

**F.No.K-12020/5/2020-SP.V**  
**Government of India**  
**Ministry of Youth Affairs and Sports**  
**Department of Sports**

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**Dated: 14<sup>th</sup> January, 2021**

**NOTICE**

**Sub : Invitation of comments from relevant stakeholders and public on the Draft National Anti-Doping Act, 2021 – Reg.**

Comments of the Public and relevant stakeholders are hereby invited on the provisions of the Draft National Anti-Doping Act, 2021.

2. Suggestion/comments, along with brief justification may please be submitted to the following email id, latest by 31<sup>st</sup> January, 2021: -

[section5-sports@gov.in](mailto:section5-sports@gov.in)

**-Sd/-**

**(Arun Kumar Singh)**  
**Under Secretary to the Government of India**  
**Tel. No.2338 1003**

# NATIONAL ANTI-DOPING ACT, 2021

## STATEMENT OF OBJECTS AND REASONS

*WHEREAS*, it is imperative to maintain highest standards of integrity while participating and preparing for sports competition domestically and internationally.

*WHEREAS*, it is necessary to provide a statutory framework for the independent operation of a National Anti-Doping Agency and comply with the provisions of the United Nations Educational, Scientific and Cultural Organization Convention Against Doping in Sports.

*WHEREAS*, it is necessary to identify the list of offences of anti-doping, establish a disciplinary committee to recommend sanctions and an appellate board to review the sanctions.

*THEREFORE*, in furtherance of the above objectives the following legislation is proposed,

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

An Act to establish National Anti-Doping Agency, with the objective to comply with the obligations under the United Nations Educational, Scientific and Cultural Organization Convention Against Doping in Sports

### 1. Short title and Commencement

- 1) This Act may be called the National Anti-Doping Act, 2021.
- 2) This Act shall come into force from the date of its publication in the official Gazette.

### 2. Definitions

- 1) “**Athlete**” shall mean any person who competes in any sport at the international or national level or any competition to which this Act applies and any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel or any other person working with, treating or assisting an athlete participating in or preparing for a sports competition at the international or national level or to which this Act applies.
- 2) “**Agency**” shall mean the National Anti-Doping Agency established under this Act.
- 3) “**Anti-Doping Rule Violation**” shall mean the list of offences identified under Section 3 of this Act.

- 4) “**Code**” shall mean the World Anti-Doping Code as brought out and amended by WADA from time to time.
- 5) “**Disciplinary Panel**” shall mean the ‘National Anti-Doping Agency Disciplinary Panel’ as constituted under the Regulations framed by the Central Government under the National Anti-Doping Act, 2021.
- 6) “**International Federation**” shall mean the international governing body for a particular sport.
- 7) “**IOA**” shall mean the Indian Olympic Association.
- 8) “**List of Violations**” means the list established in accordance with the terms of this Act, under the Regulations, as in force from time to time.
- 9) “**NSF**” shall mean a National Sports Federation for a particular sport as granted recognition by the Ministry of Youth Affairs and Sports.
- 10) “**Sample**” shall mean an athlete’s blood sample, urine sample, stool sample, mucous sample, tissue sample or other bodily fluid or excreta sample collected for the purpose of this Act and the Regulations, as amended from time to time.
- 11) “**WADA**” shall mean the World Anti-Doping Agency established for the purposes of the International Convention against Doping in Sport in Switzerland, on November 10, 1999.

### **3. Prohibition and offence of doping**

- 1) Every Athlete shall participate in any and every international and domestic sporting competition with highest standards of integrity and ethics and in accordance with this Act.
- 2) Athletes shall be responsible for knowing what constitutes an offence of doping and the substances and methods which have been included on the prohibited substances determined under the Regulations, as amended from time to time.
- 3) The following shall constitute an Anti-Doping Rule Violation for the purposes of the Act,
  - a) the presence of a prohibited substance or its metabolites or markers is found in an Athlete’s bodily specimen;
  - b) use or attempts to use any prohibited substance or a prohibited method;

- c) refusing or failing, without compelling justification, to submit to sample collection after notification as authorized in applicable anti-doping rules or otherwise evading sample collection;
- d) violation of applicable requirements regarding athlete availability for out-of-competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules;
- e) tampering, or attempting to tamper, with any part of doping control;
- f) possession of prohibited substances or methods;
- g) trafficking in any prohibited substance or prohibited method;
- h) administration or attempted administration of a prohibited substance or prohibited method to any Athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity resulting or likely to result in an Anti-Doping Rule Violation;
- i) engaging in any other Anti-doping Rule Violation as may be described and provided for in the Regulations, as amended from time to time.

