



सत्यमेव जयते

PARLIAMENT OF INDIA
RAJYA SABHA

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON EDUCATION, WOMEN, CHILDREN, YOUTH AND SPORTS**

THREE HUNDRED AND FORTIETH REPORT

The National Anti-Doping Bill, 2021

(Presented to the Rajya Sabha on 23rd March, 2022)
(Laid on the Table of Lok Sabha on 23rd March, 2022)



Rajya Sabha Secretariat, New Delhi
March, 2022 /Chaitra, 1944 (Saka)

Hindi version of this publication is also available

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*To be appended

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON
EDUCATION, WOMEN, CHILDREN, YOUTH & SPORTS**

(Constituted w.e.f. 13th September, 2021)

1. **Dr. Vinay P. Sahasrabudhe** — *Chairman*
RAJYA SABHA
2. Shri R. S. Bharathi
3. Shri Bikash Ranjan Bhattacharyya
4. * Ms. Sushmita Dev
5. Shri Bhubaneswar Kalita
6. Shri Vishambhar Prasad Nishad
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18. Dr. Jaisiddeshwar Shivacharya Mahaswamiji
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20. Shri Anubhav Mohanty
21. Shri Balak Nath
22. Shri Chandeshwar Prasad
23. Shri T. N. Prathapan
24. Shri Ratansinh Magansinh Rathod
25. Shri Jagannath Sarkar
26. Dr. Arvind Kumar Sharma
27. Shri Vishnu Dutt Sharma
28. Shri Dharambir Singh
29. Shri Rajveer Singh (Raju Bhaiya)
30. Shri S. Venkatesan
31. ** Shrimati Pratibha Singh

* Nominated w.e.f. 27.09.2021

** Nominated w.e.f. 07.02.2022

SECRETARIAT

Shri Sunil Dutt Nautiyal, Joint Secretary
Shri A.K.Mallick, Director
Shri Har Prateek Arya, Deputy Secretary
Smt. Oindrila Roy, Deputy Secretary
Shri Arun Bakshi, Under Secretary

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Education, Women, Children, Youth and Sports, having been authorized by the Committee to submit the Report on its behalf, do hereby present this Three Hundred and Fortieth Report on The National Anti-Doping Bill, 2021(Annexure) pertaining to the Department of Sports, Ministry of Youth Affairs & Sports. .

2. The National Anti-Doping Bill, 2021 was introduced in the Lok Sabha on 17th December, 2021. The Chairman, Rajya Sabha, in consultation with the Speaker, Lok Sabha referred the said Bill, to the Department-related Parliamentary Standing Committee on Education, Women, Children, Youth and sports on 25th December, 2021 for examination and report..

3. The National Anti-Doping Bill, 2021 intends to provide a statutory framework for the operation of the National Anti-Doping Agency, the National Dope Testing Laboratory and other dope testing laboratories and for creation of a National Board for Anti-Doping in Sports to strengthen anti-doping activities in sport, and to comply with the provisions of the the United Nations Educational, Scientific and Cultural Organization International Convention against doping in sport, and compliance of such other obligations and commitments there under and for matters connected therewith or incidental thereto.

4. The Committee held extensive deliberations on the Bill with the stakeholders which included Secretary, Department of Sports and other Senior officials of the Department and Legislative Department, Ministry of Law & Justice, NADA and NDTL and various Sports Federations. In addition to the views of the Government, the Committee decided to seek the views/ suggestions of public in general, experts/ stakeholders/ organizations. Accordingly, the Committee issued an Advertisement in prominent newspapers on 3rd February, 2022 and also through the Website, seeking the views of the people on the Bill. The Committee also invited prominent sportspersons, who have been found guilty of an anti-dope violation so as to gain their perspective on the issue. Views of the stakeholders and comments of the Department were taken note of while formulating the observations and recommendations of the Committee.

5. The Committee wishes to express its thanks to the Secretary and officers of the Department of Sports, NADA and NDTL as well as Federations, Organizations and individuals for appearing before the Committee and furnishing the requisite information in connection with the examination of the Bill.

6. The Committee considered and adopted the Report at its meeting held on 22nd March, 2022.
7. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI
22nd March, 2022
Chaitra 1, 1944 (Saka)

Dr. Vinay P. Sahasrabudde
Chairman
Department-related Parliamentary
Standing Committee on Education, Women,
Children, Youth and Sports

ACRONYMS

ABP	Athlete Biological Passport
ADRV	Anti-Doping Rule Violations
CSIR	Council of Scientific and Industrial Research
FSSAI	Food Safety and Standards Authority of India
IIM	Indian Institute of Integrative Medicine
ISL	International Standards for Laboratories
ISO	International Organization for Standardization
NADA	National Anti-Doping Agency
NABL	National Accreditation Board for Testing & Calibration Laboratories
NCOE	National Centres of Excellence
NDTL	National Doping Testing Laboratory
NIPER	National Institute of Pharmaceutical Education & Research
R&D	Research and Development
SOP	Standard Operating Procedure
TUE	Therapeutic Use Exemption
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPES	University of Petroleum and Energy Studies
USA	United States of America
WADA	World Anti-Doping Agency

Report

1. The National Anti-Doping Bill, 2021 was introduced in the Lok Sabha on 17th December, 2021. The Chairman, Rajya Sabha, in consultation with the Speaker, Lok Sabha referred the said Bill to the Department-related Parliamentary Standing Committee on Education, Women, Children, Youth and Sports on 25th December, 2021 for examination and report within a period of three months. The National Anti-Doping Bill, 2021 seeks to provide for the constitution of a National Board for Anti-Doping in Sports for regulating anti-doping activities in sport in India and to give effect to the United Nations Educational, Scientific and Cultural Organization (UNESCO) International Convention against Doping in Sport, and compliance of such other obligations and commitments there under and for matters connected therewith or incidental thereto.

2. The Statement of Objects and Reasons as mentioned in the Bill is as under:

“The Government of India was one of the Members of Foundation Board of the World Anti-Doping Agency from 1999 to 2002. It has signed the United Nations Educational, Scientific and Cultural Organisation International Convention against Doping in Sport in 2005 and ratified it in November 2007. Pursuant to the ratification of the said Convention, the Government of India has established the National Dope Testing Laboratory in 2008 and the National Anti-Doping Agency in 2009 to fulfill the commitments of India thereunder. The said Convention aims to promote the prevention of, and the fight against, doping in sport for its elimination. To achieve the objectives of the Convention, each State Party undertakes to adopt appropriate measures that may include legislation, regulation, policies or administrative practices and to commit themselves to the principles of the World Anti-Doping Code as the basis for the measures provided in the said Convention.

2. It is intended to provide a statutory framework for the operation of the National Anti-Doping Agency, the National Dope Testing Laboratory and other dope testing laboratories and for creation of a National Board for Anti-Doping in Sports to strengthen anti-doping activities in sport, and to comply with the provisions of the said Convention.

3. The National Anti-Doping Bill, 2021, inter alia, seeks to— (i) establish a National Board for Anti-Doping in Sport and provides for its composition, powers and functions; (ii) establish the National Anti-Doping Agency to be headed by a Director General, and provides for the powers and functions of the said Agency, including the powers of investigation, levying sanctions for Anti-Doping Rule Violations, the disciplinary procedures to be adopted and the powers of inspection, sample collection and sharing and free flow of information; (iii) establish National Dope Testing Laboratory and other dope testing laboratories; (iv) strengthen the framework and mechanisms for carrying out the doping control programme in sports to ensure dope-free sport in India. “

3. The Committee held two meetings, on 19th January, 2022 and 7th March, 2022 to deliberate on the Bill in which the Committee heard the Secretary and other senior officials of the Department of Sports, various Sports Federations, prominent sportspersons and organizations/individuals who had given suggestions on the Bill. For Clause by Clause

deliberations, the Committee invited Senior Officials from the Legislative Department, Ministry of Law & Justice besides officials of the Department of Sports.

4. The Secretary, Department of Sports in her presentation outlined the need/objectives/details of the Bill with the purpose of strengthening the Anti-Doping framework in the country. She mentioned that the Bill would strengthen compliance of UNESCO International Convention against Doping in Sport, 2005 and the World Anti-Doping Code, 2021. She stated that the regulatory framework would comprise of setting up of the National Board for Anti-Doping in Sports along with a Disciplinary Panel and an Appeal Panel, incorporation of the National Anti-Doping Agency (NADA) and the National Dope Testing Laboratory (NDTL). Therefore, the Bill envisages to achieve the following:

- (a) To establish National Anti-Doping Agency (NADA), headed by a Director General, and lays down the powers and functions of the NADA;
- (b) To provide for establishment of National Dope Testing Laboratory (NDTL) and other Anti-Doping Laboratories, recognition of the other Laboratories to strengthen the Dope Testing functions and related activities;
- (c) To establish a National Board for Anti-Doping in Sports and lay down its composition and powers and functions, including oversight of the activities of the NADA;
- (d) To enable meeting the various commitments under the Convention and the Code including the standards defined therein;
- (e) To provide the desired autonomy and empowerment to make the rules and regulations for clean sports ecosystem;
- (f) Empowerment to work with all regulators in the fight against doping;
- (g) Establishment of more Dope Testing Laboratories in the country;
- (h) Strengthening anti-doping research facilities and related fields;
- (i) Creating capacity and capabilities to meet requirements for hosting major sporting events in India;
- (j) Addressing the Articles of UNESCO Convention and its
 - (i) Model framework 2021 and
 - (ii) World Anti-Doping Code and various mandatory standards of the WADA.

5. Giving a background of the international commitment of the Government of India in this regard, the Department informed that the Copenhagen Declaration on Anti-Doping in Sport was agreed to by the Government of India in March 2003, as the first step towards the preparation of the UNESCO International Convention against Doping in Sport. Through this political document, the Government signalled its intention to formally recognize and implement the World Anti-Doping Code brought out by the World Anti-Doping Agency (WADA) which was established in 1999 and is headquartered in Montreal, Canada as a regulatory body responsible for development of rules/standards and monitoring the implementation of anti-doping programme globally. India is a signatory to the International Convention against Doping in Sport, also known as the “UNESCO Convention”, which was signed on 19 October 2005. The purpose of the Convention is to promote the prevention of and the fight against doping in sports, with a view to its elimination. Article 4 of the UNESCO Convention mentions that State Parties commit themselves to the principles of the World Anti-Doping Code as the basis for the measures provided for in Article 5 where it requires the signatory countries to adopt appropriate measures. Such measures may include legislation, regulation, policies or administrative practices to achieve the objectives of the Convention. In order to comply with the Convention, the national authorities concerned with the anti-doping activities related to sports, require requisite legal authority. Therefore, countries such as USA, UK, Australia, Japan, Germany and France have enacted legislations to enable provisions for anti-doping activities. Hence, it has become imperative for India to provide a statutory framework in the form of legislation for strengthening the functioning and operations of National Anti-Doping Agency and National Dope Testing Laboratory in India to carry out anti-doping activities in sport, and complying with the provisions of the UNESCO Convention and the WADA Code. This legislative structure will enable the building of a strong independent regulatory framework to strengthen India’s position in the international sports arena. It has also been submitted that the present Bill will strengthen the anti-doping programme to enable cooperation and collaboration among national and international stakeholders. Thus, it becomes imperative for the Government to introduce this Bill to provide a clean sports ecosystem and to strengthen capabilities to host major sporting events in the country in future.

6. As a signatory to the Convention, the WADA Code (the Code) is a document for implementation of anti-doping programme by all the participating stakeholders. Article 22 of the WADA Code, 2021 relates to Involvement of Governments and it states, *“Each Government’s commitment to the Code will be evidenced by its signing the Copenhagen*

Declaration on Anti-Doping in Sports dated 3rd March 2003, and by ratifying, accepting, approving or acceding to the UNESCO Convention". In this context, it has been informed that the Indian Olympic Association and all the National Sports Federations for whose corresponding international bodies are signatory to the WADA, as well as NADA and NDTL are signatories. As the WADA is going to harmonize all the playing conditions, the rules and the disciplinary action to be imposed on the player, they have requested that while drafting or bringing out legislation, there are certain elements which are defined in this Code which needs to find place in the legislation.

7. The National Anti-Doping Agency (NADA) and National Dope Testing Laboratory (NDTL) were established as the autonomous bodies under the Ministry of Youth Affairs and Sports. In commitment to the Convention and the World Anti-Doping Code, the National Dope Testing Laboratory (NDTL) was established in 2008 and the National Anti-Doping Agency (NADA) set up in 2009 by executive order as a regulatory body registered under the Societies Registration Act, 1860. NDTL was established with the objectives of analyzing the dope samples collected from athletes and to carryout research in anti-doping science and related fields. NADA is functioning to implement or enforce the National Anti-Doping Rules which are in the form of executive rules, first notified in 2008 in line with World Anti-Doping Code and revised in 2009, 2015 and 2021. The stakeholders are all recognized sports federations who are members of International Olympic Committee, International Paralympic Committee, International Federations, National Olympic and Paralympic Committees, major event organizations and other relevant sports disciplines under the Code. The primary objectives of NADA are:

- a. to adopt and implement the anti-doping rules and policies in compliance to the World Anti-Doping Code;
- b. to regulate the dope control programme as per applicable International Standards by conducting dope sample collection of athletes;
- c. to manage dope samples, result of positive/negative cases (adverse analytical/non-analytical findings) and imposing sanctions/ ban on athletes/ athlete support personnel who have violated anti-doping rules in accordance to the International Standards;
- d. to promote education and research and creating awareness about doping and its ill effects.

8. In respect of the agencies to come under the purview of the Act, the Department submitted that they will be fully funded by the Central Government to meet all the expenses incurred on administrative and operational requirements of the Bodies established under this Act. However, keeping in view the expansion of scope of activities of the NADA, the NDTL and for the creation of a Board, annual financial implication of Rs.50 crores is envisaged. Elaborating on the powers and functions of the National Board for Anti-Doping in Sports, the Secretary highlighted that its major role would be to oversee the activities of NADA, advise Central Government and constitution of Anti-Doping Panels. The Board would have a Chairperson with two Members, all having a three year term or till they attain 65 years of age with a cooling off period of one year. She also highlighted some key features of NADA, such as implementation of commitments of UNESCO Convention, adopting Anti-Doping rules which conform to the World Anti-Doping Code, powers and functions of NADA such as result management, power of entry/search and seizure in matters relating to anti-doping rules violations and carrying out Anti-Doping education and awareness programmes for athletes and other major stakeholders.

9. The Director, NDTL in his presentation, stated that the Bill has a provision for establishing and recognizing more Dope Testing Laboratories to boost the capability of country to host mega sport events. It also intends to achieve goals for 'Atmanirbhar Bharat' and in becoming a world leader in Anti-Doping science. He also enlightened the Committee with some recent developments in dope-testing such as detection of Gene-Doping, improved detection methods, introduction of artificial intelligence, Athlete Biological Passport (ABP) and development of new Biomarkers.

10. On a query expressing concern over the increasing use of dietary supplements without any regulation, the Secretary informed that in order to track and regulate them, a process of engagement with the Food Safety and Standards Authority of India (FSSAI), which is under the Ministry of Health and Family Welfare has been initiated and lab testing of these supplements is being made mandatory from April, 2022. Rules in this regard have already been framed and FSSAI is in the process of rolling them out. She also mentioned that the Department realizes the need for creating awareness about anti-doping issues and will be taking due efforts in this respect. Further, she informed that the punishment/ penalties are based on the international anti-doping provisions and it has been kept in mind that severe criminal law provisions are not introduced in the Bill. This is in alignment with the idea of making this a preventive legislation, rather than a criminal legislation. The Secretary emphasized that, with the coming into force of the statute, NDTL and NADA which are at present Societies/ autonomous bodies will be able to expand their vision and work and would

gain the backing of law to carry out all activities deemed necessary to implement the Anti-Doping Rules. It was mentioned that they are also getting challenges in courts of law, that the NADA is imposing sanctions without the backing of the relevant Act of the country in that aspect and thus, through this Bill that legal vacuum is sought to be filled.

