

THE NATIONAL SPORTS (DEVELOPMENT, REGULATION & GOVERNANCE) BILL,

2021

By

SEJAL LAHOTI, LAW STUDENT

SASTHIBRATA PANDA, LAW STUDENT

TEAM CODE: 404

ARRANGEMENT OF CLAUSES

CHAPTER 1

PRELIMINARY

CLAUSES

1. Short Title, extent and commencement
2. Definitions

CHAPTER II

NATIONAL OLYMPIC COMMITTEE

3. National Olympic Committee
4. Duties of National Olympic Committee

CHAPTER III

RECOGNITION OF NATIONAL SPORTS FEDERATION

5. Recognition of National Sports Federation
6. Suspension or disqualification of NSF
7. Exclusive right of the recognised NSF

CHAPTER IV

GOVERNANCE AND MANAGEMENT OF NATIONAL OLYMPIC COMMITTEE AND NATIONAL SPORTS FEDERATION

8. Office Bearers and Board Composition of the NOC and NSF
9. Eligibility Criteria of the Office Bearer
10. The functions and duties of the Board
11. Election and voting rights
12. Retirement
13. Professional Management and CEO of the NOC and NSF
14. Incorporated through a Special Resolution

CHAPTER V
ATHLETES COMMISSION

- 15. Constitution of Athletes Commission
- 16. Membership criteria
- 17. Election of Athletes Commission
- 18. Powers of the Chairperson
- 19. Budget allocation

CHAPTER VI
SPORTS ELECTION COMMISSION

- 20. Constitution of the Sports Election Commission

CHAPTER VII
MONITORING AUTHORITY

- 21. Appointment of the Monitoring Authority
- 22. Constitution of the Monitoring Authority
- 23. Power of Monitoring Authority
- 24. Function of the Monitoring Authority
- 25. Procedure in relation to the violation of the Act
- 26. Appeal to Appellate Sports Tribunal

CHAPTER VIII
APPELLATE SPORTS TRIBUNAL

- 27. Constitution of Appellate Sports Tribunal
- 28. Exclusion of jurisdiction
- 29. Civil Court not to have jurisdiction
- 30. Burden of proof
- 31. Appeal to Supreme Court

CHAPTER IX

CODE OF ETHICS

32. Constitution of Ethics Commission

33. Whistle Blowing Mechanism

CHAPTER X

OFFENCES AND PUNISHMENT

34. Elimination of doping

35. Elimination of sexual harassment

36. Elimination of age fraud

37. Elimination of match fixing

38. Punishment for non compliance with orders

39. Punishment for malafide or frivolous applications

CHAPTER XI

TRANSPARENCY AND FINANCIAL INTEGRITY

40. Maintenance of records

41. Duties of NOC and NSF as public authority

CHAPTER XII

SANCTIONING OF EVENTS

42. Sanctioning of events by NOC and NSF

CHAPTER XIII

MISCELLANEOUS

43. Protection of action taken in good faith

44. Power to make rules

45. Power to remove difficulties

A
BILL

to provide for the establishment of Ethics Commission, Election Commission, Athletes Commission, Sports Appellate Tribunal and Monitoring Authority to promote ethical practices and good governance in sports, in consonance with the Basic Universal Principles of Good Governance of Olympic and Sports Movement, for matters connected therewith;

WHEREAS resolution 58/5 adopted by the United Nations General Assembly on the 3rd day of November, 2003 recognises sport as a means to promote health, education, development and peace;

AND WHEREAS the International Convention adopted on the nineteenth day of October, 2005 at Paris provides for action against doping in sports, in which India ratified on the 10th day of September, 2007;

AND WHEREAS it is considered necessary to implement the aforesaid resolution and Convention in so far as they relate to the promotion of good governance practices in sports and elimination of unethical practice in sports;

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

CHAPTER 1
PRELIMINARY

1. Short Title, extent and commencement

- 1) This Act may be called The National Sports Bill, 2021.
- 2) It extends to whole of India.
- 3) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint.

