

- 1) Pakistan Cricket Board, Anti-Corruption Vigilance
- 2) Committee, Pakistan Cricket Board

(Complainant)

Versus

Umar Akmal

(Participant)

Present:

1. Mr. Tuffazal Haider Rizvi, Advocate for PCB
2. Haider Ali Khan, Advocate for PCB
3. Mr. Daniyal Imam, Assistant Manager, Legal, PCB
4. Umar Akmal

JUDGMENT:

27-4-2020

1. Brief facts of the case are that Player / Participant / Umar Akmal was selected to participate in International / Domestic Cricket matches. Being so, he was bound by the Pakistan Cricket Board Anti-Corruption Code for Participants and was required to comply with its requirements, including being bound (i) not to engage in conduct that constitutes a breach of the code and (ii) to submit to the exclusive



jurisdiction of an Anti-Corruption Tribunal concerned under the code to hear and determine charges brought by PCB for breach of the Code *ibid*. On the information that the Participant met two different persons on different dates, places and times. The said two persons approached him and extended invitation to indulge / engage in corrupt conduct. The Player / Participant after both meetings, failed to disclose to the Vigilance / Security Department (without unnecessary delay, full details of the approaches and invitations received by him, thus, he was served with a Notice dated 17-3-2020 of Disciplinary Charges for breach of the PCB Anti-Corruption Code (Code Article 2.4.4):

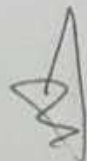
Charge No. 1: Breach of Code Article 2.4.4 by failing to disclose to the PCB Vigilance and Security Department (without unnecessary delay) full details of the approaches and initiations received by you to engage in corrupt conduct under the Code.

Charges No. 2: Breach of Code Article 2.4.4 by failing to disclose to the PCB Vigilance and Security Department (without unnecessary delay) full detail of approaches and initiations received



by you to engage in corruption conduct under the Code in respect of Matches in PSL-2020.

Summary of Charge No. 1 & 2 in support of the charges was conveyed to the player. Potential sanctions which could be imposed under Article 6.2 of the Code were also conveyed. It was also made clear that if sanction is imposed, then during the period of inability, his status is described in Article 6.5 of the Code, detail of which is given in Para 3.3 of the Notice. It was also made clear that if while responding to the notice, the Player / Participant fails or refuses to file a written request for a hearing before the Anti-Corruption Tribunal, as required under Article 4.6.6 of the Code, then he shall be deemed to have waived his right of hearing; admitted that he / she has committed the offence under the Anti-Corruption Code, specified in the Notice of Charges and acceded to the range of applicable sanctions specified in the Notice of Charges; And in such circumstances, a hearing before Anti-Corruption Tribunal shall not be required and instead the Chairman of Disciplinary Panel, sitting alone, shall issue a public decision



confirming the offence , impose sanctioned as specified under the Anti-Corruption Code.

2. The Participant / Player vide his reply dated 22-3-2020 to the Notice of Charges dated 17-3-2020 at the very outset admitted that on the eve of PSL – Season – 5, he was called upon by the PCB officials. His interview was recorded. He fully co-operate with the officials. As regards charges, served upon him, the Participant denied the first charge in an evasive mode. He asserted that the individual, who met in that party is not known to him. His name is not known to him, therefore, the question of disclosing his name does not arise. It was further asserted that demeanor of the individual made him uncomfortable and he left that party. Further explained that the individual asked question about my cricket (game) and how I was planning / preparing for the PSL, at that juncture having felt some wrong, he left the place and went out of the party. He denied that any kind of invitation was extended or approach was made.

So for as, Charge No. 2 is concerned, he admitted that in another party, in DHA, Lahore, he met a Bookie by the name of [REDACTED]. [REDACTED]'s help was sought to resolve a [REDACTED] problem but he tried to took advantage of the situation and

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told him that he would help, but in exchange demanded some favor, which, I understand could be match fixing. I rejected the proposition and left the place. It is admitted by the Participant / Player that he failed to report both incidents to Vigilance Committee of PCB. He requested that charges be dropped and if not, then my reply and reason therein be considered the mitigating circumstances and minimum fine and lesser ban be imposed.