11. During the deposition of the Officials, it was stated that the Department realizes that the rank of the country is quite high in terms the positivity rate of athletes and therefore they want to bring out clear-cut Rules in the Act. Further, it was informed that as per the World Anti-Doping Code, countries can define an international-level athlete, national-level athlete and sub-national athlete. However, since India has been lacking such an Act or Rules, they have not defined these categories of athletes with clarity, whereas the developed countries like the USA or Canada have clearly brought this out in their Acts by defining an international athlete and a national athlete and thus are able to make a clear categorization of the positive results that are required to be reported to WADA in their Annual Report. Thus, with clarity on these aspects, the database that is shared with WADA, etc. would get suitably modified and that will automatically bring down the positivity rate. It was also informed that in the year 2021, WADA brought about mandatory International Standard for Education which has been incorporated in the Bill, and it has been made compulsory on the part of NADA to undertake and increase the flow of 'Information, education and awareness' at all levels. It was further informed that the Bill would strengthen NADA in respect of the manpower resources, which at present are only seven persons. Also, there are only 65 Dope Control Officers on rolls, whereas other countries, much smaller in size and magnitude than India have far higher numbers of Officials to handle the activities of testing, control and imparting of education/dissemination of information about anti-doping activities. It was submitted that at present about 50 educational programmes, basically at the level of elite athletes who are participating in the Olympics, Asian Games and the Commonwealth Games are being conducted. With the strengthening of bodies provided through the Bill, the education and communication programmes at all levels will increase manifold, with awareness/ educational programmes being conducted in association with the Federations and going down to the level of school children, universities, educational institutions and sports institutions,.

12. Regarding the genesis of the Bill, the Department of Sports submitted that the current Bill took shape somewhere in 2017 and 2018. It was thought of by two eminent judges who were with the National Anti-Doping Agency led by Late Justice Gopi Chand Baruka and then followed by a Committee chaired by Justice Mukul Mudgal.

13. The Department has informed that pre-legislative consultations in respect of the Bill were undertaken with the related Ministries, sports bodies and Federations and their views / comments had been sought on the various clauses of the Bill, which were considered and suitably incorporated in the Bill before its introduction in Parliament.

14. It was also submitted that while drafting this Bill, the Department had placed it in the public domain on its website and there were a lot of comments from all the National Sports Federations and the public entities. Further, the draft Bill was circulated to about 16-17 stakeholder Ministries. All the comments received were duly examined and whatever was relevant has been incorporated in the Bill. He further informed that while drafting the Bill, comments of the WADA were also sought and their comments have also been integrated. It has also been informed that after the Bill was introduced in the Parliament on 17th December, 2021 and thereafter placed on the public domain, the WADA had assessed that public document, the Bill in its current shape, clause by clause, and they have forwarded about 70 suggestions which have been examined and it has been noticed that most of them stand incorporated in the Bill.

15. The Committee also invited various Federations to hear their views on the Bill. Representatives of the Federations deposed before the Committee in its two meetings. Their views and suggestions are outlined in the succeeding paras.

16. Shri Adille J. Sumariwala, President, Athletics Federation of India stated that by establishing the National Board for Anti Doping in Sports, which would oversee the functioning of three agencies, namely NADA, NDTL and an independent hearing panel , the Bill would help in efficient working of the NDTL and NADA. He expressed the view that the Bill will also help all stakeholders and athletes because it provides for education. Additionally, the provision for searches and seizures is very important and will give teeth to the NADA. .

17. Shri Ajay Singh, President, Boxing Federation of India said that though the Bill does touch upon education, there is a need for greater emphasis on sensitization, training, on building awareness, considering that many sportspersons come from the lower income category who do not have adequate knowledge about doping and its consequences. He also stated the fact that many sportspersons do not even know what is being imbibed and they believe that they are having proteins, but actually it could be some performance-enhancement substance which could hamper their performance and health severely. He concluded his deposition by mentioning that effort should be towards building an informed and positive environment and encouraging people to follow the law rather than inflicting punishment as it

can be misused and abused. The provision of search and seizure required careful analysis and implementation because along with it arose issue about safeguarding privacy rights of the athletes.

18. Shri Jagminder Singh, Dronacharya Awardee and Chief Coach of Indian Wrestling Team; Shri Mahabir Prasad, Dronacharya Awardee, Chief Coach, NCOE; and Shri S.B. Prasad, Assistant Coach deposed before the Committee stating that more education and sensitization programmes be conducted with regard to Anti-Doping in sports in India, especially for the new sportspersons who come from rural/ different backgrounds having little knowledge of banned/prohibited consumable substances/food etc. The representatives also sought better coordination between the Sports federations and NADA to conduct regular classes on doping besides measures for periodic surveys of athletes' health and fitness. They also mentioned that Coaches try to make the sportspersons aware of the dangers of doping and its consequences. On a query as to whether there is any requirement for a sportspersons' comprehensive examination, including use of any prohibited substance, prior to his being placed under a Coach, it was informed that, at present there is no such provision. It was further informed that in their training/ exams for Coaching, adequate information about anti-doping is being provided. However, there is no proper mechanism for disseminating authentic and updated information about various prohibited salts or supplements, and the sportspersons or Coaches have to keep track of these on their own.

19. Shri Gursharan Singh, Secretary General, Paralympic Committee of India submitted that strict action be taken against anyone found indulging in doping including the sportspersons, Coaches and support personnel. There should be no leniency based on the ignorance of law or on grounds of "unwillingly commission of mistake". He also mentioned that awareness campaign and regular workshops are necessary to check the menace of doping.

20. Shri Sahdev Yadav, President and Shri Arnab Das, Chief Executive Officer, Indian Weightlifting Federation in their deposition stated that instances of doping in Weightlifting are much more as compared to other sports as it is a power game and sportspersons many time look for easy way to push ahead. It was also mentioned that there is easy access to prohibited supplements at medical stores and there is a need to check their sale and use. It was also pointed out that apart from the sportspersons who are caught, no action is taken against the doctor who may have prescribed the medicine, coaches or shops which are selling supplements with prohibited substances etc and the sportsperson alone has to bear all the consequences , if found positive. Prohibited supplements are also being brought from abroad

and some kind of check must be put on them too. They stressed on the need for bigger deterrent for anyone found complicit in doping.

21. In addition to the views of the Government, the Committee decided to seek the views/ suggestions of public in general, experts/ stakeholders/ organizations. Accordingly, the Committee issued an Advertisement in prominent newspapers on 3rd February, 2022 and also through the Website, seeking the views of the people on the Bill. The Committee received certain suggestions on various provisions of the Bill. The Committee invited the following non-official witnesses to hear their suggestions on the Bill: Dr. M.R. Madhavan, President, PRS Legislative Research; Shri Abhishek Sinha, Convenor-Centre for School of Law, UPES University and Shri Parth Kalke, Sports Management Professional, Mumbai. Their views/ suggestions on the various provisions of the Bill have been incorporated in the succeeding paragraphs.

22. Shri Abhishek Sinha highlighted that in Clause 3(1) of the Bill, there is a mention of the term 'other persons' as this Clause stipulates that no athlete, athlete support personnel or other persons shall indulge in doping in sport. Thus, from a clarity perspective, by using the term 'other persons', it is not clear who is being included in this term 'other persons'. He mentioned that the draft should be absolutely clear as this is the charging provision wherein it has been stated that no person should indulge in doping. He also mentioned that as per the definition of the athlete in the Bill, there is no distinction being made between minor athletes and major athletes. He added that there are different provisions and considerations for minor athletes in many Western jurisdictions. He also mentioned that as per the WADA Code, there is a specific reference that the constitution of the national agency should not have nominations from the Central Government; however, the Bill does not take that into consideration for the reconstituted NADA.

23. Shri Parth Kalke mentioned that there is a need for including Sports Management Courses as part of the physical education subject in Schools. He also highlighted the need for creating awareness and education using technological platforms for providing doping related information/ data/ updates to both professionals in sports and even those who play sports as a recreation.

24. Dr. M.R.Madhavan in his deposition mentioned that a Bill to provide statutory backing to NADA is necessary, as under the current system, NADA imposes penalties on sportspersons who violate the WADA guidelines on doping control and they can also suspend their participation in events. But the power to impose penalties does not have statutory backing and this becomes an issue, as there is currently no law which is giving NADA that

power and this Bill fills that gap. He further stated that the Bill broadly conforms to the scheme provided by the World Anti-Doping Agency (WADA) to the extent that there will be a Board which oversees NADA and that Board creates Hearing and Appeals Panel. Thus there will be a layer between the executing agencies i.e. NADA and the Government, which will provide a degree of operational independence, as per the WADA recommendation. Further, he pointed out three issues for consideration. He stated that the first issue relates to the independence of the Director General of the NADA. The guideline on operational independence which has been published by WADA, requires National Anti-Doping Organisations to be able to act independently of the Government. This is guideline 2.2 in accordance with Article 20.5.1 of the WADA Code. Those guidelines further make recommendations related to the appointment and early removal of the executive head of the National Anti Doping Organisations. These are included under Guideline 10, which states, "Clearly define the process to appoint the executive (operational) head of NADO, which should be transparent, apolitical, timely and based on qualifications and experience." It further states that "Clearly define the appointment criteria (e.g. relevant experience, professional qualifications, good reputation, no conflicts of interest, etc.)" and "Clearly define the grounds for dismissal (including objective grounds for early dismissal in line with applicable national law, e.g., only in case of serious misconduct or non-compliance with appointment conditions), and effective judicial review process to challenge the dismissal.". He mentioned that these provisions are from the guidelines issued by the World Anti Doping Agency. He mentioned that Clause 15 (1) of the Bill states that "The Director General shall be appointed by the Central Government from among persons of integrity and outstanding ability possessing such qualifications and experience as may be prescribed." There is no selection process given. There is no Selection Committee which various other laws have which will identify people, etc. It is entirely up to the discretion of the Government and there is no clear specification of the required qualification and experience given in the Bill itself. It says that qualifications and experience will be prescribed through rules. So that is the gap. The second issue pointed out was the early removal clause in light of clear WADA Guidelines that define the rule for dismissal. In the Bill, Clause 15 (8) states "The Central Government may remove the Director General at any time before the expiry of his term of office on the ground of proven misbehavior or incapacity or such other ground, after giving him a reasonable opportunity." The wording of "or such other ground" gives the power to the Central Government to add new grounds for dismissal, any such ground which is not defined in the Bill. He also mentioned about the qualifications of the Disciplinary Panel and the Appeals Panel stating that Article 8 of the WADA code states that an athlete or any other

person formally charged with anti-doping rules violation is entitled to a fair and timely hearing within a reasonable time and before a fair, impartial and operationally independent hearing panel. Under this, the Hearing Panel is set up and there is an Appeals Panel. The WADA Guidelines for International Standard for Results Management state that, "Members of Hearing Panel must have anti-doping experience and may include individuals with legal, sports and/or scientific expertise." Clauses 11(2) and Clause 12(2) of the Bill are about the composition of the Hearing Panel and Appeals Panel. They consist of persons with legal, medical and sports administrative experience and retired eminent sportsmen, but there is no requirement of anti-doping experience. It does not mention that such a person should be included in the panel. On being enquired as how he would define "anti dope experience", he submitted that it refers to someone who has been involved in those areas. He further submitted that Clause 11(4) of the Bill states that "If a member of Disciplinary Panel dies or resigns, or is otherwise removed from the Panel by the Board on such grounds as may be specified by regulations, the Board may appoint a suitable person to fill the vacancy." Similarly, Clause 12 (4) deals with Appeal Panel, is almost very similarly worded clause. So this implies that Board can issue regulations to specify grounds to remove members of these panels. These grounds are not specified in the Bill or the Act when it comes in the Principal Act but the power to specify them will lie with the Board. He pointed out that this raises the question as to whether such delegation of powers to the Board affects the operational independence of the panels or should they be written in the Act itself. He also mentioned that Clause 11 requires the Board to create a disciplinary panel. Clause 11(2)(b) specifies that this panel shall have four Vice-Chairpersons. Clause 11(5) states that in the absence of the Chairperson, Hearing Panel shall be constituted by the Vice-Chairperson. He pointed out that which of the four Vice-Chairpersons is being referred to is not clearly specified, which seems to be some drafting error.

25. On a query regarding whether any comparison has been made by the PRS Legislative Research of this proposed legislation with similar legislations of different countries, it was submitted that no such comparative study has been conducted till date. Shri Abhishek Sinha, on this aspect, mentioned that they have compared it with USADA (U.S. Anti –Doping Agency) legislation and two differences have been noted. One is with respect to having strict liability for anti-doping and the second is with respect of minors. He clarified that he had pointed out the issue of minors, as in the Indian laws, the approach has been preventive towards any crime committed by minors; however that can be handled through sensitization and spreading awareness. On queries regarding the binding nature of the WADA code, it was submitted that though WADA does not have statutory status but most International

Federations to which the Indian Federations are affiliated have signed up to WADA Code and not doing so may lead to Indian athletes not being allowed to participate in events or even blacklisting. In respect of the query related to willful versus non-willful action by a sportsperson, it was submitted that WADA code does not make a distinction between the two in its decision making on the penalties to be imposed.

26. Besides the depositions the Committee also notes the written submissions made by Dr Malav Shroff, a doctor, an Olympian (Athens 2004) and currently on the Mission Olympic Cell of the Ministry of Youth Affairs and Sports that, as per the provisions in the Bill, the Central Government appoints the National Board for Anti Doping and the Director and officials of the National Anti-Doping Agency and National Dope Testing Laboratory, besides the National Board appointing the National Anti-Doping Disciplinary Panel and National Anti-Doping Appeals Panel. Since the agencies executing the Anti-Doping Programs and the Disciplinary and Appeals Panel are appointed by the same Authority, an athlete who has grievances may not get a fair hearing in some cases due to conflict of interest. Thus, the Appointing Authorities of these different bodies be different, especially for the Disciplinary and Appeals Panel so that the appearance of conflict is removed.

27. The Committee decided to hear the views of prominent Indian sportspersons, who have been found guilty of an anti-dope violation so as to gain their perspective on the issue. The sportspersons who deposed before the Committee in its meeting held on 7th March, 2022 were Shri Sumit Sangwan and Shri Amit Panghal, both from boxing; Shri K. Ravi Kumar from weightlifting and Shri Narsingh Panoram Yadav from wrestling. In their deposition, they highlighted the issues of low awareness about anti-doping rules as well as the use of prohibited substances and their side effects amongst even elite Indian athletes and the need for concrete measures to address this issue. They also mentioned about NADA not doing enough to make information about various salts, intake of which would constitute an anti doping violation, available to all athletes. Athletes have little or no knowledge about banned salts, ingredients of various medicines which they may have to take for routine sickness or in times of illness. It was pointed out that even Medical practitioners/ General physicians are not aware of the prohibited substances/ salts while prescribing medicines to sportspersons. They also highlighted the requirement of providing legal assistance to sportspersons who get caught in a doping violation to present their case before the disciplinary panels, quantum of ban being decided arbitrarily by NADA without paying much attention to the individual specifics of the case, need of some mechanism to check sabotage allegations, various supplements containing prohibited substances being available over the counter leading to their use by sportspersons without knowing the consequences. It was also stated that there is a

policy of not giving any national award/ recognition to Sportspersons who get caught in doping, even when the period of their penalty/ punishment gets over and they resume their career and bring laurels to the country. It was also highlighted that only the athlete is left to bear all the consequences of a doping violation without any reference to his/ her coaches, support system, doctors etc.

