



## Fight against fixing in cricket: Why BCCI needs to implement globally-adopted norms on agent accreditation

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*CricketCountry has always stood for the game in all its purity. In pursuance of that approach, CricketCountry joins hands with gamechangerindia.com to produce a blueprint on what needs to be done by the powers that be to not just clean-up the much-maligned sport of cricket but also introduce fresh measures that will help Indian*

*cricket emerge stronger and wiser from this crisis. In the first of the many parts to follow, Aditya Shamlal and Amrut Joshi focus on the challenges with regard to agent accreditation.*

### **Background- The Multi-Dimensional Problem**

The ongoing spot-fixing and betting saga that has engulfed the Indian Premier League (IPL) has opened a proverbial can of worms for cricket in India. A multitude of issues are now on the table for debate and reform such as:

1. The governance systems (or lack of it in the IPL) encompassing both the Board of Control for Cricket in India (BCCI) and the various IPL Franchisees.
2. The sufficiency of existing criminal laws (or lack of it) to counter the threats of illegal betting, spot-fixing and match fixing.

Coinciding with the launch of Gamechanger's re-designed content platform, we are committed to utilising the varied skillsets of our team members as also our extended network in the sporting and legal fraternities to present our views on each of these burning issues and identify sustainable solutions that can preserve the integrity of "the game of glorious uncertainties".

In the first post of our special series titled "Fight against Fixing", we examine how player agents have been subject to regulation elsewhere in the cricketing world and compare it with the fuzzy approach that has been outlined by BCCI.

### **Understanding the attributes of a good Player Agent**

In November 2011, we interviewed Mr. Vinod Naidu, Vice-President at World Sport Group, and more famously, the man behind "Brand Tendulkar". Vinod has now represented the interests of Sachin Tendulkar for 15 years. Their relationship continues to endure, making it a worthy case study of a successful Player-Agent relationship.

When asked about the attributes of a good player agent, Vinod said: "A good player representative is one who takes a long-term view of a player's association with a brand and can help build an association that allows both parties to grow. He/she must be able to constantly generate ideas and make sure that the player is emotionally engaged with the brand. A good player representative will make sure that even after a deal has been done, a strong relationship is maintained between the player and the brand so that newer platforms can be built, which can provide a maximum return on investment to all parties concerned i.e. the player, the brand and the agent!"

Sadly, the Vinod-Tendulkar relationship has remained an exception, rather than becoming the norm, in the cricket player management ecosystem.

Players across the world, especially those from the Indian sub-continent, are increasingly exposed to seedy elements/bookies from betting/underworld syndicates who lure players into their net, on the pretext of obtaining lucrative brand endorsement/commercial deals. Manager and agents in Indian sport, more specifically Indian cricket, are un-accredited. They are not required to have any minimum qualification, skillsets or knowledge. Their proximity to the sportsperson determines whether they can be a manager or player agent. These persons, who pose as managers or agents, are not

One such shady relationship was that of Shanthakumaran Sreesanth and Jiju Janardhan. In the backdrop of the role played by Jiju in the spot-fixing saga, the BCCI has suddenly woken up to the dangers posed by unaccredited player agents, and has ostensibly moved in to propose a regulatory framework for player agents. But the measures outlined by BCCI, if one goes by media reports, seem to be totally inadequate. All that BCCI seems to have thought of is to ask centrally contracted players to submit the names of their agents for the accreditation process. What happens to players who are not “centrally-contracted”? Can unaccredited agents have a free run as regards non-contracted players? Also, a host of other well-understood principles of agent accreditation, which have been adopted by other cricketing bodies or sporting bodies globally, do not appear to have been considered by the BCCI.

### **The Global Experience of Player Agent Accreditation in Cricket**

Cricket boards such as the England & Wales Cricket Board (ECB) and Cricket Australia (CA) have attempted to put in place checks and balances on people whom they approve to act as player agents. The ECB has formulated the Player Agent Registration Regulations (“ECB Player Agent Regulations”). These Regulations define an ‘Agent’ to mean any person, whether based in the UK or overseas, who carries out or seeks to carry out “Agency Activity”. “Agency Activity” is defined to mean “acting in any way and at any time in the capacity of an agent, representative or adviser to a First Class County or Player, either directly or indirectly, in any aspect of the negotiation, arrangement or execution of any kind of employment transaction (including without limitation, any player contract, transfer, loan or registration matters).”

Further, there are many criteria which a person would have to meet to be able to register him or herself as a player agent with the ECB, such as being of good character and reputation, not being convicted for any offence involving dishonesty or deception, not being an undischarged bankrupt, not being disqualified from being a director in a company under the provisions of the relevant law in England etc.

