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ETHICAL PRACTICES IN LEAGUE GAMING IN INDIA

Concept Note

The Indian sports environment has been abuzz with activity in recent years. According to reports, sports sponsorship has grown 12.3% to a whopping INR 5,185.4 crore (~US\$800 million) in 2015 from a modest INR 4616.5 crore (~US\$700 million) in 2014. Especially, the brand value of the Indian Premier League (IPL) has been around US\$ 4 billion. According to the Board of Control for Cricket in India (BCCI), the 2015 IPL season contributed to around INR 1,150 crore (~US\$170 million) to India's Gross Domestic Product (GDP). There is a substantial increase in the private investment in the sport, combined with the resultant appreciation of the importance of public trust in authenticity of results. Of late it has been seen that Industrial houses and even Film Stars of the glamour world have come up to participate into sports sponsorship in a big way. Above all, the issue of participant-integrity in league gaming has come to the forefront.



By: *Upasana*

When Penguins try to play Table Tennis

Almost every quarter, a new private sports league is announced. The Hockey India League (HIL), founded in 2013 and organized by Hockey India, is a professional field hockey league and also the governing body for the sport in India. HIL, along with other leagues like the Indian Premier League, Indian Super League, and Pro-Kabaddi League, is considered one of the major sports leagues in the country. Since beginning, the league has proven to be a financial success for Hockey India, who were in financial disarray before the league began.

The Indian Super League (ISL), founded in 2013 as men's professional football league, serves as one of the top tournaments in India today. It is formed in an effort to make football a top sport in India and to increase the level of participation and recognition of Indian football worldwide.

The Premier Badminton League (PBL) is managed and commercially owned by the Badminton Association of India (BAI) founded in 2013.

Indigenous games like Kabaddi are also gaining global acceptance slowly. Apart from the rising powers like Iran and South Korea, teams like United States of America, Kenya, who are total beginners to the sport have expressed a keen desire to establish a league on the same lines as that of the immensely popular Indian Pro-Kabaddi League. This brings to the fore, the issue of 'India as a role model' in setting the trend in terms of the ethical standards and the overall impartial quality of league games.

However, given the increasing incidence of match-fixing, doping practices, age fraud, gender and sexual harassment, etc., Indian sport is no longer a stranger to challenges of integrity. Ever since IPL emerged, its credibility has not only been called into question by fixing allegations, but various other related events in the league have also had a domino effect, with the outcrop being the Supreme Court-appointed Lodha Committee that recommended for a complete overhaul of the Indian cricket management.

Cricket is the most admired game in India, having a following of more than a million obsessive fans, with an unquestioning belief in the commitment of cricketers. For them, to know that some of the losses which caused so much pain were manufactured as were some of the sweet victories made, gives an impression that the game had lost its meaning abysmally. With scripted and tailored performances "to fashion a specific result", some of the league games "have made a mockery" of its fans' most impassioned feelings. The short format of the league matches has however attracted everyone with its colourful entertainment and the glamour seems more prone to manufactured rules, arbitrary conventions, invented pursuits, arcane skills, etc. Cricket may only be a game, but the emotional highs and lows that it generates necessitate stringent authoritative oversight.

On the other hand, the excessive enthusiasm by the consumers of sport has created a sense of entitlement in those that perform at their behest. The players now seem to have become (well-paid) slaves or puppets whose strings are drawn by the popularity

of the sport. As aptly says Santosh Desai, “sport which is conceived of as a theatre or platform where human abilities would find their purest expression, has now been gradually dragged back into the real world, by making it the conduit to everything it was designed to be detached from. The external worldly pressure creates the motive for the cheating as well as the reason for treating the infraction as a crime.” But, is cheating at sports such a terrible crime in the legal sense of the word?

