

# SPORT

## Can Ashraful be criminally charged?

JULFIKAR ALI MANIK & NAIMUL KARIM

Ever since Mohammad Ashraful sensationally confessed to his wrongdoings last Tuesday, there has only been one question that has been doing the rounds in the cricketing fraternity; can the cricketer, who has been the poster-boy of Bangladesh's cricket ever since his debut in 2001, face criminal charges for his offence? Can he be charged based on the laws of the country?

According to ABM Sharfuddin Mukul, a criminal law expert, there is a criminal law in place for every corrupt practice and the 'fixing' issue is not different. "The rules state that he is not supposed to be involved in fixing, but he has done so. So he has cheated for his personal benefit. This is a violation of the law. So in a broader sense, a charge can be made based on Section 420 (Deals with cheating and dishonesty) of the penal code. He has violated the rules of the tournament so a police or the victim can file a case."

"If he has done anything wrong while sporting the national jersey, any cricket fan who

feels cheated can file a charge against him as well," he added.

An official from the Anti Corruption Commission reiterated Mukul's views. "The Bangladesh Cricket Board is a public office and he is a contracted player so if he has fixed matches internationally then according to the section 21 of the Bangladesh Penal code he is a public servant and this will be seen as a public servant's corruption," said the official requesting anonymity.

However, a source from the ACC has revealed that the commission has not yet had a formal discussion regarding the issue. "We informally exchanged our views and we are following the developments of the issue. However, we don't know if the ACC will be involved as yet because such an incident has never taken place in the country before," said the source.

Chairman of the ACC, Golam Rahman, has said that he 'is not in favour of being involved in the fixing issue. "There is a regulatory authority and that's the cricket board. The authority should play its due role. If we interfere in every-

thing, then the other authorities will become dysfunctional," said Rahman. "However, if the BCB fails to act then we will think of getting involved," he added.

Apart from the above mentioned sections of the penal code, lawyers are also of the opinion that charges can also be made based on sections 26 and 27 of the anti corruption act which deal with a person's wealth. These can point towards the money possibly acclaimed through fixing. "A commission can ask for his statement of wealth. If his wealth is disproportionate to his known source of income and if he can't show the legal sources of income then he can be charged on those means," said barrister Hasan MS Azim,

On the other hand, there are barristers who believe that Ashraful can't be charged based on the current set of laws in the country.

"There isn't an exact law against fixing in this country. I don't think that section 420 and 406 can be interpreted in that way that many lawyers are doing it in the case of Ashraful," said barrister Mahbub Shafique. "The nature of crime is changing and we require newer laws," he added.



PHOTO: STAR FILE

BCB president Nazmul Hassan Papon was bold enough to wage his war against the evil in the game, and it's now upto him how he wins it.

## No room to shy away

BISHWAJIT ROY

The dark side of cricket in Bangladesh may have been exposed now and that at the expense of a player like Mohammad Ashraful, but it was long overdue. Still it's better late than never.

But one thing is for sure that by the time it was exposed, it has rooted deep into the game here. And Ashraful's admission to fixing could just be the tip of the iceberg.

This has put us at a difficult crossroads. True, our clean cricketing image has been tarnished by the recent sensational revelation, but if you want to look at the bright side of the ugly episode, then the country has also got a chance to show our total commitment towards the integrity of this gentleman's game. Bangladesh can set an example for the cricket world to follow.

The Bangladesh Cricket Board (BCB), especially its president Nazmul Hassan Papon, already deserves some praises for creating the opportunity for the Pandora's box to be opened.

If one takes into account the stand that the mighty BCCI (Board of Control for Cricket in India) has taken against the recent scandals around the IPL, then one must thank the BCB, who so far have proved that they are honest to their policy of "zero tolerance" towards any wrongdoing in the game. The BCB not only willingly invited the

ACSU to come here and look into any wrongdoing in the cash-rich BPL, but also didn't wait for their report for taking action against Ashraful.

We also recently showed our courage by taking a tough decision against umpire Nadir Shah. Although we have a lack of quality umpires in our country, but we made it clear to the world that the country was in no way ready to compromise on honesty.

But Ashraful's revelation threw a much bigger and complicated challenge for the cricket authority of the country. What the BCB so far has done is fine, but they have a long way to go to uproot the evil. There might have been false, half-truth or even truth in the air about this issue, but it's the board's duty to unearth the real truth, no matter how painful or embarrassing it would be for any individual.