2. Definitions

- a. Athlete – means an Indian Citizen engaged in sports activities;
- b. Board Member – means a member of Board of the governing body of NOC/NSF;
- c. Board – shall mean a Board of Directors or equivalent governing body of NOC/NSF;
- d. CEO – means Chief Executive officer under section 13 of this Act;

- e. CEO and its members – means an executive body with CEO as the head, appointed by the Board of NOC/NSF, to deal with the managerial functions of the NOC/NSF;
- f. Central Government – means the Government of India in the Department of Sports;
- g. Chartered Accountant – means as per the definition under section 2 (1) (b) of the Chartered Accountants Act, 1949;
- h. Eminent Athlete/Sports-person – means an athlete who has either won an Olympic Medal, Asian Games Medal in Olympic sports or a World Cup/World Championship medal or a Commonwealth Games Medal in Olympic or non-Olympic Sports;
- i. International Federation – means a federation recognised by the IOC as an Olympic Sports or a federation which regulates the sports at International level as a non-Olympic sports;
- j. NOC or National Olympic Committee – The Indian Olympic Association shall be the National Olympic Committee of India only if it obtains the recognition as the National Olympic Committee of India from the International Olympic Committee and continues to be as such;
- k. Notification – means a notification published in any official gazette;
- l. NSF or National Sports Federation – means as organisation or body authorised to govern particular sports in India;
- m. Office Bearer – means members of the Board;
- n. Prescribed – means prescribed according to the rules and regulation made under this Act;
- o. Public Authority – means an authority as defined in clause 2(h) of the Right to Information Act, 2005;
- p. Sports – means list of sports as per the Annexure 1 of this Act;
- q. Sports Specialist – means coach, technical official or any other sports personnel.

CHAPTER II

NATIONAL OLYMPIC COMMITTEE

3. National Olympic Committee

NOC shall be the highest body to discharge function as may be assigned to it under the Olympic Charter.

4. Duties and Functions of NOC

The NOC shall discharge the following functions:-

- a. Implement objective and responsibility as per the Olympic Charter;
- b. ensure that its constitution is in consonance with the Basic Universal Principles of Good Governance of Olympic and Sports Movement;
- a. Be responsible for selection of athletes and their participation in multi sports events;
- b. Regularly organise national competitions;
- c. Provide transparent dispute resolution process;
- d. Engage in bidding process for the Olympics Games, Commonwealth Games, Asian Games or any other multi-sports competitions, with prior approval from the Central Government;
- e. Consult with the Central Government for the development of sports;
- f. Cooperate with state agencies, NSF and Indian Para-Olympic for the development of sports;
- g. Constitute an Athletes Commission for NOC as per chapter V of this Act;
- h. Maintain transparency and financial integrity as per chapter XI of this Act;
- i. Be a public authority as per section 41 of this Act; and
- j. Any other duty for the development of sports.

CHAPTER III

RECOGNITION OF NATIONAL SPORTS FEDERATION

5. Recognition of National Sports Federation

- 1) Sports organisations may file an application, with all the required documents as may be prescribed, for the certificate of recognition of NSF, to maintain recognition of a particular sports;
- 2) The Govt of India, On receipt of an application filed under section 1(i), shall hold an enquiry to find whether the sports organisation fulfilling all the criteria of section 1(v) within 90 (ninety) days;
- 3) If the application has not been disposed of within a period of 90 (ninety) days from the date of its receipt, the certificate of recognition would be deemed to have been granted;