#### **4. Establishment and Composition of National Sports Ethics and Integrity Board**

- 1) An authority to be called the “National Sports Ethics and Integrity Board” shall be established, and its operations shall begin from such date as the Central Government may by notification determine and it shall function in accordance with this Act.
- 2) The Board shall comprise a Chairperson and two members to be appointed by the Central Government for a tenure of three years and shall have such qualifications and appointed on such conditions as may be prescribed in the Regulations, as amended from time to time.
- 3) On occasions of absence of the Chairperson or any member(s) of the Board arising due to a vacancy, illness or due to personal reasons, the Central Government may assign temporary charge to any person that it deems fit, subject to the condition that shall persons shall have the requisite qualifications as required for regular appointment to the position concerned.
- 4) The Chairperson and the Members shall not, during their term and for a period of three years from the date on which they cease to hold office, accept any appointment, in any capacity whatsoever, with any International or National Sports Federation.
- 5) Notwithstanding anything contained in sub-section (6), the Chairperson or a Member of the Authority 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, after being the opportunity of being heard, if he adjudged insolvent, incapable of serving as the chairperson or is convicted for the offence of moral turpitude or any other offence in the opinion of the Government which may be detrimental to public interest.

- 6) The Ranks, Salaries and Allowances, and benefits of the Chairperson and members of the Board will such as may be as prescribed by the Central Government in the Regulations, as amended from time to time.
- 7) The Board will be assisted by such staff and employees as may be prescribed in the Regulations, as amended from time to time.

## **5. Powers and Functions of the Board**

- 1) The Board shall provide directions to the Agency and provide recommendations to the Central Government on matters of integrity in sports and compliance of such international conventions relating to Sports that India may be a signatory to.
- 2) The Board shall have the power to issue directions to the Agency on,
  - a) compliance with the United Nations Educational, Scientific and Cultural Organization's Convention Against Doping in Sports and the norms prescribed by the World Anti-Doping Agency.
  - b) matters of integrity and fair play of sports.
  - c) appropriate implementation of the notified or adopted anti-doping measures or policies.
  - d) any other matter that the Board may deem expedient for fulfilling the objective of eliminating doping in Sports.
- 3) The Board shall approve or reject sanctions recommended by the Appeals Committee as penalty for Anti-Doping Rules violations. Such sanctions imposed will be notwithstanding any other penalty that such violations may attract under any other Act(s), Rule(s), Regulation(s), Instruction(s), etc, and will imposed in such manner and after following such procedure as may be as prescribed in the Regulations, as amended from time to time.
- 4) The Board shall approve regulations for the working of the Agency.
- 5) The decisions of the Board shall be as far as possible on the basis of simple majority and in the event of a tie the Chairperson shall have the casting vote.

## **6. Establishment of the National Anti-Doping Agency**

- 1) There shall be established, in accordance with the provisions of this Act, an Authority which shall be called the National Anti-Doping Agency and shall have such staff and employees and in such manner as the Central Government may deem appropriate.
- 2) The Agency shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of the property both movable and immovable, and to contract and shall, by the said name, sue or be sued.
- 3) The Head Office of the Agency shall be at New Delhi.
- 4) The Central Government may with due appropriation made by Parliament by law in this behalf grants such sums of money as the Central Government may think fit for being utilized for the purpose of this Act and such funds shall be spent to meet all the expenses incurred on administrative and operational requirements of the Board and the Agency in accordance with powers as may be delegated through the Regulations, as amended from time to time.
- 5) The staff and employees of the Agency, including those who will assist the Board, will be recruited in such manner, in such Grades and with such salaries, allowances, benefits, duties and responsibilities, as may be prescribed in the Regulations, as amended from time to time.
- 6) The existing National Anti-Doping Agency will be subsumed in the National Anti-Doping Agency established under this Act and become the owner of all assets, liabilities and responsibilities of the existing National Anti-Doping Agency from the date of its establishment.