It's not the ignominious exit of Ashraful that will hurt the country, but any half-hearted effort in this battle against corruption will be the real disaster for the game. No matter how big the name is, no matter how painful the fact it is, no matter how embarrassing it will be for us; rather we have to uphold the integrity of the game. We must show the world that we are also true to our passion for the game.

"I don't want to sidestep any issue, I want to face them head on," was the bold commitment from the BCB boss.

We want to believe his words because it's the only way we can live on with our head held high.



CRICKET SHINES EVEN IN DARK TIMES: Bangladesh cricket has been passing torrid times for the last one week following the disclosure of match-fixing allegations centring Mohammad Ashraful. Still, the cricketers invoke respect from mass people. Here Bangladesh captain Mushfiqur Rahim (C) is standing with some garment workers, who were actually protesting on the busy Gulshan-Tejgaon link road on Wednesday, blocking all commuters. But no sooner Mushfiqur stepped out of his car, they mobbed him for photographs before letting him drive down the road. PHOTO: PALASH KHAN

## 5 clubs threaten boycott

SPORTS REPORTER



Even as hockey players seemed to be headed towards a positive resolution about joining the national hockey camp, the division among the clubs regarding the upcoming elections seems to have widened after five premier league clubs threatened to boycott all hockey-related activities indefinitely.

Representatives of the five clubs -- namely Mohammedan SC, Mariner Youngs, Wari Club, Bangladesh Sporting and Dhaka Wanderers Club -- in a joint press conference declared yesterday that they would not participate in any hockey related activities if the National Sports Council does not withdraw the five councillors it has proposed.

NSC has recommended former hockey players Abdus Sadeque, Jumman Lusa, Mahbub Harun, Mamunur Rashid and Zaki Ahmed Ripon, all belonging to Abahani, as

their councillors in the Bangladesh Hockey Federation's (BHF) June 27 elections.

The five club representatives said the BHF president should discuss with the NSC and the names should be replaced with other legendary players who do not belong to a single club.

"If the five NSC councillors come from a single club, it will set a bad precedent and hockey will suffer. We think the BHF president should reconsider the matter for the sake of hockey's development," said Shafiullah Al Munir, the Mariner Young's councillor, and also a candidate for the general secretary's post with the backing of Mohammedan.

"Mohammedan and Usha KC, who are the champions and runners-up of the last premier league, should have been considered when proposing the names of councillors," he added.

However the club representatives did not clarify whether they would withdraw from the elections altogether if their demands are not met.

## Victoria beat Wari

SPORTS REPORTER

Victoria Sporting Club beat Wari Club 1-0 in their Premier Bank Bangladesh Championship League match at the Bangabandhu National Stadium yesterday.

Arif scored the only goal of the match in the injury time of the second half.

The win took Victoria to 14 points from 13 matches while Wari remained on 16 points from the same number of matches.

## Taekwondo from Saturday

SPORTS REPORTER

The Korean Ambassador Cup (KAC) Taekwondo Championship, comprising 250 male and 200 female participants will start at the National Sports Council from Saturday.

The two-day meet, sponsored by the South Korean Embassy, Dhaka will host a total of 26 weight categories for the participants of the 22 teams across the country.

## Steyn doubtful starter

S Africa take on India in opener today

AFP, Cardiff

South Africa are almost certain to be without premier fast bowler Dale Steyn when they clash with India in the Champions Trophy opener in Cardiff on Thursday.

Steyn has not recovered from a side strain suffered during a warm-up match against Pakistan on Monday, and skipper AB de Villiers hinted that the strike bowler will be kept out for the first match.

"It's not looking good," de Villiers told reporters before the team's training at the Cardiff Wales stadium.

"It's sort of touch-and-go. It is obviously something we will have to look at. There are a few games coming up, so we would not like to get him out for the rest of the tournament."

Steyn's likely absence spells further trouble for the Proteas, who are already without the veteran duo of Graeme Smith and Jacques Kallis, while the captain himself is vulnerable to injury.

Left-handed batsman Smith was ruled out of the tournament with an ankle injury, while seasoned all-rounder Jacques Kallis opted out to take a voluntary break from cricket.