- 4) The Central Government shall grant certificate of recognition of NSF to only one of the sports organisation, that represents all age groups and gender, of a particular sports;
- 5) The Central Government shall grant certificate of recognition of NSF to the sports organisation:-
 - a. That has an all time affiliation with both its International Federation and NOC of the Olympic sport, and affiliation with its International Federation for the non-Olympic sport;
However, the abovementioned sub-clause shall not be applicable to the NSF of a non-Olympic sport that has no International Federation.
 - b. That it should have state affiliation from 2/3rd of the India and desire to be affiliated in all the states of the India;
 - c. That is registered under the Societies Registration Act, 1860 or any other State law or the Company Act or a trust created under the Indian Trust Act, 1882 with the objective to develop that sports;
Provided that the Central Government may provide incentives to the NSF which incorporating itself as a company under section 8 of companies Act, 2013, and the recognition shall be automatically transferred to the new entity.
 - d. That shall be in consonance with standards of the Basic Universal Principles of Good Governance of Olympic and Sports Movement and the principles enshrined in the Code of Ethics;
 - e. That shall adhere to the conditions mentioned under chapter IV of this Act;
 - f. That shall be organising an annual National Championship for at least 3 consecutive year;
 - g. That shall have an in-house grievance redressal mechanism;
 - h. That shall have maintained proper accounts and other relevant records audited annually by a chartered accountant;
 - i. Other functions may be prescribed for the maintenance of the confidence of general public in sports governance; and
 - i. From the date of recognition, the sports organisation will keep the NSF status for 1 year and by depositing certain documents, as may be prescribed, the sports organisation would be automatically recognised as NSF.

6. Suspension or Disqualification of NSF

The NSF will be disqualified or suspended by Monitoring Authority or Appellate Sports Tribunal, if;

- 1) disaffiliated or derecognized by the concerned International Federation or the National Olympic Committee;
- 2) failed to hold elections for the executive body as provided or has committed gross irregularities in the election procedures;
- 3) failed to publish its annual audited accounts;
- 4) misused or unauthorisedly diverted the Government funds;
- 5) violated the eligibility criteria or the terms and conditions of accreditation; and
- 6) failed to comply with provisions as per chapter IV of the Act within six months of accreditation under this Act.

7. Exclusive right of the recognised NSF

Only the recognised NSF may:-

- 1) receive funds from Central Government;
- 2) allow to use the Indian Flag, and the expression “India”, “Indian”, “National” or any other equivalent insignia in any other language;
- 3) exemption from the custom tax, income tax and foreign exchange permissions.
- 4) receive corporate social responsibility grants for the development of sports.

CHAPTER IV

GOVERNANCE AND MANAGEMENT OF NATIONAL OLYMPIC COMMITTEE AND NATIONAL SPORTS FEDERATION

The NOC and NSF shall separate their functions of governance and management: Governance shall be done by the Board and Management shall be done by CEO and the executive body.

8. Office Bearers and Board Composition of the NOC and NSF

- 1) The composition of the Office Bearers of NOC shall be of 1 (one) President, 1 (one) Vice-president, 1 (one) Secretary-General, 2 (two) Joint-Secretaries and 1 (one) Treasurer;

- 2) The composition of the Office Bearer of NSF shall be of 1 (one) President, 1 (one) Vice-president, 1 (one) Secretary-General and 1 (one) Treasurer.

Provided that the Board of NOC/NSF may, in addition to the Office Bearers, appoint as many persons as it may think fit to perform the function of the Board Members under this Act; and

- 3) The composition of the Board Member of the NOC and NSF shall consist of:-
 - a. the Board of NOC/NSF shall, by notification, set a limit on total numbers of Board Members to govern that NOC/NSF;
 - b. for the governance of the NOC/NSF, the Board shall only appoint the persons who are well versed in the knowledge of law, sports science and medicine, and sports governance;
 - c. any Indian Office Bearer of IOC shall be a Board Member of NOC and the term of the board members shall be similar to its IOC membership. And any Indian office bearer of an International Federation shall be a Board Member of NSF and the term of the office bearer shall be similar to its International Federation membership;
 - d. 40% female Board Members;
 - e. 20% athletes selected by the Athlete Commission;
 - f. a former eminent sports person of that game; and
 - g. the CEO of the NOC/NSF shall be an ex-officio Board Member with voting rights.

9. Eligibility Criteria of the Office Bearer

To fulfil the eligible criteria of the office bearer of the NOC and NSF, the person:-

- 1) Shall be a citizen of India;
- 2) Shall not have been charged under sec 228 Cr.P.C. offence involving more than three years punishment
- 3) Shall not be declared of unsound mind;
- 4) Shall not hold office consecutively for two terms (each term not exceeding 4 years) or 8 years, unless the re-contest is for the post of President or CEO of the NOC/NSF;
- 5) Shall not hold office of the post of President consecutively for three terms (each term not exceeding 4 years) or 12 years;
- 6) Shall serve a cooling off period of 4 years after the completion of the terms of board member; and
- 7) Shall not be a Board Member of two different NOC/NSF simultaneously.

