

**JUDICIAL ACTIVISM OR A TIMELY INTERSESSION ON BCCI: A
BEAM ON THE LODHA COMMITTEE RECOMMENDATIONS**

*Adit Sharma**
(Student, NLU Asaam)

Sport, A thread that connects every heart and soul of its enthusiast. Every sport has its own charm and creates a world of supporters for it. The cardinal element of every next discussion becomes the 'PLAYER' of that particular sport which they bolster. As the clock goes round, nothing goes straight. Man was always captivated by the thought of "GAMBLING". As the evidential witness from the history, the revered epic MAHABHARATA crunched to the fact that gambling ruined lives once and still hasn't stopped destroying man. Gambling and betting both have given man the disproportionate amount of money at an instance, but along comes its evils. This fuels the dream of rapacity of a common man's mind and baits him from the daily honest wage work. As it is always said, "More the devil has, the more he wants". Gambling is thus considered evil in many religious scriptures and comes as a dark cloud upon the beings. People opposing it realize the fact that it's interlinked with socio-economic & psychological problems. The faster they realize it the later they are. Now, Cricket a sport, which attracts millions of fans from all over the globe, tends to divert from the normal trajectory and are being deadlocked with the evil. It's difficult nowadays to pick a newspaper without any betting scam news flashing on its cover page. On the news, Goa & Sikkim tops the list for the same. These states pioneer in the Indian gambling world and boast's most number of casinos in them. There are offshore and locally based casinos, the offshore one's cater to the high stake player while the local ends up tragic. Betting being illegal in India is most practiced and connected to big sports. As we all know, the turn up of tragic events in October 2013 IPL marked that even players shake hands to the wrong sorts. 'Spot Fixing' the next level of sport shame which in turn helps betting and supports the chance of winning the bet. Players coupled with spot fixing are intended to have supreme bliss of what they do during the playtime. There lies a significant action from the player, which alerts the gambler to put up his bet. In return the player acquires accountable money or luxury gifts or maybe a secured asset. Supreme Court of India appointed a three-member committee headed by Justice (Retd.) Mukul Mudgal to probe allegations of betting and spot fixing in the Indian Premier League (IPL). In response to which the

supreme court's Lodha committee came out the flow with some recommendations. To start off with the first one Lodha panel says no BCCI office bearer should be a minister or a govt servant, while also disallowing office-bearers to have more than two consecutive terms. Which serves for the distribution of power and does not concentrate it to one hand for years. Next, big step which was undertaken by the panel was to get BCCI under the RTI act which would in turn make the people the sovereign authority to question the decisions taken by the BCCI. The biasedness removed by ensuring the Govt officials to not hold the posts. The big names inducted into the bad books. Chennai super kings & Rajasthan Royals both good strong name good strong hold in the league got mud under the hood. What I feel is poles apart from what people think. People may find betting exciting and a way to get rich faster than the clock runs out, player may want their pockets of more cash than usual but the unethical part of betting lies within it. Fans, spending their money, their time plus their enthusiasm for the sport for the star-player they cheer their heart out, scream out loud as shrill as possible. I feel the sport and the player connects to a level that if they get these shocks, it plunders the sport's enthusiasm for the people and the innocent minds. Once the sport gets into this mud it's pretty hard to see that passion in people again. The sport loses its glam. Brainwashed minds, empty stands day by day. Therefore, there maybe many factors related to the Gambling and Betting in the society and evidently has adverse effect on it. After being banned in India, the Indian roots now connect overseas for the big shots to take a chance in the overseas betting platforms. As per the article published in the Economic Times (2010), In the jurisdictions same as the UK, where gambling is not an illegal, came out the fact that the two hotshots in the betting world in UK namely William Hill and Paddy Powers, that they accept online proposals of high level bets from India. This shows that Indians are not only confined to Indian borders but overseas betting is also in fashion. The article states more, William Adam's spokesperson Rupert Adams clearly says that they accept online bets from India but not from the US. The estimated amount in this betting on IPL he says, can reach GBP 4 million. According to an all-Indian survey that revealed that 85% of the facts accumulated stated that betting on sports is still prevalent in India. So, therefore if 85% of surveyed agreed that betting is still on a roll and is illegal in India its repercussions might be catastrophic. Sophisticated criminal clans are being running wild within the country to cater to the needs of high