Numerous attempts have been made in the past, addressing the serious issues of unscrupulous sports practices in India. The latest of these efforts being the National Sports Ethics Commission Bill, 2016 that sets out to achieve “the purpose of fair play, a conducive environment for sports and justice to those wronged by others” by creating a set of new criminal offences and penalties relating to participant-integrity in sports – in short, establishing a formal mechanism for adjudication of sports disputes through creation of a national commission. The Bill requiring the central government to constitute a National Sports Ethics Commission to oversee and enforce the various Codes of Ethics that sport federations are mandated to frame, aims to formulate measures towards the elimination of such malpractices. Prior to this bill, the National Sports Development Bill 2013 attempted to bring certain governance structures to all national sports federations, including the issue of sports ethics. Further, the National Sports Development Code of India 2011 attempted to rationalise sports practice in the same manner but of not much help.

This Liberal Studies journal takes this opportunity to invite expert opinions on this intriguing issue from scholars to ponder over the future of league gaming in India as also the consequent governmental responses and actions to uplift the moral standard of sports in the country.



By: Rajshree

Victory Should Be a By-product of Holistic Effort

Dhaval Rajyaguru*

For a nation of more than a billion people, India is not exactly what you would call a sporting heavyweight. At international sporting events, rival nations bearing only a fraction of its population, comprehensively outperform India at all levels. India has managed just one gold medal since 1980, when shooter Abhinav Bindra won the 10-meter air rifle event at Beijing 2008. To put things more into perspective, Michael Phelps has won as many medals on his own, as Team India has managed since the turn of the 19th century.

India has immense social and cultural diversity, and economic conditions are significantly better than in countries like Kenya and Jamaica which are surprisingly outperforming this great nation at the highest levels. So, there seems to be no valid or reasonably scientific explanation as to why India is found to be struggling in sports at the global level.



By: Rajshree

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The argument could be made that education is given the highest priority by the average Indian household instead of sports which is considered to be an extra-curricular activities by most Indian parents. After all, Indians have been mostly pre-occupied with climbing the socio-economic ladder. Consequently, the sporting talent pool created at the basic unit, the local community level is lacking both in terms of size and quality. Moreover, there's very little support of any kind for those who display athletic prowess.

Whatever little resources are available for the up-and-coming sportsmen is further scattered by issues such as misallocation, lack of transparency, poor asset management and the absence of a framework for measuring impact of public spending. This is unlikely to change, despite the government's best intentions.

There are scholarships and endowments for athletes that guarantee a basic minimum standard of living, but the system is fraught with bureaucratic walls, political interference, conflicts of interest and rampant corruption.

Since India's administration is severely constrained on the expenditure front unlike developed nations, it tries to define schemes to promote public-private partnerships for sports infrastructure and services, involving event management, most notably, league gaming. This economic compromise made by India is where all the trouble that plagues sports and specifically league gaming, come in.

Sport as an Economic Enterprise

Sports are dependent on the same paradigms that are applicable to any other economic activity. The sporting competition is a joint product and a collective effort of a number of factors.

After all, sport in any of its various forms is a billion-dollar business. It can be safely said that it is one of the world's largest revenue streams, accounting for around 3% of the world economy. And this is especially true of India, the world's largest democracy and the second most populous country. In a developing nation like India which has deep rooted nepotism and corruption, it is inevitable that sports bodies and organisations are subservient to political and private interests.

Sport is responsible for teaching us some of life's most important lessons;- about the value of honesty and fair play. This makes corruption in sport a disturbingly serious issue. The closed nature of the sporting sector, especially its inner workings which involves most decisions made by apex authorities, further allows corruption to go unchecked and unpunished.

No single sporting team or player could offer an interesting and independent product of value in sports. Thus, a sporting spectacle with competitive balance is necessary to captivate public attention and rake in the subsequent monetary benefits. Even though competition was the core value that promoted sports, equality of the competitors is necessary for the success of the event. The draw of competitive sports is the unpredictability of the outcome. Corruption takes away this important factor.

Corruption is the Cancer of Sports

The worrying number of scandals occurring in the various sports events tarnishes not only the image of the sport and its representative sportsmen and women, but compromises the positive influence that sport has the potential of in spreading the values of good sportsmanship and integrity, especially in our younger future generations. Global goodwill ambassadors are often eminent sportsmen and sportswomen, for precisely this reason. So, it's imperative to work together to eliminate corruption in sport.