10. The functions and duties of the Board

The Board shall be properly structured to function as the apex decision making body of the NOC/NSF.

The Board shall:-

- 1) create policy direction for the CEO and its executive body on issues relating to the NOC/NSF;
- 2) adopt a budget, create a policy on financial planning, and monitor financial integrity of the NOC/NSF;
- 3) set up and supervise regulatory framework for all performance measures of the NOC/NSF;
- 4) review the annual performance, and create strategy for the next year of the NOC/NSF; and
- 5) not function as an operational and executive body.

11. Election and Voting Rights

- 1) The election of the Office Bearers of the NOC/NSF shall be held in every four years in accordance with the code of election as may be prescribed;
- 2) In the Board meeting of the NOC and NSF only the Office Bearers and Board members shall have the voting rights.

12. Retirement

An office bearer of NOC/NSF shall attain retirement at the age of 75 years. However, the age limit of the Office Bearer of NOC/NSF, who is also holding a post in executive board of that NOC or NSF's International Federation, may extend till his tenure in that International Federation.

13. Professional Management and CEO of the NOC and NSF

- 1) The NOC/NSF, categorised by the notification of Central Government as "High Priority" and "Priority", shall appoint an executive team with a CEO as the head, to deal with the following managerial functions:-
 - a. management of all staff functions of the NOC/NSF;
 - b. spokesperson of the NOC/NSF;
 - c. coordinate and consult with the Central Government and State Government; and
 - d. any other function, as directed by the Board of the NOC/NSF.

- 2) The CEO shall report to the Board of NOC/NSF;
- 3) The procedure for appointment, term and disqualification of the CEO shall be notified by the Board of NOC/NSF; and
- 4) A former office bearer of the NOC/NSF shall not be eligible to be a CEO, unless the former office bearer has held his post as an Eminent Athletes selected by the Athletes Commission of the NOC/NSF.

14. Incorporated through a special resolution

The provisions, under this chapter of the Act, shall be incorporated through a special resolution and before coming into force it shall be registered as per the Societies Registration Act, 1860 or any other State law or the Company Act or a trust created under the Indian Trust Act, 1882 under which the NOC/NSF is registered.

CHAPTER V

ATHLETES COMMISSION

15. Constitution of Athletes Commission

The NOC and NSF shall constitute an Athletes Commission to perform the duties provided herein:

- 1) It shall advise the NOC/NSF on the perspective and needs of athletes on:
 - a. Talent development;
 - b. Training and competition schedules;
 - c. Redress of athlete grievances;
 - d. Selection criteria;
 - e. Logistical and administrative support; and
 - f. Athletes support and welfare beyond competitive sports career.
- 2) It shall be responsible for ensuring communication between the NOC/NSF and currently active athletes and serving as a source of feedback and advice to the Board with regard to both current and contemplated policies of the NOC/NSF.

16. Membership criteria

The following conditions must be complied with during the constitution of the Commission:

- 1) The commission shall consist of at least seven members to ensure representation from every discipline of the concerned sport;
- 2) Olympians, who have competed in any of the last four Olympic games, shall be preferred as members of the commission for the NOC, and NSFs of Olympic sports;
- 3) In case the sport is non-Olympic or Olympic athletes are not available, then, athletes who have competed in the last four Asian Games, shall be preferred as members;
- 4) If the (b) or (c) criteria is not met, athletes who have competed and have been placed in the top 10 in last four years in Open/Senior National Championships will qualify; and
- 5) Minimum 40% female representation in the commission must be present.

Where the number of athletes qualifying in a sport are less than seven, then all such athletes shall constitute the Athletes Commission.

17. Election of Athletes Commission

The Members of the Commission shall be elected as follows:

- 1) Elections to the Commission and to the board of the NSF/NOC shall be held in the same year;
- 2) The electoral college of the NSF Athletes Commission shall consist of every athlete taking part in the Open/Senior Nationals of the particular NSF and each shall have one vote. If the Open/Senior Nationals are not being conducted regularly, the athletes who have taken part in international competitions in that discipline shall be eligible to vote.
- 3) The electoral college of the NOC Athletes Commission shall consist of chairpersons of the NSF Athletes Commission of each NSF affiliated with the NOC or the Chairperson's nominee.
- 4) The Election Commission shall conduct the election for the Athletes Commission.