Once a person satisfies this basic threshold, he/she is required to pass a multiple choice examination set by the ECB and the Professional Cricketers Association, which would cover the various ECB Rules and Regulations which a Player Agent must have knowledge of. Importantly, the ECB Player Agent Regulations also require every Agent to obtain and

Similarly CA has put in place in Australia the ACA Player Agent Accreditation Scheme Regulations (“ACA Player Agent Regulations”). The ACA Player Agent Regulations are similar to their English counterpart and put in place large number of checks and balances as to who can become a player agent and how they can go about becoming one. There are similar minimum requirements in the ACA Player Agent Regulations with respect to the applicant being of good character and reputation, not being an undischarged bankrupt, not having been convicted for an offence involving dishonesty or deception etc. The ACA Player Agent Regulations also require the applicant to undergo a written examination testing his or her knowledge of relevant rules and regulations, and to obtain professional indemnity insurance cover.

One of the biggest differences between the English and Australian models of Player Agent Accreditation is with respect to the definition of “player agent”. The ECB Player Agent Regulations define “agency activity” in a narrow manner and restrict the types of activity for which a player would need an Accredited Player Agent i.e. only with respect to employment contracts.

Therefore commercial endorsement contracts would be outside the scope of ‘Agency Activity’ and a player in England could technically hire a non-accredited agent for endorsement contracts and other non-employment based transactions. The ACA Player Agent Regulations in Australia make no such distinction and do not restrict the type of activity for which an Accredited Agent can represent a Player, and therefore a Player in Australia would require an Accredited Agent for all his commercial and employment activities.

Even the Pakistan Cricket Board (PCB) post the spot-fixing scandal of 2010 involving Salman Butt, Mohammad Asif and Mohammad Amir, have put in place the PCB Registration of Agents Regulations, 2010 (PCB Player Agent Regulations). These Regulations though not as well drafted and rigorous as the ECB and CA counterparts, have put in place, at least theoretically, restrictions on Pakistani cricketers dealing with un-accredited player agents. The PCB Player Agent Regulations make it clear that no cricketer will be allowed to associate himself with an unregistered agent.

### **Lessons for the BCCI**

The BCCI’s stated plan of collecting names of agents of centrally-contracted players hardly serves any purpose other than to create a perception that something is being done.

to deal with such a  
framework on the lines

of those adopted in England and Australia. Only then will there be any hope of ensnaring the likes of Jiju, and weeding them out of the player's ecosystem.

Player agents must be carefully accredited, ensuring that persons of questionable repute are not permitted to represent a cricketer's interests. Further, the names of registered and authorised player agents must be published so that the people know when they are dealing with a genuine agent speaking on behalf of the cricketer. Also, registration and publication of a list of agents will remove undue suspicion on everyone who hangs around a cricketer at practice or in the team hotel, and anti-corruption personnel will be able to distinguish between a registered and authorized player agent, and someone who is an unauthorized or unknown person hanging around a cricket team.

Furthermore, a written examination that tests an applicant's knowledge various rules and regulations of the ICC and BCCI, including those pertaining to anti-corruption and anti-doping specifically, must be a mandatory pre-requisite as it can create a well-reasoned "educational entry-barrier" to those who are seeking to take up Player Agency as a career. Furthermore, we see no rationale for limiting the "accreditation system" to players who are "centrally contracted". The Sreesanth-Ankeet Chavan-Ajit Chandila cases have ruthlessly exposed the dangers that young cricketers are susceptible to. It is the young and inexperienced cricketers who would benefit more from a well-defined agency accreditation system.

One cannot legislate for criminal intent or for the greedy cricketer who will seek out opportunities to make money in an illegal manner, but one can legislate and provide protection for those cricketers who may get involved due to circumstances outside of their knowledge or control. An environment must be created where every cricketer, and not just the superstars, are given access to legitimate and professional player agents who can manage a player professionally rather than leaving them susceptible to the wiles of the Jiju Janardhans of Indian cricket.

### **Comparative Analysis of Player Agent Registration Frameworks**

No. Eligibility Criteria Australia England Pakistan India\*\*

1. Requirement of Written Examination ? ? × ×

2. Requirement of Professional Indemnity ? ? × ×

Insurance

5. Exceptions made for Lawyers and Family × ? × ×

and Members to represent a Player's interest

6. Renewal of Agency License/Registration ? ? ? ×

7. Suspension of Agent for Malpractice ? ? ? ×

\*\* None of these parameters have been explicitly outlined by the BCCI in the recent weeks, at least not in the public domain, and hence we have assumed that there no such plans afoot. If the BCCI does clarify through official channels or notifies written regulations to the contrary, we would be happy to update our post accordingly.

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