3. On 01-4-2020, Lt. Col. (Retd.) Asif Mehmood by email informed the Player / participant, acknowledging the receipt of his reply dated 22-3-2020 and informed him that since no written request for hearing before the Anti-Corruption Tribunal in accordance with Article 4.6.6 of the Code has been made, therefore, pursuant to Article 4.8.1 of the PCB Code, the matter is referred to the Chairman of the Anti-Corruption Tribunal of any panel for issuance of a public decision. The case was referred to me being Chairman of the Disciplinary panel under Article 4.8.1 of the PCB Code.

Article 4.8 reads as follows:

4.8.1: if the Participant fails or refuses to file a written request for hearing before the Anti-Corruption



Tribunal in accordance with Article 4.6.6 (or by extending deadline that the PCB Vigilance and Security Department deems appropriate) then he / she shall be deemed to have:

- 4.8.1.1: Waived his / her entitlement of hearing.
- 4.8.1.2: Admitted that she /she has committed the offence under this Anti-Corruption Code, specified in Notice of Charge; and
- 4.8.3: Accede to the range of applicable sanctions specified in the Notice of Charge.

In such circumstances, a hearing before the Anti-Corruption Tribunal shall not be required. Instead, Chairman of the Disciplinary Panel (Sitting alone) shall issue a public decision confirming the offence(s) under this Anti-Corruption Code specified in the Notice of Charges and the imposition of an applicable sanction within the range specified in the Notice of Charges.

4. As discussed above, the Participant / Player had not filed a written request for a hearing before the Anti-Corruption Tribunal, the matter was sent to me as Chairman of the Disciplinary Panel to issue a public decision confirming the offence (s) under the Anti-Corruption Code



specified in the Notice of Charge and impose applicable sanctions within the range specified in the Notice of Charge.

5. As mentioned and reproduced in Article 4.8.1, the undersigned is supposed to issue a Public Decision confirming the offences and impose sanctions as specified in the Code without hearing the Player. But in the interest of justice and keeping in view Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973, it is deemed proper to provide a proper hearing to the Participant / Player (Umar Akmal).

6. Mr. Tuffazal Haider Rizvi, Advocate, Supreme Court of Pakistan along with Mr. Haider Ali Khan, Advocate appeared on behalf of PCB.

Mr. Umar Akmal appeared in person.

Learned counsel for PCB, by referring to the previous conduct of Umar Akmal, argued that the player is in the habit of violating the PCB Code. Argued that he was served with a show cause notice on 16-8-2017 for holding a press conference and using derogatory remarks. On 02-10-2017, sanctions were imposed on the Cricketer for breach of Clause 2.5, 4.1 and 4.4 of the Central Contract on multiple



occasions, resultantly, a 3 matches ban was imposed. A fine of Rs.1,000,000/- (Rupees One Million) was also imposed. No NOC for participation in any foreign league / tournament / match be issued to player for 2 months.

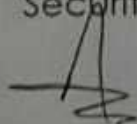
On 25-6-2018, Show Cause Notice was issued to the Participant / Player for issuing irresponsible statement against PCB. By presenting these documents, it is argued that the past conduct was not satisfactory and he is in the habit of violating the Code of Conduct and rules of PCB.