Provided that one of the members of the commission of the NOC and the NSF shall be elected as the Chairperson by the other members, amongst themselves. The tenure of the Chairperson shall be the same as that of the Board of the NOC/NSF.

18. Powers of the Chairperson

- 1) The Chairperson of the commission will be the nominated person on the Executive Committee of the NSF/NOC.
- 2) The Chairperson can appoint athletes from the Commission to committees/sub-committees of the NSF/NOC.

19. Budget allocation

The Board of the NSF/NOC shall allocate a reasonable budget to the Commission. The Commission shall meet regularly and operate in accordance with the said budget.

CHAPTER VI

SPORTS ELECTION COMMISSION

20. Constitution of the Sports Election Commission

- 1) To ensure the conduct of free and fair elections to NOC, NSFs, and Athletes Commission, a Sports Election Commission of India shall be established.
- 2) It shall consist of three members: one election commissioner and two other members.
- 3) The appointment of the members to the commission shall be undertaken by the NOC president, the sports minister and the chairperson of the Athletes Commission of NOC.
- 4) The members shall serve for a period of four years or until the attainment of 70 years of age, whichever is earlier.
- 5) The members shall not seek any position or benefit in the NOC/NSF, after serving their terms.
- 6) Once appointed, the members cannot be removed until the completion of their term, without consulting the CEC of India.
- 7) An appeal to the Appellate Sports Tribunal can be preferred by any party/body aggrieved by the decision of the Election Commission.
- 8) The central government may issue guidelines for the conduct of elections and the principles to be adhered to in the process of elections.

CHAPTER VII

Monitoring Authority

21. Appointment of the Monitoring Authority

The Central Government shall, within a period of 90 days from the date of commencement of this Act, through notification, constitute a Monitoring Authority for the whole of India.

22. Constitution of the Monitoring Authority

The Monitoring Authority shall consist of:

- 1) an officer of or above the rank of the Joint Secretary of the Sports Department of the Centre – the Chairman;
- 2) an eminent women representing female athletes – Member;
- 3) an eminent athlete – Member;
- 4) an officer of Law Department of the Centre not below the rank of a Deputy Secretary – Member; and
- 5) a person who is qualified to be a Judge of High Court – Member.

After serving as a member of Monitoring Body the person cannot become seek a position in any NOC/NSF.

23. Power of the Monitoring Authority

The Monitoring Authority shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in any sports related legal dispute:-

- 1) Between NOC and its NSF;
- 2) Amongst two or more NSFs;
- 3) Amongst NOC/NSF, Office Bearer, Board Member and CEO and its members;
- 4) Amongst NOC/NSF, athletes and sports specialists; and
- 5) Between NOC/NSF and any member of the public, arising within the scope of their activity pertaining to that NOC/NSF.

24. Functions of the Monitoring Authority

The Monitoring Authority shall discharge the following functions:-

- 1) to supervise the implementation of this Act and rules and regulations made thereunder;
- 2) to remove deficiency, suspend (not exceeding one year) or disqualify the recognition of the NOC/NSF;

- 3) to recommend to the NOC/NSF regarding the changes required in the bye-laws or memorandum of association or article of association or trust deed;
- 4) to accept the complaints, regarding the violation of this Act and rules and regulations made thereunder, from the third parties only if the third person has exhausted all the alternative remedies;
- 5) investigate the complaints regarding the violation of this Act and rules and regulations made thereunder;
- 6) to take legal actions, as per the under mentioned sub-section, on receipt of complaints or *suo motu*, against the NOC/NSF; and
- 7) any other functions as may be prescribed.