Corruption in sport has many forms. Referees and players can take bribes to fix matches. Club owners can demand kickbacks for player transfers. Companies and governments can rig bids for construction contracts.

The National Sports Ethics Commission Bill, introduced in the Indian parliament in 2016 to improve the overall integrity of the sporting culture, sets out to achieve “the purpose of fair play, a conducive environment for sports and justice to those wronged by others” by creating a variety of rules ranging from several important points of interest and regarding participant-integrity in sports as well as establishing a formal mechanism for adjudication of sports disputes through creation of a national commission.

The fact that this bill was passed in response to the widespread allegations of corruption affirms the idea that rampant corruption is dominating the increasingly lucrative sporting sector in India.

Organised crime is behind many of the betting scandals that have dented the rock solid reputation of sports till now. And money laundering is widespread. This can take place through sponsorships and advertising arrangements or even through the purchase of clubs, players and image rights. Complex techniques are used to launder money through football and cricket. These include cross-border transfers, tax havens and front/shell companies.

Moral Codes and Ethical Guidelines

Sporting associations are supposed to follow a strict moral code and set of ethical guidelines that places far more value on healthy relationships and rivalries, total commitment to the sport, cooperation among players and sporting integrity of all involved as well as the coach-player confidentiality, safety and competence.

There's always been vocal support for the idea that sports should nurture a “bracketed morality” whereby sport is set in a realm where ethics and moral codes shouldn't have the need to be applied, in essence, disconnected from everyday reality. This stems from the evolutionary idea that sports serve as an outlet for a human's primal aggression and respect gained through the conquering of a competitor. For instance, a player may be extremely competitive and animal-like on the playing field, but a truly compassionate gentleman off it. His violent demeanour on the field is meant to be tolerated because when he is playing the game he is an immortal god immune to all judgment.

This can be commonly observed when “superstar” players in league competitions who are much sought after, and considered MVPs, step out of line in a big way but get away with the misdemeanour with only a slap on the wrist whereas any other average person in that position would potentially lose their position.

An ethical approach to sport however rejects this bracketed morality and honours the “spirit of the game” through tough but “fair” play. This means understanding the rules and their importance in encouraging respect for your opponent, which pushes you to be the best one can possibly be, but within the boundaries of ethics and moral codes set down for the game.

Gamesmanship vs. Sportsmanship

To understand the role ‘ethics’ plays in sport and league competition, it is important to make a clear well defined distinction between what is called gamesmanship and sportsmanship.

Gamesmanship is the term built on the principle that winning is everything. Athletes and coaches are encouraged by the team management to bend the rules wherever necessary to gain a competitive advantage over the opposition, and put the safety and welfare (essentially the sportsmanship) of the competition in the back seat.

Gamesmanship principles are more along the lines of: “It’s the end result that matters”, “It’s only cheating if you get caught”, and “The ends justify the means” which are being employed more and more rampantly by the major league teams, as the organisers as well as the administration look to the other side when unethical plays are going down on the field. This may or may not include taking performance enhancing drugs, tampering with equipment or even match fixing.

While focussing on match-fixing in the game of cricket, a clear manifestation of corruption, we find that it eventually leads us to other illegal activities, such as money laundering, far removed from the sport itself. Because of cricket’s national popularity and the fact that the online betting market is now worth billions, match-fixing has attracted the attention of criminals and organised crime and unethical practices have taken on a darker hue of actual crime practices.

Players and coaches, who are on the wrong side of the ethical debate, blame the officiating or the management instead of taking responsibility for their performance, as well as their actions on the field.

These principles place greater emphasis on the outcome of the game than on the manner in which it is played out. These are some of the grass root level problems that escalate eventually into international level betting, match fixing and doping scandals over time.

On the other hand, the sporting approach that respects ethical values is sportsmanship. Here, healthy competition is respected and the sport must be ultimately seen as a means of cultivating character, mental fortitude, professional integrity and

honour. This creates an environment of respect and trust in the sport and among the sportsmen and women because the goal is no longer interpreted as just winning, but to pursue victory with honour by giving one's best effort in an ethical and fair manner.