## **7. Chief Executive Officer of the Agency**

- 1) The Central Government shall appoint such person as Chief Executive Officer of the Agency on a full time basis for a period of three years having such qualifications and on such terms as may be prescribed.
- 2) The Chief Executive Officer shall be responsible for the execution of such powers and functions determined for the Agency under Section 9 of this Act.

- 3) The Board may designate such responsibilities to the Chief Executive Officer from time to time, as it may deem expedient for fulfilling the objective of eliminating doping in Sports.
- 4) The Central Government may appoint a person to act as Chief Executive Officer :
  - (a) during a vacancy in the post of Chief Executive Officer pending regular appointment thereto; or
  - (b) during any period of absence of the regular Chief Executive Officer, due to illness, personal reasons or any other reason with the approval of the Central Government.
- 5) The Chief Executive Officer will be entitled to such Salaries and Allowances and benefits as may be prescribed in the Regulations, as amended from time to time.
- 6) The Chief Executive Officer may relinquish his post by way of a written resignation submitted to the Central Government at least three months prior to the proposed date of resignation. Such resignation, however, will be effective from the date it is accepted by the Central Government.
- 7) The appointment of the Chief Executive Officer may be terminated for reasons and in the manner as may be prescribed in the Regulations, as amended from time to time.

## **8. Powers and Functions of the Agency**

- 1) The Agency shall be the principal body for the coordination and implementation of this Act and it shall be independent in the execution of its functions.
- 2) The Agency shall have the following functions:
  - a) planning, co-ordinating, implementing and monitoring antidoping activities.
  - b) taking measures to prevent Anti-Doping Rule Violations.
  - c) undertaking anti-doping sensitization and advocacy measures.
  - d) investigating any Anti-Doping Rule Violations.
  - e) publishing an anti-doping scheme or policy and perform its functions in accordance with the scheme or policy.
  - f) undertake any other activity prescribed by the Board that may be expedient for fulfilling the objective of eliminating doping in Sports.

## **9. Investigation and Sanctions for Anti-Doping Rule Violations and Disciplinary Procedures**

- 1) The Agency shall constitute a Disciplinary Panel in accordance with the Regulations, as amended from time to time, which shall be the principal body to investigate and issue

sanctions in relation to any Anti-Doping Rule Violation and the Disciplinary Panel shall conduct its functions in accordance with the Regulations, as amended from time to time.

- 2) The Agency shall be empowered to issue Regulations which shall include the manner and procedure for investigating any Anti-Doping Rule Violations and provisions setting out the sanctions and manner for issuance of sanctions for any Anti-Doping Rule Violations by the Disciplinary Panel.

#### **10. Powers of Inspection, Sample Collection and Information Gathering**

- 1) The Agency and any person authorised by the Agency shall have the power to undertake inspection and search and seizure to determining any anti-doping rule violations in such manner as may be determined by the Regulations, as amended from time to time.
- 2) The agency shall require submission of samples from such Athlete, as determined to be necessary and in accordance with the procedure established by the Regulations, as amended from time to time, for while in competition or out-of-competition to determine if the Athlete has committed an Anti-Doping Rule Violation. And in accordance with such procedure as may be determined by the Regulations, as amended from time to time.

#### **11. Anti-Doping Laboratories**

- 1) The Central Government may, by notification in the Official Gazette:
  - a) recognise one or more laboratories or institutes, whether located within or outside India, as anti-doping laboratories to carry out the functions entrusted to an anti-doping laboratory under this Act and the Regulations, as amended from time to time; or
  - b) establish one or more anti-doping laboratories in India;

*Provided*, such anti-doping laboratory shall be affiliated to and recognised by WADA, or shall obtain such affiliation and recognition by WADA within two years of establishment or recognition as an anti-doping laboratory and shall maintain its affiliation and recognition by WADA as a condition for continued recognition as an anti-doping laboratory under this Act.