28. The Committee during its examination of the Bill deliberated on various clauses of the Bill. Some provisions in the Clauses drew the attention of the Committee, which have been dealt with along with the points raised by Federations, witnesses and stakeholders, in the succeeding paragraphs.

29. The Committee notes that Clause 2(d) defines an “athlete” to mean any person who competes in any sport at the national level or international level or participates in any competition or event to which this Act applies. The Committee also notes that in respect of this definition, point has been raised that there is no distinction being made between minor athletes and major athletes. On this aspect, the Department has informed that the WADA Code in its Appendix, allows that depending on the specification of the athlete, limited testing may be done and they have defined a protected class of athletes, which means athletes who are below 16 years etc. So, if an athlete is below 16 years etc. then, there is a provision available in the WADA Code for limited sample or he/she may be given a lesser amount of reprimand or sanction. However, this is a matter to be dealt with in rules by classifying an athlete to which the full menu of tests and the full menu of sanctions are to apply or not. It was further informed that there is also a provision for 'protected' or 'minor' athlete to which a lesser degree or a warning or something like that may serve the purpose and in this regard it is informed that only the details of national and international athletes go to the WADA; details of minor, domestic, and protected class of athletes do not go to the WADA. **The Committee suggests that such a distinction should be made while formulating the rules so that a protective mechanism is available to the minor athletes.**

30. The Committee notes that Clauses 2(b) defines the “Anti-Doping Rule Violation” and the Department has informed that it defines that athletes or the other person who violates the National Anti-Doping Rules as notified under this Act shall constitute an Anti-Doping Rule Violation, which is specified in the World Anti-Doping Code. Further it is clarified that the term violation is in the context that any athlete whose dope sample collected by the NADA, if reported to have the presence of prohibited/banned substances is termed as an anti-doping rule violation. Also in addition, the possession, trafficking of these prohibited/banned substances shall also constitute an Anti-doping Rule Violation (ADRV). It is noted that this

definition of Anti-Doping Rule Violation is in line with World Anti-Doping Code to ensure the participation of Indian elite athletes in all international events at par with any other athletes. It is also informed that International rules and regulations in Anti-Doping matters are dynamic in nature, and the Bill has enabling provisions to make rules to sustain the framework. **The Committee is of the view that the explanation should be included in the Rules so as to provide clarity in respect of what constitutes an Anti-Doping Rule Violation (ADRV).**

31. The Committee notes that the Clauses (d) and (e) relate to definition of an “athlete” and “athlete support personnel”. The Department has informed that an “athlete” is a sports person who is a member of any Sports Federations/ Sports Board/Affiliated clubs and participates in any competitions/ events or any event at national level or international level in any sports and this definition has been adopted from the UNESCO Convention and World Anti-Doping Agency and covers all level of athletes participating in any sporting event in the country. Further, it has been informed that an “athlete support personnel” is a person who is associated with the any part of Sports or Sports Federations or the event in any capacity *i.e* any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel. **The Committee notes that the definition of an “athlete support personnel” mentions “or such other person” besides the specified persons. It is also noted that the same has been used in Clauses 3(1) and 3(2) also. It is also noted that witnesses appearing before the Committee had also pointed this out and suggested that clarity be provided on this aspect. Officials from the Department of Sports and Legislative Department, Ministry of Law & Justice clarified in reference to clause 2(e), that the term "athlete support personnel" involves everyone who is working for sports, in any capacity. Whether a person is working as a masseur, physiotherapist or any kind of support personnel who is directly working with the team, they would all be covered in the definition of "athlete support personnel". This is a general definition and that is why the definition of 'or such other person' has been given. The Committee noted the clarification and recommends that clarity in respect of “or such other person” be provided in the Rules to be framed as subordinate legislation so that there is no ambiguity in understanding as to who are covered in its ambit.**

32. The Committee notes that Clause 2(h) defines “Code” to mean the World Anti-Doping Code adopted and amended from time to time by the World Anti-Doping Agency. The Department has informed that “Code” is defined as the fundamental and universal document upon which the World Anti-Doping Programme in Sport is based and defines all procedures and processes to be adopted by all the signatories towards implementation of anti-

doping program. Further, it is informed that this Code provides an equal opportunity for all players and the anti-doping programs seek to protect the health of Athletes and to provide the opportunity for Athletes to pursue human excellence without the Use of Prohibited Substances and Prohibited Methods. It is also submitted that in addition to the Code, there are eight mandatory international standards required to be implemented to comply with the Code. **The Committee recommends that since a number of definitions and provisions in the Bill are aligned with the World Anti-Doping Code and are guided by its provisions, in order to avoid selective or alternative interpretation of the Clauses or their application, the relevant WADA Code provisions and their applicability be appropriately reflected in the regulations, that will follow, so that the correct import of any provision of the Bill is made clear for all concerned.**

33. Clause 2 (za) mentions the “Prohibited List”. The Department submitted that while formulating the Bill, it was suggested that the List of 'prohibited substance' be mentioned in the Bill and not left for the Regulations. However, since the List of prohibited substances is prepared by WADA and it gets periodically revised, based on its findings and research, hence it was decided that it will not be appropriate to place the list of prohibited substances in the Bill. **The Committee notes and agrees with the clarification; however the Committee recommends that in order to make information about the prohibited list easily accessible to all, besides including it in the regulations, a mechanism be developed like an App or dynamic website, where not only such a list be readily available but also information about various supplements, medicines with their ingredients, be made available so that based on such information, the cases of unwilful consumption of a prohibited substance can be curtailed/avoided.**

34. Clause 3 of the Bill explains the Anti Doping Rules Violations (ADRVs) under the Code and the applicability of the Code includes all participating athletes or other person associated in Sports. Also, as per Clause 3(5), every athlete and athlete support personnel and other persons shall will be responsible for knowing what constitutes Anti-Doping Rule Violations and the restrictions on the use of prohibited substances and the prohibited methods which are included in the Prohibited List. **The Committee observes that this provision squarely places the onus of responsibility on the athlete/ athlete support personnel in respect of ADRVs, restrictions on use of prohibited substances and prohibited methods. The Committee is of the view that, in order for athletes/ athlete support personnel to be ably adhere to the responsibility entrusted , the onus towards creating awareness on these aspects falls on the Department of Sports, SAI, the Federations , NADA and other stakeholders and they must come up with substantive measures to address the issue.**

35. The Committee also notes that the quantum of penalty (monetary or otherwise) or kind of sanction that can be imposed for the violation of ADRVs has not been provided in the Bill itself and has been left to be prescribed through subordinate legislation. The Department has submitted that the Hon'ble Supreme Court in the case of *Municipal Corporation of Delhi v. Birla Cotton Spinning and Weaving Mills Delhi* [1968 AIR 1232] has observed that 'Power to make subordinate or ancillary legislation may undoubtedly be conferred upon a delegate, but the Legislature must in conferring that power disclose the policy, principles or standards which are to govern the delegate in the exercise of that power so as to set out a guidance'. Therefore, as a measure of guidance, it may be appropriate to only provide the maximum limit of sanction and the type of sanction and allow the Disciplinary Panel to determine the actual sanction on a case to case basis. The requirement of specifying the sanction for each type of Anti-Doping Rule Violation may not be necessary as the Supreme Court has observed that the Act may specify the guidelines on which Regulations may be provided. In this regard, it has been further submitted that Clause 6 of the Bill specifies the various types of consequences/penalties that may be imposed on establishing an Anti-Doping Rules violation. Details of the consequences/ penalties and their quantum will be in consonance with the provisions of the Code and same will be incorporated by specific regulation as per relevant Sections incorporated in the Bill. **The Committee notes the position and observes that since the provisions, in their application, will commence only after the formulation of the relevant rules/ regulations, the Department may expeditiously undertake the exercise of their detailed and unambiguous formulation so that the Doping issues in sports which are sought to be addressed through the Bill do not get entangled, thus delaying the impact of the legislation.**

36. The Committee notes that the Bill is quiet on the governance and procedure in the case where a foreign athlete is found to be guilty of committing an ADRV in international sporting events held on the Indian soil. Upon a query in this regard, it has been informed that in such cases, NADA will inform WADA and suitable action as per its Code will be initiated. Moreover, WADA is present in all international events and there are clear defined guidelines to be followed in such cases. **The Committee noted the position.**

37. The Department has informed that the Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice & Empowerment in their comments had mentioned that those athletes with disabilities such as multiple sclerosis or athletes with blood disorders etc. who are dependent on medication containing substances under Anti-Doping law may be exempted from the purview of Anti-Doping law. The Department further informs that the WADA Webpage on Therapeutic Use Exemption (TUE) provides that

“athletes may have illnesses or conditions that require them to take particular medications. If the medication an athlete is required to take to treat an illness or condition happens to fall under the Prohibited List, a Therapeutic Use Exemption (TUE) may give that athlete the authorization to take the needed medicine”. Further Clause 4.4.1 of the WADA Code 2021 regarding TUEs, provides that the presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an Anti-Doping Rule Violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions. The Department submits that these concerns have been addressed through Clause 5 of the Bill which relates to Therapeutic Use Exemptions. **The Committee notes that the concerns raised are genuine and agrees with the inclusion of the Therapeutic Use Exemption Clause to facilitate such athletes. The Committee recommends that international practices and convention on the subject may be kept in perspective while providing such exceptions and also a detailed Standard Operating Procedure (SOP) in this regard may be prepared so that deserving athletes do not face any difficulty in being granted such exemptions. The Committee also suggests that the Department in coordination with NADA should also undertake a study to evaluate if any ingredients, routinely used in Indian dietary preferences contain any WADA prohibited substances, so that such points can be brought to their notice and remedial exemptions sought.**

38. The Committee notes that Clause 6 deals with the consequences of Anti-Doping Rule Violations by an athlete or an athlete support personnel and lays that such an action may result in various actions including disqualification of results with all consequences including forfeiture of medals, points and prizes, in such manner as may be specified by the Agency by regulations. The Committee notes that once the penalty imposed on an athlete is over, the athlete is able to participate in events, and win prizes bringing laurels to the country. It has however been pointed out in deposition by prominent athletes that dope tainted athletes, even if their penalty period is over and have resumed their sporting career, are not considered for any national awards. **The Committee recommends that since this is a policy decision, Government may examine the issue to provide relief to athletes who have served their penalty and have been selected to participate in national/international events and have excelled therein. While noting that the quantum of penalties for an Anti-Doping Rule Violation by an athlete is determined as per the provisions of the defined Code, the Committee recommends that since an athlete’s sporting career is limited to a span of few**

years, there is a need to ensure that the quantum of penalties imposed are proportional to the extent/degree of the proven doping violation.

39. Clause 7 of the Bill is concerned with establishment and constitution of National Board for Anti-Doping in Sports. The Clause states that the Board shall have a Chairperson and two Members to be appointed by the Central Government. Chairperson or Member appointed in the Board by the Government should not have any representation in International Federation, National Sports Federation, Major Event Organization, National Olympic Committee, National Paralympic Committee or be in the Government department with responsibility for sport or anti-doping. It has been informed that in the present setup in NADA, the management and the affairs of NADA vest with the Governing Body comprising of Minister for Youth Affairs & Sports as its Chairman, Secretary (Sports), its Vice-Chairman with other Members from outside, *i.e.* eminent athletes, retired judge as legal expert and a Director General of NADA as Member Secretary. The General Body and Executive Body looks after the financial proposal for operation activities and meetings of these Committee are held quarterly or half yearly. Proposed Board in the Bill, shall look after all the issues of the Code compliance smoothly as they will be regularly monitoring the activities of the Agency, panels, committees and problem areas may be brought to the knowledge of the Government to be compliant with the WADA Code and the Convention. Also, the Chairperson appointed by the Central Government should have twenty years' experience in the field of general administration, sport administration or be a retired eminent athlete and the members appointed in the Board by the Central Government should have fifteen years' experience in the field of general administration, medical sciences or Law or be retired eminent athletes. It is submitted that the provisions with the eligibility condition prescribed in the Bill will help in monitoring the compliance to Convention and Code and other operational issues to ensure the clean sports system in the country. The person with the requisite experience appointed for the purpose would be able to deliver the outcomes as mentioned in the regulations and recommend to the government to take appropriate measures in the fight against doping and to protect the interest of the athletes. Also, the basis for term of the three years of the Board Chairperson and the Members is to ensure that the programme is continuously monitored and implemented in compliance to the Convention. The provision states that appointed Members shall not accept position in any organization to maintain the confidentiality of the Board, or the Agency. As these measures would need consultation from the respective stakeholders, it is important for the Board to interact with the stakeholders at regular intervals. The rules of procedure for such meetings will be brought out in the corresponding rules and regulations. The provision prescribes three months of advance notice for resignation by Chairperson/Members to ensure

substitute may be appointed in time by the Government and work may not get hampered due to absence of quorum of the Board for whatsoever reason. The salaries, allowance and other details will be brought out in the rules and regulations of this Act. **The Committee notes the provisions and recommends that a Committee/ mechanism / process to be followed for selection and appointment of the Chairperson or Members of the Board may be laid down to ensure proper vetting of the person(s) who are sought to be appointed by the Government.**

40. Clauses 11 and 12 of the Bill relate to constitution of the National Anti-Doping Disciplinary Panel and the National Anti-Doping Appeal Panel by the National Board for anti-Doping in Sports. It has been informed that these will be independent Panels which will adjudicate the matters in relation to Anti-Doping Rule Violations under the National Anti-Doping Rules. National Anti-Doping Disciplinary Panel will be the first instance body to hear the matters of facts submitted by both parties (NADA and the Athlete/other person) to determine the consequences and decide the matter. Similar types of mechanism are available for athletes/other person in other countries to ensure fair, impartial and timely hearing of the anti-doping matters. The Committee pointed out that a point was raised that as per the provisions in the Bill, the Government appoints the National Board for Anti Doping and the Director and officials of the National Anti-Doping Agency and National Dope Testing Laboratory, besides the National Board appointing the National Anti-Doping Disciplinary Panel and National Anti-Doping Appeals Panel. Since the agencies executing the Anti-Doping Programmes and the Disciplinary and Appeals Panel are appointed by the same Authority, an athlete who has grievances may not get a fair hearing in some cases due to conflict of interest. Thus, the Appointing Authorities of these different bodies be different, especially for the Disciplinary and Appeals Panel so that the appearance of conflict is removed. **The Committee notes that at present, Anti-Doping Disciplinary and Appeal panels are provided within the administrative structure of the NADA. Thus, there is a need that the prosecuting agency (NADA) and the Anti-Doping Panels be separated both functionally and administratively. In view of this, the Anti-Doping Panels are to be constituted, monitored and administered by the Board to ensure fair, impartial and timely hearing process. It has been further informed that the qualifications of the appointed chairpersons and members of the panels are as per the stipulated guidelines of the WADA and all the relevant rules for the functioning of the panels will be based on the prevailing international standards of the anti-doping program. The details of the qualifications, experience, honorarium, discharge of duties and responsibilities for such panel chairperson, members, timelines for listings and case disposal shall be brought**

out under the rules and regulations. The Committee is of the view that any apprehension on this count, at this point of time, seems farfetched and notes that the proposed mechanism seems to be proper and in agreement with the requirements.