betting demands. These betting clans have now developed cutting edge techniques for putting up the rackets plus there always has been a cross sword between Indian police and the clans. Everyone agrees to the fact that these cutting edge technologies has given them an upper hand and the police never stand a change against them. As matter of fact, tons of money is spent for catching these bookers but all goes in vain. Money is not only asset that is spent but the valuable time of these policemen is always on stake too. Most people think that these racketeers are no imminent threat to the public that's the sole reason they think that these police resources could be used somewhere else in public usage. On a vital basis, the most crucial point for getting hold of these criminals is the money circulated in these betting rings. Money, an important asset that will get you everything you want. Reason for getting this money out is that this money is actually circulated in the criminal ring, thus is important to get it out from the ring of criminals. Money is directly related to many economic thirsts. There lie economic conditions that are directly proportional to money deprivation, and economic development is inversely proportional to poverty. Thus to eradicate poverty there should be a necessary flow of this criminal handed money back into white course. Money earned in illegal gambling often ends in the hands of more high level of crooks or terrorists or the drug dealers who are thus in the end gives them courage and money to continue their evil work. If only gambling would've been made legal in India the money that continues to go black could've been collected as a tax and some of the black could've been turned to a social cause. Despite several attempts to stop this illegal mammoth, the process goes on underground. And substantial resources have been put fourth to burst these rings but the hard way out is regulating these betting houses legal so that the money circulated can be inducted for a good cause. Hence the Indian government should try legalizing it. There are advantages and disadvantages both for getting it legalized. But the advantages weight overthrows the disadvantages.

- *Economic Advantage:* Clearly evident from the 'betting scandals' as we call it here in India, that after being banned and certain level of precautions taken by the government India is striking forward and a result of which Indian government is loosing it's funds, revenue in a particular form of taxes and the continuous investment in cutting down is also not helping a huge hand at the governments. As well put by 'Ravi Sawani', Chief of BCCI's Anti-Corruption

and security Unit, said in each and every IPL match that bets exchange in one UK amounts approximately Rs.440 crore and the total for the tournament goes sky high up to Rs.67,000 crore which hence includes the illegal betting as well. To imagine that money circulating, the economy strengthens, or of taking the fact that the rich gets richer and the poor gets poorer at least to a point that a little bit of change is also acceptable. Thus to get this money being inoculated by the government for a cause will directly result in fueling the economy.

- *As a source of employment-* Making it legalized, betting houses could create a large number of employments. As stated above Goa, the place of highest number of betting houses stand tall above all other states in India. Approximately 800 people are inducted in these betting houses. Therefore if legalized it could create a large number of employment. Increasing employment rates could possibly increase the economy to the next level.
- *Previous Laws-* Betting as a criminal act and offence under 'The Public Gambling Act of 1867'. Therefore with time and tide running fast a lot of changes have occurred and this persistent law is used only when necessary but not so frequently. Betting on racehorses is legal in India, Goa and Sikkim's casinos and lotteries are legal but the outdated legal measures should be kept in check and regular amendments should do the job. The previous law shadows the online betting transactions in the grey area. If a person puts up a bet on a match via Internet and the online server is situated outside India then the law does not recognize it as illegal. Falls under entry 31 of the union list. The codes that have been identified for online gaming transactions are:

- 7800: State-run lottery sales
- 7801: Licensed gambling and poker sites in the US
- 7802: Legal online horse/greyhound transactions

No such guidelines have been issued by the Reserve bank of India. To curb the effect of online gambling, the Indian authorities rely on the Information Technology act and the foreign exchange management act. The IT Act, Section 67(As amended by Act 10 of 2009 w.e.f 27-10-2009)

Laws relating to gambling in India fall under the Entry 34 of the state list, i.e. is the list II of the Schedule 7 of the Indian Constitution. A state run legislature has the

supreme authority to make competent laws relating to put up fines and taxes on betting and gambling in that particular state. Thus, this can be done under the entry 62 of the state list of the seventh schedule to the constitution. And thus can make laws qua taxes upfront. The parliament, can therefore by the abiding clause(1) can of the article 246. Running the time before the constitution came out, this betting and gambling were governed by a single central legislature i.e. The Public Gambling act 1867. The high importance of the Public Gambling act 1867 was actually very derivative but then also some states opted out for having their own laws to govern and punish for the same offence, which had no connections with the central legislature.