6. Coming to the case in hand, the learned counsel for PCB, he argued that Umar Akmal was selected to participate in international and / or domestic matches to be played under the jurisdiction of the PCB, and as such, he become a participant / player for the Code, thus was bound by the Code and was required to comply with its requirements. One of the requirement of the Code is not to engage in a conduct that would constitute a breach of the Code, and to submit to the exclusive jurisdiction of an Anti-Corruption Tribunal under the Code to hear and determine charges brought by the PCB for breach of the Code. Further argued that all players who were selected had signed a contract with PCB are supposed to attend the class where



they are informed what constitute an offence under the Code. Argued that as per Article 2.4.4 of the Code failing to disclose to the PCB Vigilance and Security Department (without unnecessary delay) full details of any approaches or invitation received by a participant to engage in corrupt conduct under the Code, amounts to breach of the rules (Article 2.4.4).

Argue that on the information received that the player / participant was approached by two different persons on two different dates and he was offered / invited by those two persons for match fixing. The player / participant was called upon and was subjected to an interview where he was asked about his meeting with two bookies / match fixers. The player / participant admits that he went to attend a dinner party hosted by a friend namely, [REDACTED] at DHA, Lahore. Admits that at that party, an unknown person was introduced to him. During the general conversation, the unknown person started talking about the game of cricket and asked the player / participant about his plan in the coming PSL Matches. Argued that the player / participant under the PCB Anti-Corruption Code 2.4.4, failed to disclose to the PCB Vigilance and Security Department, without



delay full details of the alleged approaches and invitations. Argued that the player / participant during the investigation and in the reply to the Notice of Charges admits that he got himself distanced from the individual and ultimately left the venue. Argued that the Player / Participant is deliberately not disclosing the name of the individual and is not disclosing the exact words, invitations, approaches, made by the individual. Argued that secret report about the meeting of player / participant with unknown person is confirmed by the player himself. Argued that in the written reply and recorded interview, it is admitted by the Player / Participant that unknown person made some offer to the Player / Participant and in that case, he was under a legal obligation under Article 2.4.4 of the Code to inform the Vigilance and Security Department of the PCB. Argued that keeping in view the past conduct of the Player and his failing to inform the Vigilance and Security Department of PCB, the details of the meeting, the Player / Participant had rendered himself liable for ban as mentioned in Article 6.2. Argued that the reason given by the Player / Participant is not acceptable and the explanations given in the reply are not sufficient. Argued that even today, when offer was



made to him to accept his offence and pray for lesser punishment, the player / participant did not avail the chance and stick to his explanation. Argued that the reply of first charge by itself amounts to admission. Argued that the player / participant had deliberately not given the name of the person who made illegal approach and extended invitation him to engage in corrupt conduct. Argued that the evasive denial of the player of the charges does not exonerate him of his legal duty to inform the Vigilance and Security Department without unnecessary delay and thus has rendered himself to be punished under Article 6.2 of the Code and maximum ban be imposed upon him, on the 1st Charge.

While arguing on Charge No. 2 (Breach of Code Article 2.4.4) the learned counsel by referring to a para² of player's reply, argued that though the player had tried to give a different angle / purpose of that meeting but in the same para he admitted that person known as [REDACTED] tried to take advantage of his [REDACTED] problem, requested for some favour in exchange of his help in resolving his [REDACTED] problem. Argued that admittedly, an invitation was extended to him to indulge in illegal act, such as, match fixing etc. Further



argued that though as per the player version, after sensing something fishy, he left the meeting, but under Article 2.4.4 of the Code, he was duty bound to disclose / report to the Vigilance and Security Department of PCB, without unnecessary delay in which he failed and had committed breach of Article 2.4.4 of the Code. Argued that this offer was made to him prior to the night of 19th /20th February, 2020, when his interview was recorded at Karachi. Argued that in the interview the player / participant admitted and acknowledged that he failed to report the approaches made by [REDACTED] to PCB immediately. Argued that the reason for not reporting the approach made by [REDACTED] is not sufficient. The conduct of the player duly covered by Article 2.4.4 of the Code, maximum ban be imposed upon him with heavy fine.