41. The Committee also deliberated on the matter of grounds for removal of members of the Disciplinary and hearing panels without being given an opportunity to present their case, and notes that Clause 11(4) and Clause 12(4) stipulate that the grounds for removal will be as may be specified by regulations. **Thus, the Committee is of the view that such issues will be taken care of while formulating the regulations and any concern at this point of time on this issue is unfounded.**

42. Clause 11(5) provides that for the purposes of hearing and determining consequences of Anti-Doping Rule Violations, a hearing panel of three members shall be formed by the Chairperson of the Disciplinary Panel or in his absence, by the Vice-Chairperson; and each such panel shall consist of the Chairperson or the Vice-Chairperson as its Chairperson, one member who is a medical practitioner and other member who is a sports administrator or retired eminent athlete. The Committee notes that it has been pointed out that the Disciplinary Panel consists of four Vice Chairpersons and the Bill refers to “the Vice Chairperson” to chair the Disciplinary Panel in the absence of the Chairperson. This does not provide clarity as to which of the four Vice-Chairpersons will be responsible for forming the hearing panels in the absence of the Chairperson. The Department on this aspect has submitted that the NADA is in operation through an executive order since the year, 2009 and there is already an Appeals Panel and a Disciplinary Panel in operation and all cases are being heard. As of now, there is very little pendency as the intent is to expedite the hearings and complete the hearings within a matter of 1-4 days so that the case does not linger for long, in which case the sportsperson or the athlete unnecessarily suffers. In this context, it is submitted that there has to be a flexibility as to who should be a vice-Chairperson in case the Chairperson is not present, etc. and the current extant arrangement in the NADA, in practice for the last many years, is already working fine with that flexibility and it is practically serving the purpose. By making it too specific, it may restrict the freedom and the operational mobility in the hearing for athletes. **The Committee agrees with the submission made by the Department and is of the view that the flexibility in the formulation of the Clause will be helpful to address the practical difficulties that may arise in seeking to define a single Vice-Chairperson in the absence of the Chairperson to chair the Disciplinary panel, based on any specified parameters of seniority or age or any other criteria.**

43. The Committee notes that Clause 19 of the Bill provides for the power of entry, search and seizure by any person authorised by the Agency for the purpose of determining if any Anti-Doping Rule Violation has been committed and the procedure to be adopted shall be in accordance with the provisions of the Code of Criminal Procedure, 1973. Also, sub-clause 31 (k) of Clause 31, which deals with power to make regulations by Agency, states that the procedure for search and seizure of premises, collection of samples, and collection of information and whereabouts data, and consequences for wilful delay, obstruction, destruction or provision of false information by any person in relation to any exercise of power by an empowered person under this Act shall be laid. It has been submitted by the Department that Clause 19 defines the power of the Agency to conduct procedures in accordance with the provisions of the Code of Criminal Procedure, 1973 to perform entry, search and seizure in matters of anti-doping cases related to possession and trafficking of prohibited substances and methods and suspicious doping at sport facilities and training camps to deal with the matters. The power of the Agency as specified under the regulations to coordinate, conduct investigations and sharing anti-doping information and evidence amongst the public authorities/agencies in the fight against doping in sport. It has further been stated that as per the commitments of the UNESCO Convention, the responsibilities of governments are to undertake appropriate measures including legislation, regulation, policies or administrative practices to regulate manufacturing, trafficking, possession and to restrict availability of prohibited substances and methods in the fight against doping in sport. Further, it is informed that many countries have their own Anti-Doping Laws like France, US, Italy, Australia, Germany etc. wherein it allows their agency to perform investigation and to gather intelligence in matters relating to anti-doping rule violations. The Committee deliberated on the issue and is of the view that such a power will help in strengthening the anti-doping measures and will also be a deterrent for any athlete or support personnel to indulge in doping activities. **The Committee, however suggests that while laying down the procedure in respect of entry, search and seizure and initiating any action in accordance with the provisions of the Code of Criminal Procedure, 1973, due safeguards may be provided to protect the rights of athletes and to address the issues of privacy.**

44. Clause 26 relates to National Dope Testing Laboratory, established and functioning as such and recognizing or establishing more dope testing laboratories. In this regard, it has been submitted that the National Dope Testing Laboratory (NDTL) was established as an autonomous body under the Ministry of Youth Affairs and Sports,

Government of India in October, 2008. It was registered under the Societies Registration Act, 1860 in order to keep the Laboratory independent and to avoid any conflict of interest on testing of the samples of sportspersons and handling of test results. It is accredited by the National Accreditation Board for Testing & Calibration Laboratories (NABL) for ISO/IEC: 17025 and the World Anti-Doping Agency (WADA) for testing of urine and blood samples from human sports. The Laboratory is located within precincts of the Jawaharlal Nehru Stadium Complex and has the state-of-the-art facilities for testing of dope samples as per the requirements of WADA and for undertaking research activities. As per the WADA International Standards for Laboratories (ISLs), the Laboratory is required to spend 10% of its annual budget on research and development (R&D). The basic objectives of the National Dope Testing Laboratory are:

- To establish and maintain World Anti-Doping Agency (WADA) accredited Dope Control Laboratory in India;
- To cooperate with other relevant national/international Anti-Doping organisations;
- To encourage reciprocal testing between national anti-doping organization;
- To promote anti-doping research in the country;
- To maintain quality control systems as per latest version of ISO/IEC: 17025 and International Standards of Laboratories of WADA;
- To conduct testing for In-competition and out-of-competition dope tests on sportspersons;
- To have some international cooperation with other anti-doping labs/organizations in terms of research, training and sharing of knowledge;
- To perform all things as are incidental or conducive to the attainment of the above objectives or any of them which may be conveniently done along with or as subsidiary to the objects;
- To frame rules and develop procedures as per the WADA guidelines.

It has also been informed that there are a total of 29 WADA -accredited laboratories in the world and out of which six are in Asia. The NDTL is one of the six laboratories in Asia accredited by WADA. The other laboratories in Asia are in China, Japan, Korea, Doha and Thailand.

45. The Committee notes that it had undertaken a visit to NDTL to see the facilities and to understand the processes being followed in dope testing. The Committee, in its interaction with Director, NDTL and other Officials was informed that the accreditation of WADA is granted on yearly basis and is based on the evaluation of the proficiency testing participation results for the particular year. Also as per the latest WADA ISL Art. 4.4.2.4, a WADA-

accredited Laboratory is required to be administratively and operationally independent from any Organization that could exert undue pressure on the laboratory and affect the impartial execution of its tasks and operations. Further, as per WADA Art.4.6.4.2, noncompliance with or failure to establish and/or maintain administrative and operational independence as described above in Art. 4.4.2.4, may lead to Analytical Testing Restriction or Suspension of the laboratory. The Committee is happy to note that NDTL has met the above WADA ISL specifications and is administratively and operationally independent, and therefore NDTL by virtue of its WADA-accreditation, is the principal anti-doping laboratory in the country. It is also noted that at present, NDTL is the sole dope testing laboratory in the country which is receiving dope samples forwarded by the Testing Authorities from all parts of the country and also from neighbouring countries. It has also been informed that the Bill has provision for establishment of more number of Dope Testing Laboratories in addition to NDTL. The Committee notes that the NDTL has a number of international client countries making use of its facilities like Singapore, Malaysia, Sri Lanka, Bhutan, Bangladesh, Indonesia and Nepal. Besides that, NDTL is also undertaking research collaborations with National Institute of Pharmaceutical Education & Research (NIPER) - Guwahati and CSIR- Indian Institute of Integrative Medicine (IIIM), Jammu and also collaborating with International laboratories. It has also been pointed out that a dedicated Research Institute for strengthening the Anti-Doping Science and Education in India will go a long way in spreading awareness and research in the field of doping. **The Committee is of the view that large scale awareness, education and information is much needed for athletes, coaches, support personnel, medical practitioners etc to check and eliminate the menace of doping in sports and to maintain the pristine spirit of sports which has been defined as “ the ethical pursuit of human excellence through the dedicated perfection of each Athlete’s natural talents”. Towards this pursuit, the Committee recommends that a dedicated institute to undertake research and awareness initiatives, develop educational content, run courses (Diploma/Degree) needs to be set upto propagate and promote the vision outlined in the Bill for anti-doping measures. The Committee also emphasizes on the need for opening more Dope Testing Laboratories in the country, preferably one in each state , to cater to the need of the country and to also become a leader in South East Asia region in the areas of Anti-Doping Science and Education.**

46. The Committee also recommends the following measures to improve and strengthen the anti-doping ecosystem in the country:

- (i) boosting education, regular counselling and awareness-raising measures from grass root level, with specific programmes for different target groups, in order to spread positive messages on clean sport and anti-doping work;**
- (ii) strengthening the physical resources, in terms of available manpower, for the anti-doping bodies such as NADA and NDTL, which are at present greatly short-staffed;**
- (iii) giving a focused thrust towards starting more sports science and sports medicine courses in various medical colleges/Universities to address the lack of qualified personnel in these fields in the country;**
- (iv) improving consequential awareness amongst elite athletes, regulation of availability of supplements, availability of trained athlete support personnel and accessible reference material;**
- (v) motivating the athletes to focus on training, natural food diet and proper recovery rather than resorting to any unethical means to improve performance;**
- (vi) enforcing regulatory action towards proper labelling of and use of dope-free certified supplements. Also, ensuring “Dope-free” certification by independent bodies should be made mandatory for supplements or nutraceuticals which are regularly consumed by athletes and these should only be prescribed by the team physicians or sports physicians, to avoid cases of accidental consumption. In addition, establishment of designated shops all over the country having certified 'prohibited substance free medicines' and supplements for benefit of athletes;**
- (vii) putting in place an early detection mechanism for doping at all sports camps which are organized for training of athletes so that the efforts of athletes do not go in vain, as generally doping tests are undertaken just before the competition or during the competition, whereas athletes spend months and years preparing for a major event unaware of any accidental consumption of any prohibited substance that may have happened earlier;**
- (viii) enforcement of a slew of measures in the various sport camps organized by SAI/Sports Federations/other bodies to prevent instances of doping by athletes and also to check allegations of foul play. Such measures should include the formulation of guidelines for standardization of the protein intake of the athletes, strict monitoring of all types of food/ liquid intake of the selected athletes, and in cases of athletes being found guilty for doping through cooked**

food in camps, the cooks and food providers in such camps should also be held responsible and strict action be taken against them;

- (ix) mandatory provision for having at least one certified sports medicine doctor to advise and treat the athletes in every sports camp. Also, concerted efforts be made to declare and ensure the training camps as 'No-Syringe zones', and in order to check entry of any banned/prohibited substances/supplements, strict access control measures and baggage x-ray scanning mechanisms of the visitors be put in place;
- (x) enforcing athletes' responsibility towards protection of the integrity of sports by ensuring the proper compliance of the "whereabouts guidelines", under which providing accurate and up-to-date "whereabouts" promotes clean sports. Thus, the Department/ SAI need to take pro-active steps to publicize the whereabouts guidelines/responsibilities and the consequences in case of default by an athlete, for the benefit of athletes/ coaches/ trainers/ support personnel;
- (xi) putting in place a mechanism for legal aid to athletes to present their point of view before the authorities/ panels;
- (xii) increasing cooperation and coordination with fitness centres and gyms so as to bring them onboard and involve them in the fight against doping in sports; and
- (xiii) encouraging athletes and other persons to speak out against doping, acting as whistleblowers, while protecting them and the privileged information, and also ensuring that such information is used appropriately.

47. The Committee endorses the Bill in its present form. The suggestions/ recommendations given by the Committee may however be taken into account at appropriate stage.

OBSERVATIONS/RECOMMENDATIONS AT A GLANCE

The Committee suggests that such a distinction should be made while formulating the rules so that a protective mechanism is available to the minor athletes.

(Para 29)

The Committee is of the view that the explanation should be included in the Rules so as to provide clarity in respect of what constitutes an Anti-Doping Rule Violation (ADRV).

(Para 30)

The Committee notes that the definition of an “athlete support personnel” mentions “or such other person” besides the specified persons. It is also noted that the same has been used in Clauses 3(1) and 3(2) also. It is also noted that witnesses appearing before the Committee had also pointed this out and suggested that clarity be provided on this aspect. Officials from the Department of Sports and Legislative Department, Ministry of Law & Justice clarified in reference to clause 2(e), that the term "athlete support personnel" involves everyone who is working for sports, in any capacity. Whether a person is working as a masseur, physiotherapist or any kind of support personnel who is directly working with the team, they would all be covered in the definition of "athlete support personnel". This is a general definition and that is why the definition of 'or such other person' has been given. The Committee noted the clarification and recommends that clarity in respect of “or such other person” be provided in the Rules to be framed as subordinate legislation so that there is no ambiguity in understanding as to who are covered in its ambit.

(Para 31)

The Committee recommends that since a number of definitions and provisions in the Bill are aligned with the World Anti-Doping Code and are guided by its provisions, in order to avoid selective or alternative interpretation of the Clauses or their application, the relevant WADA Code provisions and their applicability be appropriately reflected in the regulations, that will follow, so that the correct import of any provision of the Bill is made clear for all concerned.

(Para 32)

The Committee notes and agrees with the clarification; however the Committee recommends that in order to make information about the prohibited list easily accessible to all, besides including it in the regulations, a mechanism be developed like an App or dynamic website, where not only such a list be readily available but also information about various supplements, medicines with their ingredients, be made available so that

based on such information, the cases of unwilful consumption of a prohibited substance can be curtailed/avoided. (Para 33)

The Committee observes that this provision squarely places the onus of responsibility on the athlete/ athlete support personnel in respect of ADRVs, restrictions on use of prohibited substances and prohibited methods. The Committee is of the view that, in order for athletes/ athlete support personnel to be ably adhere to the responsibility entrusted , the onus towards creating awareness on these aspects falls on the Department of Sports, SAI, the Federations , NADA and other stakeholders and they must come up with substantive measures to address the issue. (Para 34)

The Committee notes the position and observes that since the provisions, in their application, will commence only after the formulation of the relevant rules/ regulations, the Department may expeditiously undertake the exercise of their detailed and unambiguous formulation so that the Doping issues in sports which are sought to be addressed through the Bill do not get entangled, thus delaying the impact of the legislation. (Para 35)

The Committee notes that the concerns raised are genuine and agrees with the inclusion of the Therapeutic Use Exemption Clause to facilitate such athletes. The Committee recommends that international practices and convention on the subject may be kept in perspective while providing such exceptions and also a detailed Standard Operating Procedure (SOP) in this regard may be prepared so that deserving athletes do not face any difficulty in being granted such exemptions. The Committee also suggests that the Department in coordination with NADA should also undertake a study to evaluate if any ingredients, routinely used in Indian dietary preferences contain any WADA prohibited substances, so that such points can be brought to their notice and remedial exemptions sought. (Para 37)

The Committee recommends that since this is a policy decision, Government may examine the issue to provide relief to athletes who have served their penalty and have been selected to participate in national/international events and have excelled therein. While noting that the quantum of penalties for an Anti-Doping Rule Violation by an athlete is determined as per the provisions of the defined Code, the Committee recommends that since an athlete's sporting career is limited to a span of few years, there is a need to ensure that the quantum of penalties imposed are proportional to the extent/degree of the proven doping violation. (Para 38)

The Committee notes the provisions and recommends that a Committee/ mechanism / process to be followed for selection and appointment of the Chairperson or Members of the Board may be laid down to ensure proper vetting of the person(s) who are sought to be appointed by the Government. (Para 39)

The Committee notes that at present, Anti-Doping Disciplinary and Appeal panels are provided within the administrative structure of the NADA. Thus, there is a need that the prosecuting agency (NADA) and the Anti-Doping Panels be separated both functionally and administratively. In view of this, the Anti-Doping Panels are to be constituted, monitored and administered by the Board to ensure fair, impartial and timely hearing process. It has been further informed that the qualifications of the appointed chairpersons and members of the panels are as per the stipulated guidelines of the WADA and all the relevant rules for the functioning of the panels will be based on the prevailing international standards of the anti-doping program. The details of the qualifications, experience, honorarium, discharge of duties and responsibilities for such panel chairperson, members, timelines for listings and case disposal shall be brought out under the rules and regulations. The Committee is of the view that any apprehension on this count, at this point of time, seems farfetched and notes that the proposed mechanism seems to be proper and in agreement with the requirements.