## **12. Appeals**

- 1) Any person aggrieved by the decision of the Agency may appeal to the Board within thirty days from the date of such decision and the board may pass an order either upholding the order of the Agency or modify such order or quash the order of the Disciplinary Panel.
- 2) The Board shall hear appeals from the decisions of the Disciplinary Panel made under Section 10 and it shall comprise of such person and follow such procedure as determined under the Regulations, as amended from time to time.

## **13. Data of Athletes and maintenance of database**

- 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:
  - 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 while in-competition.
  - e) any other personal data as may be described and provided for in the Regulations, as amended from time to time.
- 2) The Agency shall prescribe Regulations to govern the procedure for collection, usage, processing, and disclosure of the personal data prescribed under sub-section (1).
- 3) The Agency shall establish and maintain a database to record all the sanctions awarded by the Board and the other such details of the sanctions as may be determined by the Regulations, as amended from time to time.
- 4) The Agency shall publish the database in accordance with such procedure as may be determined by the Regulations, as amended from time to time.

## **14. Power to make Rules**

- 1) The Central Government may, by notification in the Official Gazette, make Rules for all or any of the following matters, namely:
  - a) the standards for establishment, recognition and operation of anti-doping laboratories;

- b) the functions of the anti-doping laboratory and the procedure for the submission to the said laboratory of samples for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
- c) the qualifications, manner of appointment, term of office, salary and allowances, resignation and removal of the members of the National Anti-Doping Appeal Panel;
- d) procedure for adjudication of appeals under sub-section (3) of Section 13 and any other matters relating to the procedure for submitting and hearing any appeal by the National Anti-Doping Appeal Panel;
- e) measures to promote international cooperation in the fight against doping in sport aimed at protecting Athletes and ethics in sport.
- f) any other matter as may be expedient for fulfilling obligations of the country under the United Nations Educational, Scientific and Cultural Organization Convention Against Doping in Sports.

## **15. Power to make Regulations**

1) The Agency may make Regulations on all or any of 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 WADA;
- b) procedure and standards for collection, storage and retention of samples and results management in relation to samples;
- c) procedure for investigation and determination of Anti-Doping Rule Violations and sanctions for an Anti-Doping Rule Violation by the Disciplinary Panel;
- d) procedures for negative analytical findings and adverse analytical findings, and principles governing the suspension of an athlete pending investigation, suspension of an athlete pursuant to an adverse analytical finding, cancellation of results of competition in case of adverse analytical findings in relation to Athletes engaged in participation in such competition and forfeiture of participation fees and winnings of Athletes engaged in participation in such competition in relation to whom an adverse analytical finding has arisen;
- e) procedures, methods and standards for assessing and granting therapeutic use exemptions;
- f) procedure for re-entry of a banned athlete;
- g) procedure to be followed for in-competition testing of Athletes, methodology for testing and any matters pertaining to in-competition testing of Athletes;
- h) 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) measures for promotion of research and advocacy in relation to sports doping and testing and methods for sensitising athletes and other concerned stakeholders in relation to the ills of doping;
- j) 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) 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 qualifications, manner of appointment, term of office, salary and allowances, resignation and removal of the members of the Disciplinary Panel;
- m) taking such measures as may be required for eradicating doping in sports;
- n) determining the usage of funds with the prior sanction of the Board;
- o) manner of implementing the direction or references issued by the Board including in relation to Athletes.
- p) any other matter as may be expedient for fulfilling obligations of the Agency under the WADA Code.

#### **16. Rules and Regulations to be laid before Parliament**

- 1) Every rule or regulations made under this Act shall be laid before each house of Parliament for a period of thirty days and if either house resolves to make modifications or withdrawal of such rules or regulations, the resolution of the house shall be final and the rule or regulation shall take the form as resolved by the houses.

#### **17. Power to Remove Difficulties.**

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