Now, taking the turn to the Lodha committee report, a timely intervention or just a judicial activism. Well, to call it a judicial activism would be a fool's play. A timely intervention is the right choice according to what has happened and the main aim of this intervention was to bring back the serenity of the sport. Because of the Lodha committee recommendations, BCCI had to obey the rules as the Supreme Court provided with a specific time and date so as to bring the recommended changes within that time frame. The epitome use of the right to information of the people, the committee put up a theory make BCCI fall under the RTI act, which will equalize public interventions on the framework and an eye on doings of the BCCI's actions. Next recommendation was to make betting legalized in India, for which we have it's own pros and cons. Pros being, there would be a check on black money, which is circulated amongst the criminal betting rings. Making it legalized will not clean the chit fully but making the betting easier to track. Legalizing it would make everything easier to monitor the betting patterns. However, making a cut in the amount of money to be put up for the betting making conducted opportunities with the fixers so that the outcome should not be jacked on one side. The change in the administration policies to curb these betting rings will be changed from preventative reforms to a regulatory form of governance. Regulatory body of India, SEBI acts the in the same regulatory manner in which the regulatory body should be doing if betting is legalized. Following with the same legalized betting rings, the bookmakers should be supposed to keep a record of who is placing the bet's what background that particular person has and the economic relevance will keep help the government aware of the high betting criminals. Bookmakers should be instructed to keep all the records of the transactions made by the person and a certain level should be marked above which no

bookmaker would allow the transaction. Sumptuous amount of bets should not be allowed. Therefore there is a dignified amount of money to place a bet and a grand trunk to take back home. Every bookmaker should be provided with a license for his betting house and thus when found violating the rules put up by the government the license of that bookmaker, be revoked and a permanent ban should be imposed in the form of a fine. The in hand cash transactions would be kept in check and the fear of getting caught will be reduced, therefore legalizing it would help regulate these betting rings and with the intervention of the government into the matters of the criminal world make ensure the economic and social control. Putting all the pros aside comes the cons and being fatal every time the cons make it much more complex to give a thought in legalizing the betting in India. The worst of all would be the soaring interest of the teenagers who have a little less ability to think over their decision. These influenced teenagers, if won will invest this money in drinks and drugs, which will rust the oncoming brilliant minds. Making betting legal will not make help a bit to eliminate spot fixing. As betting and gambling are two different worlds same story goes with the betting and spot fixing. Justice RM Lodha strained to the fact that separation of power and the optimal use of that power should be done to make BCCI stand tall. Thus he proposed that one person can hold only one post at the BCCI. Thus, that office bearer can't hold the power in the office for not more than two consecutive terms. Justice Lodha added that member of the BCCI committee should not hold the office if that member holds position in the state government or the central government, or be any minister. It's high time that this committee came up with these reforms and made conditional changes as corruption and next level politics has made the fish pond much more fishy. Therefore, power holding members if not allowed to hold position in the committee will set things straight. Lodha Committee recommends relegation of Railways, Services and Universities as Associate members. They also lose voting rights. Next comes up is putting an age bar for the appointment of members of the committee of BCCI which is set firm on 70. Using this age bar, power is thus circulated to the successor and no longer stays in one hand. Unrelated, the decision making powers maybe puts an upper hand to the older people on the position but in todays fast changing world today young stringent minds can be a better option for getting things done as they can go down to the player's thinking level and take the decisions in favor of him. A thing that any other old entity wouldn't possibly do. The

report may change the fate of the amusement and its organization to improve things. The next recommended form of action was to separate governing bodies both for IPL and the BCCI and no incursion would take place in the governance of these two bodies. The last recommendation comes the player's ethics, which conclude that there should be frequent awareness programs for the players organized by the BCCI. This would help cut down the percentage of the increasing match fixing. Thus, Betting getting legalized and Match fixing getting criminal offence would bring the long lost crowd back to the stadiums. Recommendations, cinch for the Lodha Committee but implementations of these could give a tough time for the BCCI. There in the long road could be many hurdles as the practicality of these recommendations. The Supreme Court on some points accepts these recommendations and some are challenged. To get the heartbroken spectators back, watching the game much efforts are needed which is one third covered by these recommendations. Sport is where no one is defeated. One wins and the other learns.

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