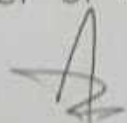
7. Player Umar Akmal present, made a request that whatever is argued be repeated in Urdu, so that he shall know the argument. Mr. Tuffazal H. Rizvi, Advocate, repeated the arguments in Urdu for the player. After hearing the arguments, the Player stated that whatever is written in reply to the Notice of Disciplinary Charge is his argument. He admitted that reply is written in English but was written by



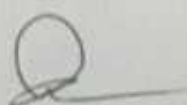
someone else on his instructions. He reiterated the answer given in reply of both charges. He stated that in the dinner party at DHA, Lahore, at his friend [REDACTED]'s place he was introduced to a stranger and in the party conversation on cricket started and the stranger asked some objectionable questions, he having felt uncomfortable with question, left the party but in the same breath said that nothing objectionable was said by him, which was worth reporting. When asked to give what exactly was said, the player avoided to give the exact version / wording. During the hearing, it was told to him, that in case of his confession and disclosure of offer made, some concession could be shown to him, but he kept mum. Then, he requested that recorded interview be played where he had explained every detail. When the interview was played, on the screen, he requested that the playing be stopped, as some family matters were mentioned in the interview. Finally he said that his reply be considered as his arguments.

8. I have heard the arguments of the learned counsel for the PCB and version of Umar Akmal, (the Player).

The case of PCB is that on receiving some information about the corrupt conduct of Umar Akmal (player /



participant) before cricket match in SPL-2020, he was called upon by the PCB Vigilance and Security Department, for investigation, and record an interview on 19th / 20th February, 2020 night at Karachi. During the investigation it was disclosed by the Player that in the dinner hosted by his friend [REDACTED] at DHA, Lahore, there he met an unknown guy (whose name was not disclosed by him). As per the player, said unknown person during the conversation on cricket, made an offer to him and he felt uncomfortable with that and left the venue. In the same recorded interview, the player further disclosed that in another meeting arranged by a friend, at DHA, Lahore, with a person known as [REDACTED]. That meeting with [REDACTED] was arranged by another friend and was arranged to seek help of [REDACTED] to resolve a [REDACTED] problem. [REDACTED] promised to resolve the [REDACTED] problem but in return, he asked for some favour, which according to player's understanding, could be related to match fixing, having felt that he rejected the proposal and left the venue. After recording of interview, PCB on 20th February, 2020 served the player with a provisional suspension letter under Article 4.7 of the Code, suspending him with immediate effect, pending decision of



the Anti-Corruption Tribunal determination of whether the player has committed an offence under the Code. The decision of provisional suspension was not challenged by the player.

On 17th March, 2020, PCB Anti-Corruption Department, decided to take action and gave a detailed a Notice of Disciplinary Charge to the player, calling upon him to give reply.

8. The player gave a detailed reply to the Notice vide his reply dated 22-3-2020. He denied the fact that he deliberately did not disclose, the name of the person he met in party hosted by his friend [REDACTED]. His version is that the person he met is not known to him. He reiterated that he had no reason to conceal the name of individual, who made him uncomfortable. In the reply, it was asserted that as per his estimation, there was nothing objectionable in the discussion and that is why he did not reported to the PCB Vigilance and Anti-Corruption Department as required under Article ^{2.4.4}~~2.4.4~~ of Anti-Corruption Code. To show his good conduct, it is mentioned in the reply that in the past, wherever, any such approaches were made, the same were reported by him and he gave example of some



incidents of the past, to show his good conduct. The Player prayed that Charge No. 1 be dismissed.

9. Before giving reply to Charge No. 2, the Player took the defense of not reporting the accusation of Charge No. 2 that in the past, his personal confidential informations were leaked in the media, without his consent. Further mentioned that by the time, he got recorded his interview, with the PCB, Vigilance and Anti-Corruption Department, after which he was given a suspension letter, the news about his suspension has already been circulated in the media.

While giving reply to Charge No. 2, he again made a request that his explanation be kept confidential as it relates to his reputation and also of his family.