Teams that seek an unfair competitive advantage over their opponent create an uneven playing field which violates the integrity of the sport. Athletes and coaches should not be discriminated against or excluded from participating in a sport based on their race, gender, or sexual orientation. Referees must apply the rules equally to both teams and cannot show bias or personal interest in the outcome. So the influence of outside parties in the form of money launderers, crime syndicates or advertising agencies has no bearing on the final culmination of the game.

In essence, victory should be a by-product of holistic effort and not a mere statistic achieved by any means necessary.

IPL Controversies Galore

The IPL is the most lucrative national level league gaming franchise in India and for good reason. The nail-biting cricket, along with superstar players from all over the world, means that the passionate cricket fan following from our tricolour nation are gripped by the beautifully presented and adrenaline pumping sporting spectacle.

The IPL is the world's fastest growing league, which has showcased to the world how you can make domestic cricket more popular, and has given birth to many other sporting leagues involving other sports like football, hockey, badminton, tennis and even kabaddi.

The Board of Control for Cricket in India (BCCI) has found itself in the middle of many conflicts and controversies with various cricket boards around the world as a result of the Indian Premier League (IPL). The main point of contention was that signed players should always be available to their country for international tours, even if it overlaps with the IPL season.

Former Indian coach Gary Kirsten had expressed unhappiness with the physical fitness of many of the Indian team members in the aftermath of a hectic IPL season during his post game assessment of India's early exit from the 2010 World T20.

Since playing in the one-month cricketing extravaganza pays significantly more than an entire season for the national side, players tend to skip national cricket duties in favour of the monetary reimbursement to be gained from the IPL match. Goading away players by offering lucrative deals is an ugly ethical situation in itself and to add to the drama, the patriotism of the players and their very sportsman spirit has also been dragged into questioning.

There was also a major controversy involving the sales of tickets to IPL matches at exorbitant rates and allegations that the higher end tickets could only be afforded by

the upper elite of the society. This brought the tax exemptions into the limelight. The tax exemptions were originally granted by the Income Tax Department for the IPL, and this, despite the format and promotion of the IPL matches pointing clearly to a form of entertainment and therefore being as taxable as any other major media venture.

Money is the Root of All Evil

In many ways, IPL has brought India economic and cultural goodwill beyond any other sporting venture in history. However, corruption at many levels has tainted the once squeaky clean image of the IPL to the present tarnished one. In the words of South African legend AB De Villiers, “it is human nature that where there is money to be made, there will always be those prepared to go to any lengths to pocket some for themselves”.

On 25 April 2010, the BCCI suspended Lalit Modi, the IPL chairman, for “alleged acts of individual misdemeanours”, after many important documents were missing from the IPL and BCCI offices. He was also officially barred from participating in the affairs of the Board, the IPL and any other committee of the BCCI.

On 14 May 2012, India TV aired a sting operation involving spot fixing, resulting in the suspension of five uncapped players namely, TP Sudhindra (Deccan Chargers), Mohnish Mishra (Pune Warriors), Amit Yadav, Shalabh Srivastava (Kings XI Punjab) and Abhinav Bali. Mishra was suspended from his team after he was caught on tape confessing that franchisees paid him 15 million, out of which 12 million (US\$190,000) was black money.

The 2013 IPL season was muddied by controversy after legal proceedings were launched against several officials and cricketers, including Indian fast bowler Shanthakumaran Sreesanth, for illegal betting and spot-fixing.

The suspension of former IPL champions Chennai Super Kings (CSK) and Rajasthan Royals (RR) for two years (2016-17), after many of their team officials were found guilty of illegally betting on matches during the 2013 IPL season, by a Supreme Court-appointed panel, was one of the many drastic steps that has been taken in the name of justice. The hugely popular Chennai Super Kings (CSK) were also the most successful team in the IPL, having won the tournament in 2010 and 2011, and finished runners-up in 2008, 2012, 2013 and 2015. (The stench of dual politics in their suspension becomes a strong suspicion in the circumstances.)