(Para 40)

Thus, the Committee is of the view that such issues will be taken care of while formulating the regulations and any concern at this point of time on this issue is unfounded. (Para 41)

The Committee agrees with the submission made by the Department and is of the view that the flexibility in the formulation of the Clause will be helpful to address the practical difficulties that may arise in seeking to define a single Vice-Chairperson in the absence of the Chairperson to chair the Disciplinary panel, based on any specified parameters of seniority or age or any other criteria. (Para 42)

The Committee , however suggests that while laying down the procedure in respect of entry, search and seizure and initiating any action in accordance with the provisions of the Code of Criminal Procedure, 1973, due safeguards may be provided to protect the rights of athletes and to address the issues of privacy. (Para 43)

The Committee is of the view that large scale awareness, education and information is much needed for athletes, coaches, support personnel, medical practitioners etc to check and eliminate the menace of doping in sports and to maintain the pristine spirit of sports which has been defined as “ the ethical pursuit of human excellence through the dedicated perfection of each Athlete’s natural talents”. Towards this pursuit, the Committee recommends that a dedicated institute to undertake research and awareness initiatives, develop educational content, run courses (Diploma/Degree) needs to be set upto propagate and promote the vision outlined in the Bill for anti-doping measures. The Committee also emphasizes on the need for opening more Dope Testing Laboratories in the country, preferably one in each state , to cater to the need of the country and to also become a leader in South East Asia region in the areas of Anti-Doping Science and Education. (Para 44)

The Committee also recommends the following measures to improve and strengthen the anti-doping ecosystem in the country:

- (i) boosting education, regular counselling and awareness-raising measures from grass root level, with specific programmes for different target groups, in order to spread positive messages on clean sport and anti-doping work;**
- (ii) strengthening the physical resources, in terms of available manpower, for the anti-doping bodies such as NADA and NDTL, which are at present greatly short-staffed;**
- (iii) giving a focused thrust towards starting more sports science and sports medicine courses in various medical colleges/Universities to address the lack of qualified personnel in these fields in the country;**
- (iv) improving consequential awareness amongst elite athletes, regulation of availability of supplements, availability of trained athlete support personnel and accessible reference material;**
- (v) motivating the athletes to focus on training, natural food diet and proper recovery rather than resorting to any unethical means to improve performance;**
- (vi) enforcing regulatory action towards proper labelling of and use of dope-free certified supplements. Also, ensuring “Dope-free” certification by independent bodies should be made mandatory for supplements or nutraceuticals which are regularly consumed by athletes and these should only be prescribed by the team physicians or sports physicians, to avoid cases**

- of accidental consumption. In addition, establishment of designated shops all over the country having certified 'prohibited substance free medicines' and supplements for benefit of athletes;
- (vii) putting in place an early detection mechanism for doping at all sports camps which are organized for training of athletes so that the efforts of athletes do not go in vain, as generally doping tests are undertaken just before the competition or during the competition, whereas athletes spend months and years preparing for a major event unaware of any accidental consumption of any prohibited substance that may have happened earlier;
 - (viii) enforcement of a slew of measures in the various sport camps organized by SAI/Sports Federations/other bodies to prevent instances of doping by athletes and also to check allegations of foul play. Such measures should include the formulation of guidelines for standardization of the protein intake of the athletes, strict monitoring of all types of food/ liquid intake of the selected athletes, and in cases of athletes being found guilty for doping through cooked food in camps, the cooks and food providers in such camps should also be held responsible and strict action be taken against them;
 - (ix) mandatory provision for having at least one certified sports medicine doctor to advise and treat the athletes in every sports camp. Also, concerted efforts be made to declare and ensure the training camps as 'No-Syringe zones', and in order to check entry of any banned/prohibited substances/supplements, strict access control measures and baggage x-ray scanning mechanisms of the visitors be put in place;
 - (x) enforcing athletes' responsibility towards protection of the integrity of sports by ensuring the proper compliance of the "whereabouts guidelines", under which providing accurate and up-to-date "whereabouts" promotes clean sports. Thus, the Department/ SAI need to take pro-active steps to publicize the whereabouts guidelines/responsibilities and the consequences in case of default by an athlete, for the benefit of athletes/ coaches/ trainers/ support personnel;
 - (xi) putting in place a mechanism for legal aid to athletes to present their point of view before the authorities/ panels;
 - (xii) increasing cooperation and coordination with fitness centres and gyms so as to bring them onboard and involve them in the fight against doping in sports; and

- (xiii) encouraging athletes and other persons to speak out against doping, acting as whistleblowers, while protecting them and the privileged information, and also ensuring that such information is used appropriately.**

(Para 46)

The Committee endorses the Bill in its present form. The suggestions/recommendations given by the Committee may however be taken into account at appropriate stage.

(Para 47)

THE NATIONAL ANTI-DOPING BILL, 2021

ARRANGEMENT OF CLAUSES

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PRELIMINARY

CLAUSES

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2. Definitions.

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4. Anti-Doping Rule Violations.
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6. Consequences of Anti-Doping Rule Violations.

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NATIONAL BOARD FOR ANTI-DOPING IN SPORTS

7. Establishment and constitution of National Board for Anti-Doping in Sports.
8. Meetings of Board.
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19. Power of entry, search and seizure.
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21. Result Management process.
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26. Dope testing laboratories.
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28. Application of Act, rules and regulations to others athletes and sports bodies, etc.
29. Power to make rules.
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32. Rules and regulations to be laid before Parliament.
33. Power to remove difficulties.
34. Transitional provisions.

Bill No. 160 of 2021

THE NATIONAL ANTI-DOPING BILL, 2021

A

BILL

to provide for the constitution of the National Anti-Doping Agency for regulating anti-doping activities in sports and to give effect to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport, and compliance of such other obligations and commitments thereunder and for matters connected therewith or incidental thereto.

WHEREAS India is a signatory to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport;

AND WHEREAS India has ratified the said Convention on the 7th day of November, 2007;

AND WHEREAS it is considered expedient to maintain highest standards of integrity while participating and preparing for sports competition domestically and internationally, to regulate anti-doping activities in sports and to meet obligations of India under the said Convention.

BE it enacted by the Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.	<p>1. (1) This Act may be called the National Anti-Doping Act, 2021.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	5
Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "Agency" means the National Anti-Doping Agency incorporated and constituted under sub-section (1) of section 14;</p> <p>(b) "Anti-Doping Rule Violation" means the circumstance, act or conduct specified in section 4 which constitutes violation of anti-doping rules as laid down under the Code;</p> <p>(c) "Appeal panel" means the National Anti-Doping Appeal panel constituted under section 12;</p> <p>(d) "athlete" means any person who competes in any sport at the national level or international level or participates in any competition or event to which this Act applies;</p> <p>(e) "athlete support personnel" means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel or such other person working with or treating or assisting an athlete who is participating in, or preparing for, a competition or event at the national level or international level or to which this Act applies;</p> <p>(f) "Board" means the National Board for Anti-Doping in Sports established under sub-section (1) of section 7;</p> <p>(g) "Chairperson" means the Chairperson of the Board appointed under sub-section (2) of section 7;</p> <p>(h) "Code" means the World Anti-Doping Code adopted and amended from time to time by the World Anti-Doping Agency;</p> <p>(i) "competition" means a single race, match, game or singular contest;</p> <p>(j) "Convention" means the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport;</p> <p>(k) "Director General" means the Director General appointed under sub-section (3) of section 14;</p> <p>(l) "Disciplinary Panel" means the National Anti-Doping Disciplinary Panel constituted under sub-section (1) of section 11;</p> <p>(m) "dope testing laboratory" means a laboratory established or recognised under section 26;</p> <p>(n) "doping Control" includes all steps and processes from test distribution planning up to the disposal of any appeal and enforcement of consequences, including all steps and processes in between, including but not limited to, testing, investigation, whereabouts, Therapeutic Use Exemptions, sample collection and handling, laboratory analysis, Results Management, hearings and appeals, and investigations or proceedings relating to an Anti-doping Rule Violation;</p> <p>(o) "doping in sport" means the occurrence of any Anti-Doping Rule Violations specified in section 4;</p>	10 15 20 25 30 35 40 45

(p) "event" means a series of individual competitions conducted together under any one ruling body, such as Olympic Games, World Championships of an International Federation and such other event;

5 (q) "In-competition Testing" means collection of sample for testing from an athlete who is participating in a competition where such collection is made at any time during the period commencing at 11:59 p.m. on the day before the competition in which such athlete is scheduled to participate till the end of such competition;

10 (r) "international event" means an event or competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a major event organisation or another international sport organisation is the governing body for such event or appoints the technical officials for the event;

(s) "International Federation" means the international governing body for a particular sport;

15 (t) "Member" means a Member of the Board appointed under sub-section (2) of section 7 and includes the Chairperson thereof;

(u) "national event" means a sport event or competition involving international level or national level athletes which is not an international event;

(v) "National Sports Federation" means any recognised body governing a particular sport to which the Code is applicable;

20 (w) "Other Anti-Doping Organisations" means organisations which are responsible for adopting anti-doping rules for initiating, implementing or enforcing any part of the doping control process and include the World Anti-Doping Agency, the International Olympic Committee, the International Paralympic Committee, other major event organisations that conduct testing at their events and International Federations, but does not include the Agency;

25

(x) "Out-of-competition Testing" means sample collection during any period other than the period specified for in-competition testing;

(y) "person" means a natural person or an Organisation or other entity;

(z) "prescribed" means prescribed by rules made under this Act;

30 (za) "Prohibited List" means the list of prohibited substances and prohibited methods specified by the Agency by regulations;

(zb) "prohibited method" means any method listed in the Prohibited List;

(zc) "prohibited substance" means any substance listed in the Prohibited List;

35 (zd) "regulations" means regulations made by the Board or the Agency, as the case may be;

(ze) "sample" means any biological material collected from an athlete for the purpose of doping control under this Act;

21 of 1860. 40 (zf) "Society" means the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, registered as a society under the Societies Registration Act, 1860 and functioning as such immediately before the commencement of this Act;

(zg) "testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling, sample transport to the laboratory and testing of samples;

45 (zh) "use" means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method;

(zi) "World Anti-Doping Agency" means an international agency established on 10th November, 1999 in Switzerland which adopts and amends the Code for giving effect to anti-doping policies and international standards.

CHAPTER II

PROHIBITION OF DOPING IN SPORT AND ANTI-DOPING RULE VIOLATIONS

5

Prohibition of doping in sport.

3. (1) No athlete, athlete support personnel or other persons shall indulge in doping in sport.

(2) Every athlete, athlete support personnel or other persons shall ensure that there is no occurrence of any Anti-Doping Rule Violation as specified in section 4.

(3) Every athlete shall participate in a sport competition at all levels with highest standards of integrity and ethics and in accordance with the provisions of this Act and the rules and regulations made thereunder. 10

(4) Every athlete and athlete support personnel participating in a sport competition shall accept the anti-doping rules as a condition of such participation or involvement and be bound by the provisions of this Act and the rules and regulations made thereunder. 15

(5) Every athlete, athlete support personnel and other persons shall be responsible for knowing what constitutes Anti-Doping Rule Violations and the restrictions on the use of prohibited substances and the prohibited methods which are included in the Prohibited List.

Anti-Doping Rule Violations.

4. Any one or more of the following circumstances or acts conduct by an athlete or athlete support personnel or other persons shall constitute Anti-Doping Rule Violation for the purposes of this Act, namely:— 20

(a) the presence of a prohibited substance or its metabolites or markers in an athlete's sample;

(b) use or attempted use of any prohibited substance or a prohibited method, unless such use is exempted by the Agency under section 5; 25

(c) refusing or failing without compelling justification, to submit sample collection after notification as authorised in applicable anti-doping rules or otherwise evading sample collection;

(d) whereabouts failure.

Explanation.—For the purposes of this clause, the term "whereabouts failure" means— 30

(i) filing failure, that is to say, the athlete has failed to submit his whereabouts information before the required deadline or to update the same after change in circumstances or if submitted on time, has submitted incomplete, inaccurate or insufficient information to locate him for testing; or 35

(ii) missed test, that is to say, though the athlete has filed his whereabouts information, he is not available at the location for testing; or

(iii) such other omissions or failures as may be specified by the Agency by regulations;

(e) tampering, or attempting to tamper, with any part of doping control; 40

(f) possession of prohibited substances or prohibited methods;

(g) trafficking or attempted trafficking in any prohibited substance or prohibited method;

(h) administration or attempted administration of a prohibited substance or prohibited method to any athlete or to an athlete out of competition; 45

(i) assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any attempted Anti-Doping Rule Violation or violation of the prohibition against participation during ineligibility or provisional suspension;

5 (j) prohibited association with such athlete support personnel as may be specified by the Agency by regulations;

(k) discouraging or retaliating against reporting to authorities;

10 (l) such other circumstances, or engaging in such other acts or conduct, which amounts to Anti-Doping Rule Violation, as may be specified by the Agency by regulations.

5. (1) Where any substance or method is included in the Prohibited List and such prohibited substance or prohibited method is required for use by any athlete on the ground of medical conditions, such athlete may make an application to the Agency for granting therapeutic use exemption in respect of such prohibited substance or prohibited method. Therapeutic use exemptions.

15 (2) The Agency may consider the application received by it under sub-section (1) in such manner and after taking into consideration such criteria as may be specified by regulations.

(3) The Agency shall, either grant or refuse to grant therapeutic use exemptions in respect of the application received under sub-section (1), in such manner as may be specified by regulations.

20 (4) Any person aggrieved by the decision of the Agency under sub-section (3) may prefer an appeal to the Appeal Panel.

6. (1) The consequences of Anti-Doping Rule Violations by an individual athlete or athlete support personnel may result in one or more of the following, namely:— Consequences of Anti-Doping Rule Violations.

25 (a) disqualification of results with all consequences including forfeiture of medals, points and prizes, in such manner as may be specified by the Agency by regulations;

(b) ineligibility to participate in any competition or event or other activity or funding, for such period and in such manner, as may be specified by the Agency by regulations;

30 (c) provisional suspension from participating in any competition or activity prior to the decision in appeal under section 23 in such manner as may be specified by the Agency by regulations;

(d) imposition of financial sanction including proportionate recovery of costs, in such manner as may be specified by the Agency by regulations;

35 (e) such other consequences as may be specified by the Agency by regulations.

(2) The consequences of Anti-Doping Rule Violations for team sports shall be such as may be specified by regulations.