After a request to PCB official to kept his reply confidential and not to air his interview recorded by Anti-Corruption Department. He gave his reply to Charge No. 2 and stated that he was introduced to [REDACTED] by a friend to whom, he had requested to get settled a sensitive [REDACTED] problem. He asserted that he did not know [REDACTED] as a match fixer / Bookie. This meeting with [REDACTED] was arranged by a common friend to resolve the [REDACTED] problem. As per his reply, when he disclosed the proposition to [REDACTED], in



return, he tried to take undue advantage of the situation and stated that he will help him in resolving the [REDACTED] matter but in return / exchange asked for some favour from him, which according to the Player estimation related to Match Fixing, so at this point of time, he rejected the proposition and left the meeting.

On receiving the reply by email, Director, Security and Anti-Corruption Department, PCB, promptly vide email dated 01-4-2020, informed the player that from perusal of the player's reply, it is noted that no written request for a hearing before the Anti-Corruption Tribunal in accordance with Article 4.6.6 of the Code has been filed by the Player. Accordingly, pursuant to Article 4.8.1 of the Code, the matter was referred to Chairman of the Disciplinary Panel.

10. I have gone through the Notice of Charges, reply given by Umar Akmal / Participant, document given by learned counsel for PCB and video / recording of the interview of Umar Akmal.

Both charges pertain to breach of Code, Article 2.4 and 2.4.4, which reads as under:



Article 2.4: General: The Participant shall be in breach of these rules, if he / she commits any of the following acts / omissions.


Article 2.4.1:

Article 2.4.2:

Article 2.4.3:


Article 2.4.4: Failing to disclose to the PCB Vigilance and Security Department (without unnecessary delay) full details of any approacher or individual received by the Participant to engage in corrupt conduct under this Anti-Corruption Code.

The intelligence report of Vigilance and Anti-Corruption Department was correct, the Participant / Player came into contact with two different persons at two different places, in two different group of persons) on two different dates and it is admitted by the Participant / Player. He admitted that on the first occasion, he was introduced to a stranger who made some approaches and he having sensing the intention of the individual distanced himself and finally left the venue, but this matter was not reported by the Participant to the PCB Vigilance and Anti-Corruption Department, as required under Article 2.4.4 of the Code. As



is evident in the video recording, after great hesitation it was admitted that he went to attend a dinner party of his friend [REDACTED] and in that party, an unknown person during the conversation asked about his plans of cricket in future and he having sensing something fishy, left the venue. When asked why he failed to report this to PCB Vigilance and Anti-Corruption Department, the answer was that according to his estimation, no objectionable material was there to report. When asked to give exact version of the conversation, Participant failed to give the same. He was cautioned by the investigating team, but he does not cooperate.


From the facts mentioned above, it is very much clear that the intelligence report of the Vigilance and Anti-Corruption Department of PCB is correct. The Participant went to attend the party in DHA, Lahore at [REDACTED] residence and then some illegal approaches were made and invitation was extended to him. The detail of which was not disclosed and secondly he failed to report the same as required under the Code and constitutes an offence under Article 2.4.4 of the Code. The Participant had failed to give any plausible explanation for not reporting the matter to



PCB Vigilance and Anti-Corruption Department and is in breach of rule / Article 2.4.4 and he would be deemed to be engaged in corrupt conduct under the Anti Corruption Code of PCB.

In view of the above stated facts and discussion, it is proved that Participant went to attend the dinner party was hosted by [REDACTED] at DHA, Lahore and in that party, some approaches were made and invitations were extended to the participant and failed to report the same without unnecessary delay to the PCB under Article 2.4.4 of the Code. The Participant failed to ^{explain} ~~explain~~ for not reporting the objectionable / illegal offer made to him. Thus, it is held that the Participant / Player failed to report to PCB Vigilance and Anti-Corruption Department, the full details of the approaches and invitations received by him to engage in corrupt conduct under Article 2.4.4 of the Code and rendered himself to be imposed with the bank / sanctions under Article 6.2.

