions India is signatory to.
- 2) The Authority shall have the power to issue directions to sports Associations on,
 - i) Matters when a complaint on match fixing has been received by the Authority.
 - ii) Receipt of information by the Authority upon its own investigation on potential match fixing.
 - iii) Steps to prevent match fixing.
 - iv) Code of ethics prepared by the Association is contrary to provisions of this Act.
- 3) Require the Sports Associations to submit periodic reports on the steps undertaken by it to sensitize its members on matters of match fixing and preventive measures adopted by it.
- 4) Direct the Director of Investigation to undertake an investigation on matters referred to it by the Authority and forward such report of Investigation to the Metropolitan Magistrate for cognizance of offence under this Act.
- 5) Receive complaints on matters of match fixing and undertake suitable measures as required.
- 6) If the Authority is of the reasonable belief that players or officials or staff of a match or tournament have engaged in practices contrary to the provisions of this Act, it may, upon furnishing such reasons in writing, direct Sports Associations to cancel such match or tournament or invalidate such match or tournament if it has already taken place.
- 7) Coordinate foreign sporting bodies and agencies and fulfil the objectives of this Act.
- 8) Suo-moto order report from an Association against any sports person regarding commission of any offence under this Act.
- 9) Frame guidelines for structure of annual reports and other documents expected from Sports Associations.

- 10) Frame regulations for the working of the National Fair Play Appellate Board.
- 11) Order any Sports Associations to amend its Code of Ethics if, in the opinion of the Authority, it is not in consonance with the laws and principles enshrined in this Act or the Constitution of India.
- 12) To undertake the objectives of the Act, the Authority shall have the power to appoint consultants or subject matter experts.
- 13) The decisions of the Authority shall be as far as possible on the basis of simple majority and in the event of a tie the Chairperson shall have the casting vote.

INVESTIGATION BY THE AUTHORITY

17. DIRECTOR OF INVESTIGATION

- 1) The Central Government shall, by notification, appoint a director of Investigation for the purposes of assisting the Authority in conducting investigations on those complaints received by or on matters taken up Suo-Moto and for performing such other functions as may be provided for under the Act.
- 2) The Authority may, upon the sanction of the Central Government, appoint such a number of Additional, Joint, Deputy and Assistant Director of Investigation as may be prescribed who shall discharge their functions, subject to the general control, supervision and direction of the Director of Investigation.
- 3) The Director of Investigation and Additional, Joint, Deputy and Assistant Directors of Investigation shall be appointed from amongst persons of integrity and outstanding ability in criminal investigation, procedure and law and the salary, allowances of such persons shall be as prescribed.

18. COGNIZANCE OF COMPLAINT BY THE AUTHORITY

- 1) Upon receipt of a complaint by the Authority or on its own satisfaction, the Authority upon being satisfied that,
 - a) The facts of the complaint are genuine and there is a reasonable case to be made,
 - b) The facts of the complaint prima facie indicate a violation of the provisions of this Act.

The Authority shall take cognizance of the complaint.

- 2) The Authority upon taking cognizance of the complaint under Sub-Section (1) of Section 18, it may direct the concerned Association to submit an interim report within twenty-four hours for the purposes of undertaking measures under Sub-Section (6) of Section 16.
- 3) The Authority shall also direct the Sports Association to initiate disciplinary proceedings against such members named in the complaint in accordance with the provisions of this Act and the regulations of the concerned association and refer the complaint to the Director of Investigation and seek a report on the said complaint.

19. POWERS AND FUNCTIONS OF DIRECTOR OF INVESTIGATION

- 1) For the purposes of the investigation, the Director of Investigation may if necessary, compel such a person to produce copies of records or books and keep such records of books in his custody for a period of investigation.
- 2) The Director of Investigation may examine on oath, any person associated with the Complaint and also require any of such persons to appear before it personally.
- 3) The Director of Investigation shall file necessary application and may search any place necessary for the purposes of the investigation.
- 4) The Director of Investigation shall in its report indicate if the act constitutes an offence under Section 3.
- 5) The Director of Investigation shall submit the report to the Authority within sixty days from the date of reference of such complaint.
- 6) If the police or other enforcement agencies seek to pursue parallel investigation on other related offences pertaining to the persons referred to in the Complaint, the Director of Investigation upon making a request to the concerned enforcement agency shall be provided with the necessary details required for its investigation.
- 7) The Director of Investigation shall, if necessary, also consult and coordinate with international sporting bodies for the purposes of the investigation.

20. REPORT TO BE SENT TO THE MAGISTRATE

- 1) The Authority upon receipt of report by the Director of Investigation shall direct the Director of Investigation to forward the report to the jurisdictional magistrate.

Provided, in the event of Authority not being satisfied with the report of the Director of Investigation it may refuse to forward the report and shall record reasons for dissatisfaction.

Provided further, in the event there is parallel investigation being undertaken by a prosecuting agency or body the report shall be forwarded to such agency or body.

- 2) Prior to the initiation of trial the accused shall be entitled for plea bargaining in accordance with Chapter XXIA of Criminal Procedure Code, 1973("Act No 2 of 1974").