CHAPTER III

NATIONAL BOARD FOR ANTI-DOPING IN SPORTS

40 7. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established, for the purposes of this Act, a Board to be called the National Board for Anti-Doping in Sports. Establishment and constitution of National Board for Anti-Doping in Sports.

(2) The Board shall consist of a Chairperson and two Members to be appointed by the Central Government:

45 Provided that no person shall be appointed as the Chairperson or Member of the Board, or continue to hold such position, if such person is involved in the management or operation of any International Federation, National Sports Federation, Major Event

Organisation, National Olympic Committee, National Paralympic Committee or is in the Government department with responsibility for sport or anti-doping.

(3) The Chairperson shall be a person of ability, integrity and standing who has knowledge and experience of not less than twenty years in the field of general administration, sport administration or is a retired eminent athlete. 5

(4) A Member shall be a person of ability, integrity and standing who has knowledge and experience of not less than fifteen years in the field of general administration, medical sciences, law or is a retired eminent athlete.

Explanation.—For the purposes of this sub-section, the term "eminent athlete" means a sportsperson who has been conferred with a national sports award or Padma award for his outstanding contribution to the development of national sports in terms of medals won in international events. 10

(5) The term of office of the Chairperson and members shall be three years or till they attain the age of sixty-five years, whichever is earlier.

(6) In the event of the occurrence of a vacancy in the office of the Chairperson or Member by reason of death, resignation or otherwise, or, when the Chairperson or Member is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may assign temporary charge of such office to any person who fulfils the requisite qualification and experience as provided in section 7, and such person shall discharge the functions of the Chairperson or Member, as the case may be, until a new Chairperson or Member, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office, or until the date on which the Chairperson or Member resumes the charge of his functions. 15 20

(7) The Chairperson or a Member shall not accept, either during his term of office or for a period of one year from the date on which he ceases to hold office, any employment, in any capacity whatsoever, with any International Federation or National Sports Federation or with any organisation, body or entity whose matter has been dealt with, directly or indirectly, by such Chairperson or Member: 25

Provided that nothing contained herein shall be construed as preventing such person from accepting an employment in a body or institution controlled or maintained by the Central Government or a State Government. 30

(8) The Chairperson or a Member may—

(a) relinquish his office by giving in writing to the Central Government, a notice of not less than three months; or

(b) be removed from his office by the Central Government, if he— 35

(i) has been adjudged an insolvent; or

(ii) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(iii) has become physically or mentally incapable of acting as a Member; or

(iv) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or 40

(v) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that no person shall be so removed from his office under sub-clause (iv) or sub-clause (v) of clause (b), unless such person has been given a reasonable opportunity of being heard in the matter. 45

(9) The salaries and allowances payable to, and other conditions of service of, the Chairperson and members shall be such as may be as prescribed.

8. (1) The Board shall meet at such times and places, and shall observe such procedure with regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations made by the Board. Meetings of Board.

(2) Every decision of the Board shall, as far as possible, be on the basis of a simple majority.

(3) No act or proceeding of the Board shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Board;
- (b) any defect in the appointment of a person acting as a member of the Board;
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

9. (1) The Central Government shall provide the Board with such officers and employees as may be necessary for the efficient discharge of its functions under this Act. Officers and employees of Board.

(2) The salaries and allowances payable to, and other conditions of service of, officers and other employees of the Board shall be such as may be prescribed.

10. (1) Subject to the provisions of this Act, the Board shall be responsible for ensuring implementation of the provisions of the Convention and monitoring the compliance thereof. Powers and functions of Board.

(2) The Board shall advise the Central Government and make recommendations relating to regulating anti-doping in sports and compliance with the Convention.

(3) The Board shall oversee the activities of the Agency and may call for such information and reports from the Agency as may be required for ensuring compliance with the provisions of the Convention and the Code, including reports on—

- (a) the activities of Agency towards ensuring compliance with the anti-doping rules and standards laid down by the World Anti-Doping Agency;
- (b) matters of integrity and fair play in sports;
- (c) implementation of the notified or adopted anti-doping measures or policies;
- (d) strategic planning of its anti-doping activities for the forthcoming years;
- (e) any other matter which the Board may deem expedient for fulfilling the objective of eliminating doping in Sports.

(4) The Board may issue such directions to the Agency as may be necessary for effective and timely implementation of the Convention and the Code.

(5) The Board may call for such information from the Disciplinary Panel and the Appeal Panel on its operations and issue such directions, as may be necessary, for the effective and timely discharge of their functions with respect to Anti-Doping Rule Violations under this Act:

Provided that such directions shall be limited to procedural efficiency of the Disciplinary Panel and the Appeal Panel and shall not, in any case, interfere with their decision making process.

11. (1) The Board shall, for the purpose of determining the consequences of Anti-Doping Rule Violations under this Act, constitute a National Anti-Doping Disciplinary Panel, in such manner as may be specified by regulations. Disciplinary Panel.

(2) The Disciplinary Panel shall consist of—

- (a) a Chairperson, who is a legal expert, having not less than ten years of standing as legal practitioner;

(b) four Vice-Chairpersons, who are legal experts, having not less than seven years of standing as legal practitioners;

(c) five members, who are registered medical practitioners, having not less than five years of standing;

(d) five members, who are sports administrators for not less than five years or retired eminent athlete. 5

(3) The Chairperson, Vice-Chairperson and other members of the Disciplinary Panel shall be appointed by the Board for a term of two years, in such manner and subject to such conditions, as may be specified by regulations:

Provided that each member shall be eligible for reappointment. 10

(4) If a member of Disciplinary Panel dies or resigns, or is otherwise removed from the Panel by the Board on such grounds as may be specified by regulations, the Board may appoint a suitable person to fill such vacancy for the remainder of the term of the member in whose place such person is appointed.

(5) For the purposes of hearing and determining consequences of Anti-Doping Rule Violations under this Act, a hearing panel of three members shall be formed by the Chairperson of the Disciplinary Panel or in his absence, by the Vice-Chairperson; and each such panel shall consist of the Chairperson or the Vice-Chairperson as its Chairperson, one member who is a medical practitioner and other member who is a sports administrator or retired eminent athlete. 15
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Appeal Panel. **12.** (1) For the purposes of hearing of appeals under this Act, the Board shall constitute a National Anti-Doping Appeal Panel, in such manner as may be specified by regulations.

(2) The Appeal Panel shall consist of—

(a) a Chairperson, who is a retired Judge of a High Court;

(b) a Vice-Chairperson, who is a legal expert, having not less than ten years of standing as legal practitioner; 25

(c) two members, who are registered medical practitioners, having not less than ten years of standing;

(d) two members, who are, or have been, retired eminent athletes or sports administrators for not less than ten years. 30

(3) The Chairperson, Vice-Chairperson and other members of the Appeal Panel shall be appointed by the Board for a term of two years, in such manner and subject to such conditions, as may be specified by regulations:

Provided that each member shall be eligible for reappointment.

(4) If a Panel member dies or resigns, or is otherwise removed from the Panel by the Board on such grounds as may be specified by regulations, the Board may appoint a suitable person to fill such vacancy for the remainder of the term of the member in whose place such person is appointed. 35

(5) For the purposes of hearing of appeals under this Act, a panel of three members shall be formed by the Chairperson of the Appeal Panel or in his absence, by the Vice-Chairperson; and each such panel shall consist of the Chairperson or the Vice-Chairperson as its Chairperson, one member who is a medical practitioner and other member who is a sports administrator or retired eminent athlete. 40

Annual report. **13.** (1) The Board shall furnish to the Central Government an annual report containing such details of the steps taken, proposals made, researches undertaken and other measures undertaken by it in pursuance of its functions under section 10, in such form and manner as may be prescribed. 45

(2) The Central Government shall cause the annual report furnished under sub-section (1) to be laid before each House of Parliament.

CHAPTER IV

NATIONAL ANTI-DOPING AGENCY

14. (1) The National Anti-Doping Agency, established as a society and functioning as such, prior to the coming into force of this Act, is hereby constituted a body corporate by the same name, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by that name, sue and be sued.

Incorporation
of National
Anti-Doping
Agency.

(2) The Head Office of the Agency shall be at New Delhi.

(3) The Agency shall be headed by an officer designated as the Director General to be appointed by the Central Government:

Provided that the Director General appointed prior to the commencement of this Act and holding the office as such, shall be deemed to have been appointed as the Director General under this Act.

(4) The Central Government shall, in consultation with the Board, determine the number, nature and categories of officers and other staff required to assist the Agency in the discharge of its function and provide the Agency with such officers and employees as it may deem fit.

(5) The salaries and allowances payable to, and other terms and conditions of service of, the Director General, officers, and other staff of the Agency shall be such as may be prescribed.

(6) The power to oversee the activities of the Agency shall vest in the Board.

15. (1) The Director General shall be appointed by the Central Government from amongst persons of integrity and outstanding ability possessing such qualifications and experience as may be prescribed.

Director
General.

(2) The Director General shall hold office on full-time basis for a period of three years, which may be extended to such further period, as the Central Government deems fit.

(3) The Director General shall be responsible for the execution of the powers and functions of the Agency specified in section 16.

(4) The Board may assign such responsibilities to the Director General from time to time as it may deem expedient for fulfilling the objective of eliminating doping in sport.

(5) In the event of the occurrence of a vacancy in the office of the Director General by reason of his death, resignation or otherwise, the Central Government may appoint any other person to discharge the functions of the Director General until a new Director General is appointed in accordance with the provisions of this Act to fill such vacancy.

(6) When the Director General is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may appoint any other person to act as the Director General until the date on which the Director General resumes the charge of his functions.

(7) The Director General may relinquish his office by giving in writing to the Central Government a notice of not less than three months:

Provided that such resignation shall be effective from the date when it is accepted by the Central Government.

(8) The Central Government may remove the Director General at any time before the expiry of his term of office on the ground of proven misbehavior or incapacity or such other ground, after giving him a reasonable opportunity of showing cause against any such charge.

(9) The Director General shall have administrative control over the officers and other staff of the Agency.

Powers and functions of Agency.

16. (1) The Agency shall be responsible for adopting and implementing anti-doping rules and policies which conform with the Code and for promoting, coordinating, and monitoring the doping control programme in sports to ensure dope-free sport in India.

(2) The Agency shall have the primary responsibility to implement the provisions of this Act and may direct the collection of samples, manage test results and conduct results management at the national level. 5

(3) Without prejudice to the generality of the foregoing provisions, the Agency shall perform the following functions, namely:—

(a) the planning, co-ordination, implementation and monitoring of anti-doping activities, including effective testing and whereabouts management; 10

(b) taking measures to prevent Anti-Doping Rule Violations;

(c) undertaking anti-doping sensitisation and advocacy measures;

(d) carrying out investigation and conducting results management of any Anti-Doping Rule Violations;

(e) adopting and implementing anti-doping rules and policies which conform with the Code and the international standards and perform its functions in accordance with such rules and policies; 15

(f) implementing the Convention in accordance with the Act;

(g) enforcing anti-doping rules by exercising authority over athletes, athlete support personnel and other persons, including National Sports Federations and other sports organisations; 20

(h) promoting anti-doping research;

(i) coordinating and cooperating with the World Anti-Doping Agency, Other Anti-Doping Organisations, National Sports Federations and International Federations;

(j) coordinate and collaborate with concerned authorities and stakeholders in matters relating to establishment of best practices in the marketing and distribution of nutritional supplements including information regarding their analytical composition and quality assurance; 25

(k) facilitating sharing and free flow of information relating to the use of doping substances, doping practices or any Anti-Doping Rule Violation between sports bodies, officials conducting competition or event, Other Anti-Doping Organisations and the Agency; 30

(l) establishing code of conduct for officers and employees of the Agency and for such other persons or agencies engaged by the Agency;

(m) establishing standards for the manufacturing of nutritional supplements for sport in India; 35

(n) undertaking any other activity specified by regulations by the Board that may be expedient for fulfilling the objective of eliminating doping in sport.

(4) The Agency may make such regulations, as it deems necessary, for the effective discharge of its functions. 40

Power to constitute committees.

17. The Agency may constitute such committees, as it deems fit, for the discharge of its function under this Act, including Therapeutic Exemption Committee, Investigation Committee, Sample Collection and Testing Committee, Result Management Committee, Education Committee and Sanction Committee, in such manner as may be specified by regulations. 45

18. (1) Where the Agency considers it necessary so to do, it may constitute one or more investigation teams, consisting of such officers or such persons, as it thinks necessary, for the purposes of carrying out its functions under this Act.

Constitution of investigation teams and engagement of experts and professionals by Agency.

5 (2) The Agency may engage such number of experts and professionals, having such qualifications and experience, and in such manner, as may be specified by regulations, to assist the Agency in the discharge of its functions under this Act.

CHAPTER V

DOPING CONTROL PROCESS

10 19. (1) Where the Agency has reasons to believe that an athlete or athlete support personnel or any other person to whom this Act applies has committed an Anti-Doping Rule Violation, any person authorised by the Agency may, in accordance with the provisions of the Code of Criminal Procedure, 1973,—

Power of entry, search and seizure.

2 of 1974.

15 (a) enter any place, at all reasonable times, with such assistance as is considered necessary, for the purpose of inspecting, examining and determining if any Anti-Doping Rule Violation has been committed or is being committed;

(b) search any premises in which the officer has reason to believe that any Anti-Doping Rule Violation has been, or is being, or is about to be, committed;

20 (c) seize any equipment, device, substance, record, register, document or other material object, if such officer believes that it may furnish evidence of such Anti-Doping Rule Violation or that seizure is necessary to prevent or mitigate any Anti-Doping Rule Violation.

(2) Save as otherwise provided in this Act, the procedure for investigation or taking any other action under this section shall be such as may be specified by regulations.

25 20. Where the Agency has reasons to believe that an athlete has committed an Anti-Doping Rule Violation, it shall require such athlete to submit samples for testing, in accordance with such procedure and in such manner, as may be specified by regulations.

Power of collecting samples and testing.

30 21. (1) After receiving an adverse report from a dope testing laboratory showing presence of any prohibited substance in the sample of an athlete, the Agency shall carry out initial examination of the report in such manner as may be specified by regulations, and verify if Therapeutic Use Exemption has been granted to such athlete in respect of such substance.

Result management process.

(2) Where, after examination and verification under sub-section (1), the Agency is satisfied that no Therapeutic Use Exemption has been granted to the athlete, it shall take such actions and in such manner as may be specified by regulations.

35 22. (1) After the issuance of a notice by the Agency to the athlete or other person asserting the commission of Anti-Doping Rule Violation under this Act, if such athlete or the other person does not waive his right of hearing in the manner specified by regulations, the Agency shall refer such matter to the Disciplinary Panel for hearing and determination of consequences of such Anti-Doping Rule Violation.

Hearing by Disciplinary Panel and determination of consequences thereof.

40 (2) The Disciplinary Panel shall hear and determine all issues arising from any matter which is referred to it, and determine the consequences of Anti-Doping Rule Violations.

(3) Every party shall have a right to be represented, and to have an interpreter, at their own cost.

(4) The Disciplinary Panel shall have power, at its own discretion, to appoint an expert to assist or advice it on such matters as it may require.

45 (5) Subject to such regulations as may be made by the Board, the Disciplinary Panel shall have power to regulate its own procedure.

(6) Each party to the proceedings shall have right to present the evidence, including the right to call and question witnesses, subject to the discretion of the Disciplinary Panel.

(7) The parties to the proceedings may submit written submissions with all documents relied upon, in such manner and within such time, as may be specified by regulations.