25. Procedure in relation to the violation of the Act

The Monitoring Authority shall follow the procedure in relation to the violation of this Act in the following manner:-

- 1) accept the complaint relating to sub-clause (d) of the above mentioned section;
- 2) summon of any person who is in possession of any information, production of any document or material object, and search any place, subjected to the provision of the Indian Evidence Act, 1872, relating to sub-clause (e) of the above mentioned section;
- 3) issue a dean summons to the NOC/NSF in order to give all the parties a reasonable opportunity of being heard; and
- 4) on the basis the information and material available to the Monitoring Authority, it may, order the NOC/NSF to remove the Office Bearer, Board Member, CEO and its members or any other deficiency, or order to suspend (not exceeding one year) the NOC/NSF, or order to disqualify the NOC/NSF if they are responsible for the violation of this Act and rules and regulations made thereunder.

Provided that the Monitoring Body shall record its reasons in writing. Provided also that all the procedure of disqualification or suspension will be held invalid without the proper implementation of Code of Civil Procedure, 1908 and Indian Evidence Act, 1872 by the Monitoring Authority.

Provided that if the Monitoring Authority exercises its power under Sub-clause (d) of the above mentioned section, then it shall take interim measures to make sure the athlete's right to participate in any competition is not violated.

26. Appeal to Appellate Sports Tribunal

Any person aggrieved by the order of Monitoring Authority may file, within a period of forty five days from the date the order is served, an appeal before the Appellate Sports Tribunal.

CHAPTER VIII

APPELLATE SPORTS TRIBUNAL

27. Constitution of Appellate Sports Tribunal

- 1) The Central Government shall, by notification, constitute an Appellate Tribunal to be called the Appellate Sports Tribunal to hear the appeal against the order made under the section 25 of this Act;
- 2) The Appellate Sports Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908;
- 3) The Appellate Sports Tribunal shall consist of:-
 - a. A person who is qualified to be a judge of Supreme Court or of a Chief Justice of High Court - the Chairman;
 - b. An officer of or above the rank of the Joint Secretary of the Sports Department of the Centre – Member; and
 - c. A person who is well versed in the knowledge of law, sports science and medicine, and sports governance - Member.

Notwithstanding anything contained in the above sub-section, where the Chairman considers it necessary so to do for the expeditious disposal of appeals under this section, the Chairman may constitute a bench of two members;

After serving as a member of Appellate Sports Tribunal the person cannot seek a position in any NOC/NSF;

- 4) The members shall retire after a term of 4 years from the date of appointment or upon reaching the age of 70 years;
- 5) qualification and condition of service of the members shall be prescribed by the Central Government;
- 6) The jurisdiction of the Appellate Tribunal shall be prescribed by the Central Government; and

- 7) Subject to the provision of this Act, the Appellate Sports Tribunal may regulate its procedure, but shall be according to Code of Civil Procedure, 1908 and Indian Evidence Act, 1872.

28. Exclusion of Jurisdiction

The Appellate Sports Tribunal shall not adjudicate:-

- 1) Any dispute arising during the event organized by the Olympic games, Commonwealth games, Asian games, International Federations for which the Court of Arbitration for Sports in Lausanne, Switzerland has exclusive jurisdiction;
- 2) Doping related dispute, for which the anti-doping panel constituted under National Anti-Doping Agency has exclusive jurisdiction.

29. Civil Court not to have jurisdiction

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which can be taken and disposed of by Monitoring Authority and Appellate Sports Tribunal under this Act.

30. Burden of proof

In any proceeding under this Act, burden of proving that there is violation of the Act lies on the person affected.

31. Appeal to Supreme Court

A party of the dispute or any person aggrieved by the decision or order of the Appellate Sports Tribunal may file an appeal to the Supreme Court within sixty days from the communication of the decision or order of the Appellate Sports Tribunal;

However, the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the prescribed period, allow it to be filed within a further period not exceeding ninety days.