CSK’s Gurunath Meiyappan and RR co-owner Raj Kundra have been suspended for life from cricket related activities according to the verdict delivered by chief justice Rajendra Mal Lodha. The CBI arresting former Enforcement Directorate joint director, JP Singh and three other arrested ED officials, who while investigating the 2013 Indian Premier League spot-fixing scandal, allegedly took huge bribes from the accused to botch up the case, highlighted the fact that bookies were not only corrupting professional cricketers but also the higher levels in the intelligence institutions that are supposed to prevent exactly this kind of thing.

In 2015, CB-CID also filed a charge-sheet against suspended senior IPS officer Sampath Kumar, alleging that he collected crores of rupees from bookies involved in the IPL spot-fixing scandal to deliberately weaken the case.

Bookies were exploiting the nearly 12-second time lag in the live telecast of IPL matches and manipulating betting patterns with the help of ‘ball-by-ball live’ commentary over cell phones by assigned ‘pitch-siders’ from the inside of the stadiums.

The ED also unearthed an international cricket betting racket involving Rs 2,000 crores, which led to the arrest of many persons under the Prevention of Money Laundering Act (PMLA), 2002. Most of the arrested bookies were school dropouts. Sampath Kumar, who was then SP in the Tamil Nadu Police, was actually investigating a case of human trafficking, which led to the unearthing of the IPL betting syndicate in 2013. Kumar’s investigation exposed that bookies were operating through ‘illegal telephone exchanges’.

An alleged top bookie, Parasnath, hired many people to sit in the stadiums during IPL matches to provide live commentary for people placing or handling bets. Known bookies Iqbal Mirchi and Iqbal Memon were also involved in these illegal activities.

Desperate Measures haven’t Brought Drastic Changes

In the 2017 IPL season, the BCCI’s anti-corruption unit imposed a restriction on direct meeting of people with cricketers at the hotel where they will be staying for the two IPL matches to be played at the Greek Park on May 10 and May 13.

While BCCI’s three-member Anti-Corruption Unit (ACU) is keeping a vigil on the Indian Premier League matches this year, a different challenge has emerged – regional cricket leagues organised at the state and district levels. Thanks to some sketchy results at the business ends of these tournaments, a vast shadow has been cast on all forms of cricket in India.

Among these minor leagues, Tamil Nadu Premier League, Karnataka Premier League, Haryana Premier League and Rajasthan’s Rajwada Cricket League (RCL) have all taken off. Shockingly however, all of these leagues are struggling to reach the break-even point in terms of financial stability. This has led to suggestions that there may be other, unaccounted revenue streams by which these leagues are being run. And it makes sense to even the average cricket fan – the current financial statements of these state level events show that they are highly unsustainable.

The BCCI has deputed the team with a view to keeping a vigil on betting. As per the guidelines of the unit, if meeting with any of the players is allowed, it will take place in the presence of the hotel manager and that too in the hotel lobby and not in any room.

After taking charge of the hotel, the unit members verified the credentials of the staff of the Landmark Hotel where the players will be staying. They also checked the IT equipment at the hotel and phone records of the players and the franchise owners every day.

Indian Super League has Taken a Strong Stand on Corruption

The Indian Super League is already growing into a big business with several high-profile players in the fray. Instead of the football fans' endless passion being mined for profit by money-loving corporations, Indian cricketers and celebrities have made an effort to rejuvenate the love for a game marginalised by its dominant sports cousin – the IPL cricket league.

Besides making football popular again, one of the most important things the ISL has managed to do is to allow young footballers to dream again of playing professional football and maybe one day, professionally even for their country. The figures behind the ISL's success are clear – average attendance is 24,357, which is lower only than the Bundesliga, the Premier League and La Liga. It is the fourth biggest league in the world, overshadowing France, Italy, Brazil, Argentina and China – countries that have deep football connections.

But with great success comes an even greater target or responsibility for the ISL franchises to fulfil, as the big money has now started moving towards the ISL. The All India Football Federation's has been making concentrated efforts in this regard to curtail such unethical practices but its increased efforts at creating awareness have been seen as largely disappointing, following reports that several leading betting websites have started accepting bets on all ISL matches.