(8) The Disciplinary Panel shall after hearing all parties and after considering all evidence placed before it, by an order in writing made unanimously or by majority, determine the consequences of Anti-Doping Rule Violations in accordance with the provisions of section 6 and the regulations made thereunder. 5

(9) The decision of the Disciplinary Panel shall be communicated in such manner, as may be specified by regulations. 10

Hearing of
appeal by
Appeal Panel.

23. (1) Any person who is aggrieved by any decision under this Act, including—

(a) a refusal to grant Therapeutic Use Exemption under section 5; or

(b) imposition of consequences for an Anti-Doping Rule Violation under section 6;

(c) such other decision as may be specified by regulations, 15

may prefer an appeal to the Appeal Panel in such form, within such time, and in such manner, as may be specified by regulations.

(2) Subject to such regulations as may be made by the Board, the Appeal Panel shall have power to regulate its own procedures.

(3) The Appeal Panel shall have power, at its own discretion, to appoint an expert to assist or advice it on such matters as it may require. 20

(4) Every party shall have a right to be represented, and to have an interpreter, at their own cost.

(5) Each party to the proceedings shall have right to present relevant evidence, to call and examine witnesses and to submit written and oral submissions. 25

(6) The Appeal Panel shall complete hearing as expeditiously as possible, and endeavour shall be made to dispose of such appeal within three months of the date of order of the Disciplinary Panel.

(7) The Appeal Panel shall, after hearing all parties and considering all evidences placed before it, by an order in writing, made unanimously or by majority, either confirm or vary or set aside the order of the Disciplinary Panel. 30

(8) The decision of the Appeal Panel shall be communicated to the parties concerned, in such manner, as may be specified by regulations.

(9) Any person who is aggrieved by the decision of the Appeal Panel may prefer an appeal to the Court of Arbitration for Sport, in accordance with such rules as may be provided by the Court of Arbitration for Sport and the Code. 35

Explanation.—For the purposes of this sub-section, "Court of Arbitration for Sport" means an international body established in 1984 to settle disputes related to sport through arbitration whose headquarter is in Lausanne, Switzerland.

CHAPTER VI 40

FINANCE, ACCOUNTS, AUDIT AND REPORTS

Grants by
Central
Government.

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, grant such sums of money as the Central Government may think fit for being utilised for the purposes of this Act and to comply with its commitments under the Convention, and such funds shall be utilised to meet all the expenses incurred on administrative and operational requirements of the Board, the Agency and the National 45

Dope Testing Laboratory established under sub-section (1), or under clause (b) of sub-section (2), of section 26 (hereafter in this Chapter referred to as the concerned bodies), in such manner as may be specified by regulations.

5 **25.** (1) The concerned bodies shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

 (2) The accounts of the concerned bodies shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the concerned bodies to the
10 Comptroller and Auditor-General of India.

 (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the concerned bodies shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts
15 and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the concerned bodies.

 (4) The accounts of the concerned bodies as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with
20 the audit report thereon shall be forwarded annually to the Central Government by the concerned bodies and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER VII

MISCELLANEOUS

25 **26.** (1) The National Dope Testing Laboratory, established and functioning as such prior to the commencement of this Act shall be deemed to be the principal dope testing laboratory established under this Act and shall continue to function for the purposes of this Act in such manner as may be prescribed. Dope testing laboratories.

 (2) The Central Government may,—

30 (a) recognise one or more laboratories or institutes located within India as dope testing laboratories to carry out the functions entrusted to a dope testing laboratory under this Act or the rules and regulations made thereunder;

 (b) establish one or more National Dope Testing Laboratories, including laboratories for undertaking research in anti-doping science and related fields:

35 Provided that every dope testing laboratory recognised or established under this section may, if required, obtain the accreditation of the World Anti-Doping Agency or of such other accrediting bodies, and shall maintain the requisite accreditations as a condition for continuation as a dope testing laboratory under this Act.

40 (3) Every National Dope Testing Laboratory and other dope testing laboratories established or recognised under this section shall have the authority to—

 (i) test the sample for any sports federation or sports event not recognised by the International Olympic Committee or the Central Government;

 (ii) undertake sample analysis of sports other than any national or international event;

45 (iii) undertake any other tests or samples analysis as may be prescribed.

 (4) The Central Government may make rules to provide for—

 (a) the qualifications and experience for appointment as technical and non-technical staff of the National Dope Testing Laboratory;

(b) the salaries and allowances payable to, and other conditions of service of, the technical and non-technical staff of the National Dope Testing Laboratory;

(c) the standards for establishment, recognition, maintenance and operation of a dope testing laboratory and the manner of granting recognition to such dope testing laboratory;

(d) the functions of the dope testing laboratory, the procedure for submission to the said laboratory of samples for analysis or tests and other standard operative procedures.

Data of athletes and maintenance of database.

27. (1) The Agency shall have the power to collect, use and process the following personal data for the purposes of implementation the objectives of the Act and in accordance with applicable data privacy regulations, including the International Standard for the Protection of Privacy and Personal Information, namely:—

(a) sex or gender of the athlete;

(b) list of Anti-Doping Violations committed by an athlete under the Act and the details of such violation;

(c) medical history of the athlete;

(d) whereabouts information of the athlete;

(e) any other personal data as may be specified by regulations.

(2) The Agency may make regulations to govern the procedure for collection, usage, processing and disclosure of the personal data specified in sub-section (1).

(3) The Agency shall establish and maintain a database to record all the sanctions awarded by the Agency, the Disciplinary Panel and the Appeal Panel and such other details of the sanctions, in such manner, as may be specified by regulations.

(4) The Agency shall publicly disclose the disposition of the anti-doping matter, including the sport, the anti-doping rule violated, the name of the athlete or other person committing the Anti-Doping Rule Violation, the prohibited substance or prohibited method involved (if any) and the consequences imposed, in accordance with such procedure as may be specified by regulations.

Application of Act, rules and regulations to others athletes and sports bodies, etc.

28. (1) The provisions of this Act and the rules and regulations made thereunder shall apply to such other athletes or sport bodies, or to competition or event at such other level, as the Central Government may, by notification in the Official Gazette, specify.

(2) Every person to whom this Act is made applicable under sub-section (1), shall be bound by, and have the obligation to comply with, the provisions of this Act and the rules and regulations made thereunder.

Power to make rules.

29. (1) The Central Government may, by notification in the Official Gazette, make rules for all or any of the following matters, namely:—

(a) the salaries and allowances payable to, and other conditions of service of, the Chairperson and members of the Board under sub-section (9) of section 7;

(b) the salaries and allowances payable to, and other conditions of service of, officers and other employees of the Board under sub-section (2) of section 9;

(c) the form and the manner in which an annual report shall be furnished under sub-section (1) of section 13;

(d) the salaries and allowances payable to and other conditions of service of, the Director General, officers, and other staff of the Agency under sub-section (5) of section 14;

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(e) the qualifications and experience for appointment as Director General under sub-section (1) of section 15;

(f) the form in which annual statement of accounts shall be prepared under sub-section (1) of section 25;

5 (g) the manner in which the National Dope Testing Laboratory shall be carry out its functions, under sub-section (1) of section 26;

(h) the manner of undertaking other tests or samples analysis under clause (iii) of sub-section (3) of section 26;

10 (i) the qualifications and experience for appointment as technical and non-technical staff of the National Dope Testing Laboratory, under clause (a) of sub-section (4) of section 26;

(j) the salaries and allowances payable to and other conditions of service of the technical and non-technical staff of the National Dope Testing Laboratory, under clause (b) of sub-section (4) of section 26;

15 (k) the standards for establishment, recognition, maintenance and operation of dope testing laboratories and the manner of granting recognition to such laboratories, under clause (c) of sub-section (4) of section 26;

20 (l) the functions of the dope testing laboratory and the procedure for the submission to the said laboratory of samples for analysis or tests, under clause (d) of sub-section (4) of section 26;

(m) any other matter which has to be, or may be, prescribed, for fulfilling obligations of the country under the Convention.

30. (1) The Board may, by notification in the Official Gazette, make regulations, not inconsistent with the provisions of this Act, for all or any of the following matters, namely:— Power to make regulations by Board.

25 (a) the times and places for meetings and the procedure for transaction of business at meetings of the Board (including the quorum), under sub-section (1) of section 8;

(b) the manner of constituting a Disciplinary Panel under sub-section (1) of section 11;

30 (c) the manner of appointment of the Chairperson and Vice-Chairperson and other members of the Disciplinary Panel and the conditions subject to which such appointments shall be made under sub-section (3) of section 11;

(d) the grounds on which a member of Disciplinary Panel may be removed under sub-section (4) of section 11;

35 (e) the manner of constituting an Appeal Panel under sub-section (1) of section 12;

(f) the manner of appointment of the Chairperson and Vice-Chairperson and other members of the Appeal Panel and the conditions subject to which such appointments shall be made under sub-section (3) of section 12;

40 (g) the grounds on which a member of Appeal Panel may be removed under sub-section (4) of section 12;

(h) the other activities to be undertaken by the Agency for eliminating doping in sport under clause (n) of sub-section (3) of section 16;

45 (i) the procedure to be followed by the Disciplinary Panel under sub-section (5) of section 22;

(j) the manner in which, and the time within which, written submissions may be submitted under sub-section (7) of section 22;

(k) the manner of communicating the decision of the Disciplinary Panel under sub-section (9) of section 22;

(l) the other decisions against which appeal may be filed, and the form and manner in which and the time within which appeal may be filed, under sub-section (1) of section 23;

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(m) the procedure to be followed by the Appeal Panel under sub-section (2) of section 23;

(n) the manner of communicating the decision of the Appeal Panel under sub-section (8) of section 23;

(o) the manner in which the funds may be utilised by the Board and the Agency under section 24;

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(p) any other matter which has to be, or may be, specified by regulations, for giving effect to the provisions of this Act or for fulfilling obligations under the Convention, except on matters for which the Agency has power to make regulations under section 31.

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Power to make regulations by Agency.

31. (1) The Agency may for giving effect to the Code and for complying with the requirements of the international standards, make regulations on the following matters:—

(a) the procedure, methods and standards for testing and analysis and sample collection based on the Code and the international standard for testing and investigation as issued by the World Anti-Doping Agency;

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(b) the procedure and standards for collection, storage and retention of samples and results management in relation to samples;

(c) the procedure for investigation and determination of Anti-Doping Rule Violations and imposition of sanctions for an Anti-Doping Rule Violation;

(d) the procedures for negative analytical findings and adverse analytical findings, and principles governing the provisional suspension of an athlete or other person alleged to have committed an Anti-Doping Rule Violation;

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(e) the procedures, methods and standards for assessing and granting therapeutic use exemptions;

(f) the procedure for re-entry of a banned athlete;

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(g) the procedure to be followed for in-competition testing of athletes, methodology for testing and any matters pertaining to in-competition testing of athletes;

(h) the procedure for qualifying athletes for out-of-competition testing and procedure for undertaking out-of-competition testing of athletes, collection of whereabouts data of such athletes and any matters pertaining to out-of-competition testing of athletes;

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(i) the measures for promotion of research and advocacy in relation to sports doping and testing and methods for sensitising athletes, athlete support personnel, other persons and other concerned stakeholders in relation to the ills of doping;

(j) the manner of implementing anti-doping control activities and anti-doping education, training and sensitisation programmes to provide updated and accurate information on the harm of doping to the ethical values of sport and the health consequences of doping; and

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(k) the procedure for search and seizure of premises, collection of samples, and collection of information and whereabouts data, and consequences for wilful delay, obstruction, destruction or provision of false information by any person in relation to any exercise of power by an empowered person under this Act;

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(l) the manner of taking measures for eradicating doping in sports;

5 (m) the manner in which the sports bodies, officials conducting competition or event and other Anti-Doping Organisations may share information relating to the use of doping substances, doping practices or any Anti-Doping Rule Violation with the Agency;

(n) the manner in which the recommendations made by the Board may be considered by the Agency.

(2) In particular, and without prejudice to the generality of the foregoing power, the Agency may make regulations, for giving effect to the provisions of the Act, on all or any of
10 the following matters:—

(a) the prohibited substances and prohibited methods in the Prohibited List under clause (za) of section 2;

(b) the other omissions or failures under clause (iii) of the *Explanation* to clause (d) of section 4;

15 (c) the prohibited association with athlete support personnel under clause (j) of section 4;

(d) the other circumstances, or engaging in other acts or conduct, which amounts to Anti-Doping Rule Violation, under clause (l) of section 4;

20 (e) the manner of considering the application and the criteria to be taken into consideration under sub-section (2) of section 5;

(f) the manner of granting or refusing to grant Therapeutic Use Exemptions under sub-section (3) of section 5;

(g) the manner of imposing disqualification of results under clause (a) of sub-section (1) of section 6;

25 (h) the manner of imposing ineligibility to participate in any competition or event or other activity or funding, and the period of such ineligibility, under clause (b) of sub-section (1) of section 6;

(i) the manner of imposing provisional suspension from participating in any competition or activity under clause (c) of sub-section (1) of section 6;

30 (j) the manner of imposing financial sanction including proportionate recovery of costs under clause (d) of sub-section (1) of section 6;

(k) other consequences under clause (e) of sub-section (1) of section 6;

(l) the consequences of Anti-Doping Rule Violations for team sports under sub-section (2) of section 6;

35 (m) the code of conduct for officers and employees of the Agency and for such other persons or agencies engaged by the Agency, under clause (l) of sub-section (3) of section 16;

(n) the effective discharge of functions of the agency under sub-section (4) of section 16;

40 (o) the manner of constituting committees under section 17;

(p) the number of experts and professionals to be engaged by the agency, the qualifications and experience to be possessed by them, and the manner in which they may be engaged, under sub-section (2) of section 18;

45 (q) the procedure for investigation or taking any other action, under sub-section (2) of section 19;

(r) the procedure and the manner for submitting samples for testing under section 20;

(s) the manner of carrying out the initial examination of the report of a dope testing laboratory under sub-section (1) of section 21;

(t) the actions to be taken, and the manner in which such actions may be taken, under sub-section (2) of section 21; 5

(u) the manner of waiving right of hearing under sub-section (1) of section 22;

(v) other personal data under clause (e) of sub-section (1) of section 27;

(w) the procedure for collection, usage, processing and disclosure of the personal data under sub-section (2) of section 27; 10

(x) the other details of the sanctions, and the manner of establishing and maintaining a database under sub-section (3) of section 27;

(y) the procedure for making public disclosure under sub-section (4) of section 27;

(z) any other matter which has to be, or may be, specified by regulations, for giving effect to the Code and for complying with international standards. 15

Rules and regulations to be laid before Parliament.

32. Every rule and regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation. 20 25

Power to remove difficulties.

33. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act. 30

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Transitional provisions.

34. On and from the commencement of this Act,—

(a) the Societies, namely, the National Anti-Doping Agency and the National Dope Testing Laboratory shall stand dissolved; 35

(b) any reference to the Society in any contract or other instrument shall be deemed as a reference to the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, established under this Act;

(c) all properties, movable and immovable, of or belonging to the Society shall vest in the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, established under this Act; 40

(d) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, established under this Act; 45

(e) every person employed by the Society, immediately before such commencement, shall hold office in the National Anti-Doping Agency or the National

Dope Testing Laboratory, as the case may be, by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been enacted, and shall continue to be so unless
 5 and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by any regulations made under this Act:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, in accordance with the terms of the
 10 contract with the employee or, if no provision is made therein in this behalf, on payment, to him by the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees;

(f) if there are any pending proceedings, including any disciplinary, arbitration, appeal or other legal proceedings, of whatever nature, by or against the Society, the
 15 same shall not get abated or discontinued by reason of the incorporation of the Society under this Act, but such proceedings may be continued or enforced by or against the National Anti-Doping Agency or the National Dope Testing Laboratory, as the case may be, in the same manner and to the same extent as it would or may have been
 20 continued or enforced by or against the society, if this Act had not been enacted;

(g) any rules and regulations made prior to such commencement, shall, in so far as they are consistent with the provisions of this Act, continue to be applicable till new rules and regulations are made under this Act.