11. It appears that he is not prepared to show remorse and seek apology, make admission that he failed to fulfill his responsibility under Anti-Corruption code, Article 2.4.4, rather he tried to took refuge under the pretext that in the

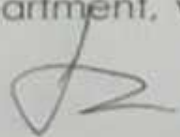


past whenever any such approaches were made, the matter was reported by him. He also admits that the early reporting of the approaches greatly assist the department to counter the Anti-Corruption Drive. All explanation given in the reply, all the more lays heavy burden on the Participant to report the offer of whatever nature it was. He is not supposed to judge whether the offer made is worth reporting or not. As for as, Charge No. 1 is concerned, I do not see any circumstances to mitigate the nature of offence, particularly, when the participant has not cooperated with the PCB Vigilance and Security Department and the investigating team. In view of the admission of the Participant, that he failed to disclose to PCB Vigilance and Anti-Corruption Department, the details of the approaches and invitations, extended to him without unnecessary delay. The charge as framed is proved and the participant has rendered himself liable to be punished for breach of Article 2.4.4. His case / offences are covered by Article 6.2 of the Code and for which the range of ineligibility is maximum of six (6) months and a maximum of a life time ban.

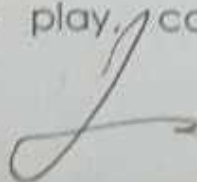


In view of the circumstances and facts discussed above, a ban of 03 (three) years is imposed for charge No. 1 and he is declared to be ineligible for three years from 20th February, 2020, when he was provisionally suspended under Article 407 of the PCB Anti Corruption Code. No order as to fine is passed.

13. Charge No. 2: Breach of Article 2.4.4 of the Code by failing to disclose to the Vigilance and Security Department of PCB (without unnecessary delay) full details of the approaches and invitations received by you to engage in corrupt conduct under the Code in respect of matches in PSL-2020. Charge mentioned above was served upon the Participant (Umar Akmal). In the reply it is written that in a [REDACTED] dispute, he sought help of a friend (who name is not mentioned in the reply), who arranged a meeting with one person namely, [REDACTED] who promised to help in settling the [REDACTED] dispute and in return asked for some favour in PSL-2020 Matches. Sensing something fishy, the Participant left the venue. This is an admission of the Participant and he failed to report / disclose about this meeting and approaches / invitations made by [REDACTED] to the PCB Vigilance / Anti-Corruption Department, which amounts to



breach of Article 2.4.4 of the PCB Code and is an offence punishable under Article 6.2. In view of the admission of the Participant, that he had a meeting with [REDACTED] who promised to help in solving the [REDACTED] problem but in return sought some favour. He further admits that the approaches made and invitations were a kind of match fixing and sensing that, he left the venue. It is also admitted by him that he failed to report the approaches and invitations to PCB Vigilance / Anti Corruption Department, as required by the PCB Code, Article 2.4.4. In view of the above charge as framed stood proved and participant has rendered himself to be punished under Article 6.2 of the PCB Code for which range of ineligibility is minimum of six (6) months and maximum of a life time ban. Keeping in view the charge and admission of the participant, a ban of ineligibility of 3 (three) years is imposed for charge No. 2 and he is declared to be ineligible for three (03) years from 20th February, 2020, when he was provisionally suspended under Article 4.7 of the Code. No order as to fine is passed. Both sentences awarded on Charges No. 1 and 2 shall run concurrently and during the period of 03 (three) years. The Participant / Player / Umar Akmal shall not play, coach or otherwise,



participate or be involved in any capacity in any match or any kind of functions, event or activities (other than authorized anti-corruption education or rehabilitation program) that is authorized, sanctioned, recognized or supported in any way by the PCB, the ICC, or other national cricket federations, or receive accreditation previously issued shall be deemed to be withdrawn.