De Villiers, who has suffered a sparse



of injuries over the past year, insisted he was fit to play, but the Proteas have called up reserve wicketkeeper Quinton de Kock as a precautionary measure.

"Quinton is here if something happens in a game," said de Villiers, who also keeps wickets besides batting at the top of the order.

"If I get injured tomorrow, we are going to need a wicket-keeper. But I am 100 percent. There is absolutely nothing wrong with me."

The Proteas are looking to win their first major title since their victory in the inaugural ICC knockout tournament in Bangladesh in 1998, an event that later became the Champions Trophy.

India, the reigning World Cup champions and the top-ranked one-day side, flexed their prowess ahead of the eight-nation tournament with two remarkable victories in the warm-up games.

Mahendra Singh Dhoni's men first chased down Sri Lanka's 333 with an over to spare, before hammering Australia by a whopping 243 runs as they discovered timely form with bat and ball.

Dinesh Karthik ensured he his place in the playing XI with an unbeaten 106 off 81 balls against Sri Lanka, followed by a superb 146 not out against the

Australians.

"I have always believed that Dinesh can bat really well in the middle-order," Dhoni said. "He reads the situation pretty well and he is someone who can go on and play a big innings."

India's squad comprises just three players -- Dhoni, Virat Kohli and Suresh Raina -- who took part in the World Cup final against Sri Lanka in Mumbai two years ago.

India may be one of the pre-tournament favourites, but they have lost five of their last seven internationals against South Africa, including a three-wicket defeat in the World Cup in Nagpur.

Dhoni said the new one-day rules, which allowed just four fielders outside the circle instead of five, meant he faced a tricky choice to find the right combination.

"We may have to go in with five bowlers," he said. "With the new rules, it will be very difficult to play just four bowlers and rely on part-timers."

Pakistan and the West Indies are the other two teams in group B, from which the top two will qualify for the semifinals.

Group A comprises defending champions Australia, Sri Lanka, New Zealand and hosts England.

The final is scheduled for June 23.

## Kaushik's past being checked

SPORTS REPORTER



Bangladesh Hockey Federation (BHF) are seemingly having second thoughts about appointing Indian hockey coach Maharaj Kaushik Kishan, a day after they learnt that the legendary player-turned-coach was embroiled in a sex scandal while coaching the Indian national women's team three years ago.

After being rebuffed from the Indian sports ministry about their initial choice AK Bansal, BHF turned their attention towards Kaushik who was a member of India's 1980 Olympic gold winning team and a coach of the 2002 Commonwealth Games women's hockey team.

It is understood that Kaushik resigned and was later withdrawn from his position after one of his charges levelled allegations of sexual misconduct against him.

Having learnt about the incident, BHF contacted Kaushik yesterday and the Indian claimed that he was subsequently acquitted of the charges after investigation. However, the coach was never reinstated in women's hockey and instated was installed in a men's hockey academy last year.

When contacted, BHF general secretary Khaza Rahmatullah said they asked Kaushik for all the documents relating to his acquittal and only upon receiving those documents would they take a final decision whether to hire him or not.

Meanwhile Kaushik, when contacted, also claimed he was found not guilty in the investigation and hence later taken into the state academy.

"I have been acquitted from the charges and I am working at a state academy right now. If my academy allows me to leave, I can become coach of Bangladesh," said Kaushik over phone.

Kaushik also added that he saw Bangladesh's matches during the World Hockey League (round-2) held in Delhi in February and he thought that Bangladesh had the right ingredients to prosper further in hockey.

## Mayor Cup chess

SPORTS REPORTER

Bangladeshi Grand Master Ziaur Rahman split points with Indian IM Thej Kumar in the 10th round of the 6th Mayor Cup International Open Chess Tournament in Mumbai yesterday.

The draw took Zia to six points while GM Enamul Hossain Rajib and FM Debaraj Chatterjee were on five points each. In the 10th round matches, Rajib lost against Chinmay Kulkarni of India while Debaraj beat Gevorgyan Maria of Armenia.

## Women's training ends

SPORTS REPORTER

The 15-day long advanced residential swimming and athletics training programme, organised by Bangladesh Women's Sports Association, concluded at the Sultana Kamal Women's Sports Complex in Dhanmondi yesterday.

A total of 13 swimmers and 11 athletes participated in the training.