CHAPTER IX

CODE OF ETHICS

32. Constitution of Ethics Commission

- 1) A code of ethics shall be adopted by the board of the NOC/NSF which shall lay down minimum standards for ethical conduct of and by persons involved with a NOC/NSF. It shall be in accordance with the Code of Ethics of the IOC and with the Principles of the Constitution of India.
- 2) The code of ethics shall be enforced by an Ethics Commission. The constitution of the said body shall be as under:
 - a. Three judicial members appointed by the NOC in consultation with the CJI.
 - b. Three eminent athletes nominated by the Athletes Commission.
 - c. Three other members shall be nominated by the President of NOC. They shall not be the members of the executive body of the NOC or the NSF.
- 3) The Ethics Commission shall sit in benches of three members, one from each category of (b)(i), (ii), and (iii). the judicial member shall preside over the bench.
- 4) Members of the Ethics Commission shall serve for a single term of four years from the date of appointment or till they attain the age of 70 years, whichever is earlier.
- 5) The Members cannot be removed by the NOC, without concurrence of the Appellate Sports Tribunal.
- 6) After serving as a member of the commission, no member shall seek any position or benefit in the NOC or in any NSF.
- 7) If any person/body is aggrieved by the decision of the commission, they can prefer an appeal to the Appellate Sports Tribunal.

33. Whistle Blowing Mechanism

A vigil Whistleblower Policy shall be adopted by the Board of a NOC/NSF in order to safeguard their interests. The Whistleblower Policy shall:

- 1) Establish a mechanism for reporting to the NOC/NSF's Audit Committee genuine concerns about unethical behaviour, on a confidential basis.
- 2) Provide safeguards against victimisation of and retaliation against people who use such mechanism in good faith
- 3) The details of the mechanism shall be made available on the website or on the Board's report.

OFFENCES AND PENALTIES

34. Elimination of doping

- 1) To implement the rules relating to anti-doping in sports, National Anti-Doping Agency shall be the apex body in India. Its rules shall be binding and applicable upon all NSFs and the NOC.

Provided, the NADA shall apply the rules of World Anti-doping Agency to a sport to the extent of the applicability on the sport's IF.

- 2) The central government shall provide financial assistance to NADA for discharge of its functions.

35. Elimination of sexual harassment

To prevent sexual harassment in sports, every NSF and the NOC, shall have the following mechanisms in place:

- 1) ensure that there are sufficient female members in the coaching and support staff for a female athlete or a team of female athletes.
- 2) ensure the availability of proper systems of hygiene and health in the area of work.
- 3) provide assistance to an athlete affected as a result of sexual harassment by a third party and help such an athlete to initiate legal action.
- 4) ensure proper implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 5) Any person who has been found guilty of sexual harassment, shall be debarred by the NOC and NSF from participating in any existing or future sports event, in any capacity.

36. Elimination of age fraud

- 1) It shall be the duty of all NSFs to prevent, identify and punish deliberate inaccurate disclosure of an athlete's age at a national competition, national camp, or other competitive event.
- 2) The central government shall prescribe rules for prevention of age fraud by an athlete. The rules may include provisions relating to mandatory identity cards for athletes, scientific testing protocols, inspections, and penalties.

37. Elimination of match fixing

- 1) Instances of Match fixing shall include the following:

- a. Where a sportsperson or coach or member of sports federation or a group of them accepts money to underperform;
 - b. Where a bet is placed in athletic competitions by a sportsperson or coach or member of sports federation or a group of them, in which they play or have the power to influence such decisions that would lead to underperformance;
 - c. Where information regarding team composition, probable result or any other insider information regarding sports is passed on to a betting syndicate by any person;
 - d. Where money is given to grounds men to prepare a pitch in the favour of a betting syndicate; and,
 - e. Where, for a monetary consideration, bookies use a sportsperson or coach or member of sports federation to gain access to players for influencing their performance.
- 2) Any person found guilty of match fixing shall be punished with rigorous imprisonment for a term not exceeding five years and/or with fine not exceeding five times the amount involved in the match fixing.
 - 3) Notwithstanding any provisions of law, judgement of court or rules made by the Central government, any person found guilty of match fixing, shall be debarred from participating in any existing or future sports event in any capacity, by the sports federation.

38. Punishment for non compliance with orders

Any person who fails to comply with the order of Monitoring Authority and Appellate Sports Tribunal, shall be punishable with a fine extending to one lakh rupees. In case of continued non-compliance, an additional fine extending to twenty thousand rupees for every such day when the default continues, shall be imposed.