21. ADVOCACY MEASURES TO BE UNDERTAKEN

- 1) The Authority shall undertake advocacy measures to sensitize players, officials and staff on the measures taken by the Authority to prevent match fixing.
- 2) The Authority shall also coordinate with the Sports Associations to organize workshops, seminars and certification programs on integrity in sports, prevention of match fixing and certification programs mandatory for players or officials or staff.
- 3) The Authority may also develop an information sharing platform for the association to report on any matters relevant to the Act.

MISCELLANEOUS

22. POWER TO MAKE REGULATIONS

- 1) The Authority may by notification make regulations consistent with this Act and the Rules made thereunder to carry out the objectives of the Act.
- 2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for the following,
 - i) All matters provided for under Section 16 of this Act.

23. CENTRAL GOVERNMENT'S POWER TO MAKE RULES

- 1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
- 2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -
 - i) Procedure for the selection of the members to the Authority
 - ii) Procedure for the Selection of the members of the National Fair Play Appellate Tribunal.

24. RULES AND REGULATIONS TO BE LAID BEFORE PARLIAMENT

- 1) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

25. POWER TO REMOVE DIFFICULTIES

- 1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this Section after the expiry of five years from the commencement of this Act.
- 2) Every order made under this Section shall be laid, as soon as may be after it is made, before each House of Parliament.

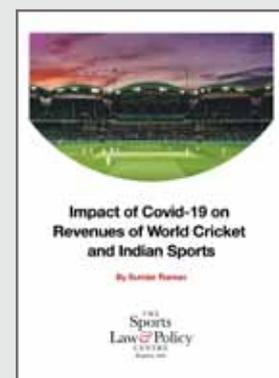
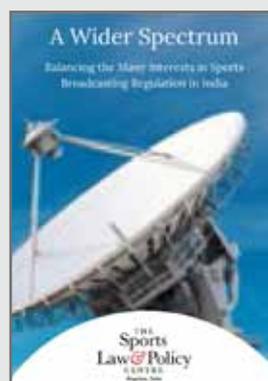
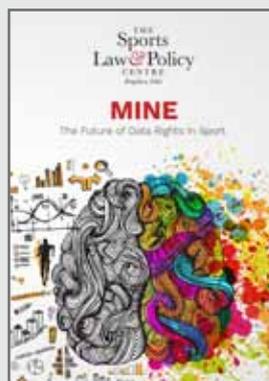
ABOUT US

The Sports Law & Policy Centre, Bengaluru is an independent think-tank focused on interdisciplinary research, scholarship, education and institutional support for public and private enterprises in areas relating to the legal, policy and ethical issues affecting sports event data and privacy rights.

The Centre was formed as a collaboration between the GoSports Foundation and the law firm, LawNK. It comprises of a group of professionals with extensive knowledge of and experience with working within the sports and governance space in India. As the regulatory regime for the governance of event data and personal information is evolving and developing, it presents an opportunity for legal debate and inquiry into the norms and models that may be considered and the different stakeholder interests that need to be balanced while establishing an appropriate rights framework for sports data in India.

The Centre aims to provide thought leadership, to encourage public debate and to bring knowledge-backed decision making into the Indian regulatory landscape by creating a forum for study, analysis and sharing of expertise.

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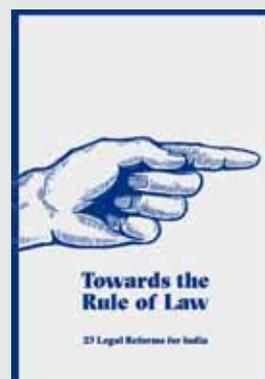
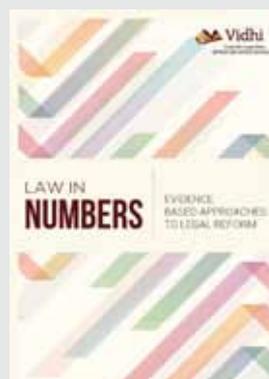
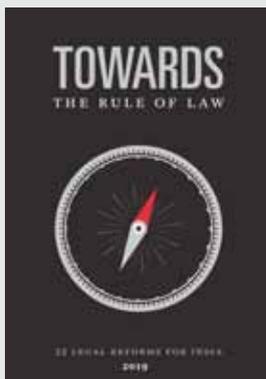
ABOUT US

The Vidhi Centre for Legal Policy is an independent think-tank doing legal research to make better laws and improve governance for the public good. Vidhi works with Ministries of Government of India and State Governments, as well as other public institutions, providing research and drafting support at various stages of law-making.

Over the years Vidhi has assisted the Union Government on important matters such as the Insolvency and Bankruptcy Code, Aadhaar and Data Protection Bill. In Karnataka Vidhi has assisted the State Government in improving laws surrounding transport, city governance and land.

Vidhi also undertakes research with an aim of informing public debate and disseminates its research report freely in the public domain. Each year Vidhi publishes its marquee report on 25 legal reforms for India, which has since its first publication in 2015 resulted in several actionable items for Government of India. The reports may be viewed [here](#).

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