Players who are socially active on the ISL circuit have been ordered to keep the team manager in the loop, including bringing "friends", who are not part of the competition, to the player's hotel room.

So, before each team's first match they are being briefed about what not to do. A spokesperson for the league said that when a player joins later, he is briefed separately in the presence of his team's manager. Each team hotel has an integrity officer. And so far, the stringent restrictions set up by the regulatory authorities seem to be working.

What Needs to be Done

The causes of match-fixing are as complex as they are covert. Payments made discreetly in the name of cash for such purposes as referees' expenses, player bonuses and franchisees' bribes, seemingly reduces the stigma surrounding the illegal nature of match fixing and increases the risk of individuals becoming involved since it may not always seem intuitively illegal. This is where the integrity officers appointed by regulatory authorities come in.

The Indian people have only recently started to come to terms with the full scale extent of the match fixing problem. Match-fixing is now a growing pandemic that is escalating to larger proportions every day and being driven by advances in technology and involving high-level organised crime networks that affect not just sports but society at large. Tying up the loose ends in the national system to put a check on this practice can however take a long time, from months to several years, on account of the political processes required to amend the national legislation.

Despite contemporary match-fixing being driven by the globalisation of the sports gambling market, the discussion of 'illegal betting' is a side issue in the debate on fixing. Almost all bookmakers are legal, wherever their headquarters are located. So, conclusion to be drawn is that betting by itself alone cannot be termed illegal but it's the match-fixing to gain an advantage in betting that's illegal.

Several factors have inadvertently promoted match fixing in recent years, some of them being the liquidity of the unified sports gambling market and the possibility to bet money on more games in more leagues as international broadcasts are bringing sports to a newer and wider range of audiences.

The sports authorities have an inherent conflict of interest in reporting corruption in their own industry. To fix a cricket match, you need people inside the sport – be it a referee or the player(s) – to accept a bribe or be subject to intimidation. These are individuals who have personal issues of their own that are being exploited by criminals.

Gambling addiction, a phenomenon that can also lead to risks associated with match-fixing, has been found to be one of the leading causes of match fixing scandals. A national model for whistle blowing and reporting of suspicions about a match being fixed and other irregularities in league gaming, must be created through an independent ombudsman, to protect the identity and guarantee the safety of the whistle-blowers from future retribution by the accused.

To address this problem, the government needs to work with sports organisations to develop education and prevention programmes that provide practical advice to everybody involved and raise awareness about the risks that match-fixing presents to the livelihoods and safety of those involved and also the reputation of the game.

Match-fixing is a complex problem that requires different solutions in different situations, from adequate legal frameworks and law enforcement to public awareness and engagement of the ardent supporters and fans. The area of sports law is relatively new in our country. Nevertheless, it is an area of study that is worthy of definition and in depth academic inquiry and practice.

Like any other type of corruption, match-fixing is a consensual activity, making it extremely difficult to detect. The magnitude of the problem has been underplayed by the organisers and institutions to avoid ruining their reputation. It could be easily demonstrated that sport manipulation is not just a breach of the established sporting rules, but also an offence against the public will in a broader sense. It should be punishable with imprisonment like any other swindling scheme perpetrated in the financial markets.

Investigation of criminal activities falls under the domain of law enforcement authorities and supranational authorities need to be created to look into alleged corruption and match fixing in a fair and unbiased manner as any state appointed panel is bound to be influenced by the sway of the political tides.

Once the legal safeguards have been dealt with, law enforcement agencies must be properly trained. Match-fixing is often linked to money laundering, violence, human trafficking, tax fraud and other offences linked to organised crime syndicates, who see it as a low-risk venture with high rates of return. These links on the chain are often misunderstood or ignored entirely, since there is a lack of understanding by law enforcement of how sports betting markets work.

To summarise everything, the most efficient solution is to create an independent, anti-corruption agency for Indian sport in general; financed by independent sponsors who have no conflicts of interest with the sport itself. This could give whistle-blowers and people fighting against the sports corruption a secure place to report the corruption. If organised and staffed correctly, it would be free from the commercial agendas, professional and political conflicts of interests that the current implementations are defenceless against.



By: Rajshree