39. Punishment for malafide or frivolous applications

In cases of malafide or frivolous applications, Monitoring Authority and Appellate Sports Tribunal may impose a fine of not less than ten thousand rupees and not extending one lakh rupees.

CHAPTER XI

TRANSPARENCY AND FINANCIAL INTEGRITY

40. Maintenance of records

- 1) The NOC and NSF shall adopt a budget and maintain proper accounts and other relevant records audited annually by a chartered accountant;
- 2) The NOC and NSF shall publish the following details in the public domain:
 - a. Last 3 (three) audited annual balance sheet;
 - b. Constitution/statutes;
 - c. bye-laws, rule and regulations;
 - d. Report of its achievements and events.

41. Duties of NOC and NSF as public authority

- 1) The Provisions of RTI act shall be made applicable on all discharge of functions and duties of NSF and NOC that falls within the ambit of RTI Act.
- 2) However, the NOC/NSF shall not be deemed to be a public authority in the following matters:-
 - a. Medical health and fitness of athlete;
 - b. Injuries suffered by athlete;
 - c. Whereabouts of athlete;
 - d. Information and test results which are deemed to be confidential under the National Anti-Doping Agency Code; and
 - e. Information including commercial confidence, intellectual property or trade secrets, the disclosure of which would harm the competitive position of a third party.

CHAPTER XII

SANCTIONING OF EVENTS

42. Sanctioning of events by NOC and NSF

Any NSF/NOC shall:-

- 1) upon the request of any organisation or person, promptly review such request to conduct a league, tournament, match, meet, regatta, contest, game or any other event in India.
- 2) grant sanction if the following criteria is fulfilled:

- a. if there is no clear and convincing evidence with the NOC/NSF that organising the event would be detrimental to the best interest of the sport.
- b. if the organisation/ person agrees to comply with the following conditions:
 - i. payment of a reasonable sanction fee;
 - ii. arrangements for the medical supervision of the athletes;
 - iii. safety precautions for the welfare of the athletes and spectators of the competition; and
 - iv. engagement of qualified professionals to conduct the event.

CHAPTER XIII

MISCELLANEOUS

43. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against any person or authority for anything which has been done or intended to be done in good faith under this Act or the rules made thereunder.

44. Power to make rules

- 1) the central government may, by notification in the official gazette, make rules for carrying out the purposes of this act.
- 2) every rule under this act shall be laid, as soon as may be after it is made, before each house of the 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 both the houses agree that the rule should not be made, the rule 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 the rule.

45. 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 for removing the difficulty;

Provided that no such order shall be made after expiry of two years from the date of 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.

ANNEXURE**[See Section 2(p)]**

1. Aero Sports
2. Archery
3. Athletics
4. AtyaPatya
5. Aquatics
6. Badminton
7. Ball Badminton
8. Baseball
9. Basketball
10. Billiards and Snooker
11. Bridge
12. BodyBuilding
13. Boxing
14. Carrom
15. Chess
16. Cricket
17. Cycling
18. Cycle Polo
19. Equestrian
20. Fencing
21. Football
22. Golf
23. Gymnastics
24. Handball
25. Hockey
26. Ice Hockey
27. Judo
28. Kabbadi
29. Kayaking and Canoeing
30. Karate Do
31. KhoKho

32. Korfball
33. Mallakhamb
34. Mind Sports
35. Motor Sports
36. Netball
37. Paralympic Sports
38. Polo
39. Powerlifting
40. Rowing
41. Roller Skating
42. Rugby
43. SepakTakraw
44. Shooting
45. Shooting Ball
46. Soft Ball
47. Soft Tennis Ball
48. Special Olympic Sports
49. Sports for deaf persons
50. Squash Rackets
51. Table Tennis
52. Taekwondo
53. Tennis
54. Tenni-koit
55. Tennis Ball Cricket
56. Ten Pin Bowling
57. Triathlon
58. Throw Ball
59. Tug of War
60. Volleyball
61. Weightlifting
62. Winter Games (Skiing and Snowboarding)
63. Wrestling (Free Style and Greco Roman)
64. Wrestling (Indian Style)
65. Wushu

66. Yachting