STATEMENT OF OBJECTS AND REASONS

The Government of India was one of the Members of Foundation Board of the World Anti-Doping Agency from 1999 to 2002. It has signed the United Nations Educational, Scientific and Cultural Organisation International Convention against Doping in Sport in 2005 and ratified it in November 2007. Pursuant to the ratification of the said Convention, the Government of India has established the National Dope Testing Laboratory in 2008 and the National Anti-Doping Agency in 2009 to fulfil the commitments of India thereunder. The said Convention aims to promote the prevention of, and the fight against, doping in sport for its elimination. To achieve the objectives of the Convention, each State Party undertakes to adopt appropriate measures that may include legislation, regulation, policies or administrative practices and to commit themselves to the principles of the World Anti-Doping Code as the basis for the measures provided in the said Convention.

2. It is intended to provide a statutory framework for the operation of the National Anti-Doping Agency, the National Dope Testing Laboratory and other dope testing laboratories and for creation of a National Board for Anti-Doping in Sports to strengthen anti-doping activities in sport, and to comply with the provisions of the said Convention.

3. The National Anti-Doping Bill, 2021, *inter alia*, seeks to—

(i) establish a National Board for Anti-Doping in Sport and provides for its composition, powers and functions;

(ii) establish the National Anti-Doping Agency to be headed by a Director General, and provides for the powers and functions of the said Agency, including the powers of investigation, levying sanctions for Anti-Doping Rule Violations, the disciplinary procedures to be adopted and the powers of inspection, sample collection and sharing and free flow of information;

(iii) establish National Dope Testing Laboratory and other dope testing laboratories;

(iv) strengthen the framework and mechanisms for carrying out the doping control programme in sports to ensure dope-free sport in India.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;

ANURAG SINGH THAKUR.

The 10th December, 2021.

Notes on Clauses

Clause 2 of the Bill defines various terms and expressions used in the Bill.

Clause 3 of the Bill provides for prohibition of doping in sport.

Clause 4 of the Bill provides for the circumstances, acts or conduct by an athlete or athlete support personnel or other persons which constitutes Anti-Doping Rule Violations.

Clause 5 of the Bill provides for granting Therapeutic Use Exemption in respect of prohibited substance or prohibited method.

Clause 6 of the Bill provides for consequences of Anti-Doping Rule Violations by athletes.

Clause 7 of the Bill provides for establishment and constitution of national Board for Anti-Doping in Sports.

Clause 8 of the Bill provides for Meetings of Board and that every decisions of the Board shall, as far as possible, be on the basis of a simple majority.

Clause 9 of the Bill provides for the officers and employees of the Board and for their conditions of service.

Clause 10 of the Bill provides for the powers and functions of the Board.

Clause 11 of the Bill provides for constitution of the National Anti-Doping Disciplinary Panel.

Clause 12 of the Bill provides for constitution of the National Anti-Doping Appeal Panel.

Clause 13 of the Bill provides for furnishing of annual report by the Board.

Clause 14 of the Bill provides for incorporation of the National Anti-Doping Agency, for appointment of a Director General who shall head the Agency and provides that the Head Quarter of the Agency shall be in New Delhi.

Clause 15 of the Bill provides for appointment, qualification and duties of the Director General.

Clause 16 of the Bill provides for powers and functions of National Anti-Doping Agency.

Clause 17 of the Bill provides for the power of Agency to constitute various Committees.

Clause 18 of the Bill provides for the Constitution of investigation teams and engagement of experts and professionals by the Agency.

Clause 19 of the Bill provides for the power of entry, search and seizure by any person authorised by the Agency for the purpose of determining if any Anti-Doping rule Violation has been committed and the procedure to be adopted shall be in accordance with the provisions of the Code of Criminal Procedure, 1973.

Clause 20 of the Bill provides for the power to collect samples for the purpose of dope-testing.

Clause 21 of the Bill provides for Result Management process which includes action to be taken on receiving adverse report from the dope testing laboratory including examination and verification of Therapeutic Use Exemption.

Clause 22 of the Bill provides for hearing and determination of consequences of Anti-Doping Rule Violation by the National Anti-Doping Disciplinary Panel.

Clause 23 of the Bill provides for hearing of appeal by the National Anti-Doping Appeal Panel.

Clause 24 of the Bill provides for grants by the Central Government.

Clause 25 of the Bill provides for accounts and audit of the Board, the Agency and the National Dope Testing Laboratory by the Comptroller and Auditor General of India.

Clause 26 of the Bill provides for establishment of National Dope Testing Laboratories and other dope testing laboratories.

Clause 27 of the Bill provides for collection of data of athletes and maintenance of database for this purpose.

Clause 28 of the Bill provides that the provisions of the Act and the rules and regulations made there under shall apply to such other athletes or sport bodies, or to competition or event at such other level, as the Central Government may, by notification in the Official Gazette, specify.

Clause 29 of the Bill provides for the power to make rules by the Central Government.

Clause 30 of the Bill provides for the power of the Board to make regulations.

Clause 31 of the Bill provides for the power of the Agency to make regulations for effectively complying with the Code as per the requirements of the International Standards.

Clause 32 of the Bill provides for laying of rules and regulations before the Parliament.

Clause 33 of the Bill provides for the power of the Central Government to remove difficulties.

Clause 34 of the Bill provides for transitional provisions, including continued application of the rules and regulations made prior to the commencement of the Act, in so far as they are not inconsistent with the provisions of the Act.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 7 of the Bill provides for the establishment of a National Board for Anti-Doping in Sports and sub-clause (9) thereof provides for the salaries and allowances payable to, and other conditions of service of, the Chairperson and members of the Board.

Sub-clause (2) of clause 9 of the Bill provides for the salaries and allowances payable to, and other conditions of service of, officers and other employees of the Board.

Sub-clause (1) of clause 11 of the Bill provides for the constitution of a National Anti-Doping Disciplinary Panel consisting of a Chairperson, four Vice-Chairpersons and ten members.

Sub-clause (1) of clause 12 of the Bill provides for constitution of a National Anti-Doping Appeal Panel consisting of a Chairperson, a Vice-Chairperson and four members.

Sub-clause (1) of clause 14 of the Bill provides for establishment of National Anti-Doping Agency and for appointment of a Director General. Sub-clause (5) thereof provides for the salaries and allowances payable to, and other conditions of service of, the Director General, officers, and other staff of the Agency.

Sub-clause (1) of clause 18 of the Bill provides for the constitution of one or more investigation teams, consisting of such officers or such persons, as the Agency deems necessary. Sub-clause (2) thereof provides for the engagement by the Agency of such number of experts and professionals, having such qualifications and experience, and in such manner, as may be specified by regulations, to assist the Agency in the discharge of its functions.

Clause 24 of the Bill provides for the grants by the Central Government to comply with its commitments under the Convention, and the utilization of such funds to meet all the expenses incurred on administrative and operational requirements of the Board, the Agency and the National Dope Testing Laboratory.

Sub-clause (1) of clause 26 of the Bill provides for incorporation of National Dope Testing Laboratory. Item (b) of sub-clause (2) of said clause provides for establishing one or more National Dope Testing Laboratories, including laboratories for undertaking research in anti-doping science and related fields.

2. Annual financial implication of ₹50 crore of recurring nature is envisaged towards expansion of scope of activities of the Agency, National Dope Testing Laboratories and for the creation of the Board.

3. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules, *inter alia*, in respect of matters relating to—(a) the salaries and allowances payable to, and other conditions of service of, the Chairperson and members of the Board; (b) the salaries and allowances payable to, and other conditions of service of, officers and other employees of the Board; (c) the form and the manner in which an annual report shall be furnished; (d) the salaries and allowances payable to and other conditions of service of, the Director General, officers, and other staff of the Agency; (e) the qualifications and experience for appointment as Director General; (f) the form in which annual statement of accounts shall be prepared; (g) the manner in which the National Dope Testing Laboratory shall be carry out its functions; (h) the qualifications and experience for appointment as technical and non-technical staff of the National Dope Testing Laboratory; (i) the salaries and allowances payable to and other conditions of service of the technical and non-technical staff of the National Dope Testing Laboratory; (j) the standards for establishment, recognition, maintenance and operation of dope testing laboratories and the manner of granting recognition to such laboratories; (k) the functions of the dope testing laboratory and the procedure for the submission to the said laboratory of samples for analysis or tests; (l) any other matter which has to be, or may be, prescribed, for fulfilling obligations of the country under the Convention.

Clause 30 of the Bill empowers the Board to make regulations, *inter alia*, in respect of matters relating to— (a) the times and places for meetings and the procedure for transaction of business at meetings of the Board (including the quorum); (b) the manner of constituting a Disciplinary Panel; (c) the manner of appointment of the Chairperson and Vice-Chairperson and other members of the Disciplinary Panel and the conditions subject to which such appointments shall be made; (d) the grounds on which a member of Disciplinary Panel may be removed; (e) the manner of constituting an Appeal Panel; (f) the manner of appointment of the Chairperson and Vice-Chairperson and other members of the Appeal Panel and the conditions subject to which such appointments shall be made; (g) the grounds on which a member of Appeal Panel may be removed; (h) the other activities to be undertaken by the Agency for eliminating doping in sport; (i) the procedure to be followed by the Disciplinary Panel; (j) the manner in which, and the time within which, written submissions may be submitted; (k) the manner of communicating the decision of the Disciplinary Panel; (l) the other decisions against which appeal may be filed, and the form and manner in which and the time within which appeal may be filed; (m) the procedure to be followed by the Appeal Panel; (n) the manner of communicating the decision of the Appeal Panel; (o) the manner in which the funds may be utilised by the Board and the Agency; (p) the manner of undertaking other tests or samples analysis; (q) any other matter which has to be, or may be, specified by regulations, for giving effect to the provisions of this Act or for fulfilling obligations under the Convention, except on matters for which the Agency has power to make regulations.

Sub-clause (l) of clause 31 of the Bill empowers the Agency to make regulations for giving effect to the Code and the complying with the requirements of the international standards, *inter alia*, in respect of matters relating to—(a) the procedure, methods and standards for testing and analysis and sample collection based on the Code and the International Standard for testing and investigation as issued by the World Anti-Doping Agency; (b) the procedure and standards for collection, storage and retention of samples and results management in relating to samples; (c) the procedure for investigation and determination of Anti-Doping Rule Violations and imposition of sanctions for an Anti-Doping Rule Violation; (d) the procedures for negative analytical findings and adverse analytical findings, and principles governing the provisional suspension of an athlete or other person alleged to have committed an Anti-Doping Rule Violation; (e) the procedures, methods and standards for assessing and granting therapeutic use exemptions; (f) the procedure for

re-entry of a banned athlete; (g) the procedure to be followed for in-competition testing of athletes, methodology for testing and any matters pertaining to in-competition testing of athletes; (h) the procedure for qualifying athletes for out-of-competition testing and procedure for undertaking out-of-competition testing of athletes, collection of whereabouts data of such athletes and any matters pertaining to out-of-competition testing of athletes; (i) the measures for promotion of research and advocacy in relation to sports doping and testing and methods for sensitising athletes, athlete support personnel, other persons and other concerned stakeholders in relation to the ills of doping; (j) the manner of implementing anti-doping control activities and anti-doping education, training and sensitisation programmes to provide updated and accurate information on the harm of doping to the ethical values of sport and the health consequences of doping; and (k) the procedure for search and seizure of premises, collection of samples, and collection of information and whereabouts data, and consequences for wilful delay, obstruction, destruction or provision of false information by any person in relation to any exercise of power by an empowered person under this Act; (l) the manner of taking measures for eradicating doping in sports; (m) the manner in which the sports bodies, officials conducting competition or event and other Anti-Doping Organizations may share information relating to the use of doping substances, doping practices or any Anti-Doping Rule Violation with the Agency; (n) the manner in which the recommendations made by the Board may be considered by the Agency.

Sub-clause (2) of clause 31 of the Bill empowers the Agency to make regulations, *inter alia*, in respect of matters relating to—(a) the prohibited substances and prohibited methods in the Prohibited List; (b) the other omissions or failures; (c) the prohibited association with athlete support personnel; (d) the other circumstances, or engaging in other acts or conduct, which amounts to Anti-Doping Rule Violation; (e) the manner of considering the application and the criteria to be taken into consideration; (f) the manner of granting or refusing to grant Therapeutic Use Exemptions; (g) the manner of imposing disqualification of results; (h) the manner of imposing ineligibility to participate in any competition or event or other activity or funding, and the period of such ineligibility; (i) the manner of imposing provisional suspension from participating in any competition or activity; (j) the manner of imposing financial sanction including proportionate recovery of costs; (k) other consequences; (l) the consequences of Anti-Doping Rule Violations for team sports; (m) the code of conduct for officers and employees of the Agency and for such other persons or agencies engaged by the Agency; (n) the effective discharge of functions of the agency; (o) the manner of constituting committees; (p) the number of experts and professionals to be engaged by the agency, the qualifications and experience to be possessed by them, and the manner in which they may be engaged; (q) the procedure for investigation or taking any other action; (r) the procedure and the manner for submitting samples for testing; (s) the manner of carrying out the initial examination of the report of a dope testing laboratory; (t) the actions to be taken, and the manner in which such actions may be taken; (u) the manner of waiving right to hearing; (v) other personal data; (w) the procedure for collection, usage, processing and disclosure of the personal data; (x) the other details of the sanctions, and the manner of establishing and maintaining a database; (y) the procedure for making public disclosure; (z) any other matter which as to be, or may be, specified by regulations, for giving effect to the Code and for complying with international standards.

The matters in respect of which rules or regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

LOK SABHA

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BILL

to provide for the constitution of the National Anti-Doping Agency for regulating anti-doping activities in sports and to give effect to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport, and compliance of such other obligations and commitments thereunder and for matters connected therewith or incidental thereto.

(Shri Anurag Singh Thakur, Minister of Youth Affairs and Sports)

LOK SABHA

CORRIGENDA

to

THE NATIONAL ANTI-DOPING BILL, 2021*[To be/As introduced in Lok Sabha]*

S. No.	Page No.	Line(s) No.	For	Read
1.	(ii)	In Arrangement of Clauses, against Clause 30	“by Agency”	“by Board”
2.	(ii)	In Arrangement of Clauses, against Clause 31	“by Board”	“by Agency”
3.	3	8	“(r),”	“(r)”
4.	4	29	“whereabouts failure.”	“whereabouts failure;”
5.	8	6	“eminent athlete”	“eminent athletes”
6.	10	9	“planning, co-ordination,”	“planning, coordination”
7.	14	44	“officers, and”	“officers and”
8.	16	43	“doping; and”	“doping;”
9.	21	4	provides fro	provides for
10.	23	30	2. Annual financial	Annual financial
11.	23	33	3. The Bill	The Bill
12.	25	1	to the followed	to be followed
13.	25	11	and (k)	(k)
14.	25	16	Organizations may	Organisations may
15.	25	41	personal date	personal data

NEW DELHI;**December 14, 2021****Agrahayana 23, 1943 (Saka)**