

## DRAFT PREVENTION OF SPORTING FRAUD BILL”, 2013

Draft “ **PREVENTION OF SPORTING FRAUD BILL”, 2013** is placed in public domain for inviting comments/suggestions of general public and the stakeholders.

Suggestions/comments may be sent within 21 days i.e., by 3<sup>rd</sup> December, 2013, preferably by email, to Shri Vivek Narayan, Director (Sports), Ministry of Youth Affairs & Sports, Room No. 517, ‘C’ Wing, New Delhi. Email id of Shri Vivek Narayan is vivek.narayan@nic.in.

	THE PREVENTION OF SPORTING FRAUD BILL, 2013	
	A	
	BILL	
	<i>to prevent and combat sporting fraud affecting the integrity of sports and fair play in relation to national and international sporting events and for matters connected therewith or incidental thereto.</i>	
	BE it enacted by Parliament in Sixty-fourth year of the Republic of India as follows:-	
Short title and commencement.	<b>1.</b> (1) This Act may be called the Prevention of Sporting Fraud Act, 2013.	
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
Definitions.	<b>2.</b> In this Act, unless the context otherwise requires,-	

	(a) “appropriate authority” means a person designated as such by the Central Government including the State Government or its nominee;	
	(b) “inside information” means any information not in the public domain and includes information-	
	(i) not already published or is a matter of record, about a sporting event including information concerning the weather or condition of the field of play or strategy or any injury or any other factor affecting the sporting event;	
	(ii) specifically within the knowledge of a member by virtue of his position, participation or any other form of involvement in the sporting event;	
	(c) “member” means a participant of the National or State or domestic sports team or event and includes support personnel, umpires, match officials and any other person deriving commercial benefit from the team or event;	
	(d) “prescribed” means prescribed by rules made under this Act;	
	(e) “sporting fraud” has the meaning assigned to it in section 3;	
	(f) “sporting event” means any domestic, national or international sporting event or segment thereof held or to be held in India and includes an international sporting event held outside the country in which the Indian team or member from India participates;	
	(g) “support personnel” means any manager, coach, trainer, selector, team official, agent, doctor, therapist or any other person employed by, representing or otherwise affiliated to a playing or touring team or squad that is chosen to represent a National Sport Federation or its affiliates in a sporting event.	
Offence of sporting fraud.	<b>3.</b> A person is said to commit the offence of sporting fraud in relation to a sporting event if he, directly or indirectly,-	
	(i) manipulates sports result, irrespective of whether the outcome is actually altered or not, or makes arrangement of an irregular alteration of the field of play or the result of a sporting event including its incidental events or deliberately misapplies the rules of the sport, in order to obtain any economic or any other advantage or benefits or	

	promise of an advantage or benefits, for himself or for any other person so as to remove or reduce all or part of the uncertainty normally associated with the results of a sporting event; or	
	(ii) wilfully fails to perform to his true potential for economic or any other advantage or benefit for himself or for any other person unless such under performance can be attributed to strategic or tactical reason deployed in the interest of that sport or team; or	
	(iii) being in possession of inside information as a member, discloses such information to any person before or during any sporting event with the knowledge that disclosure of such information is likely to result in financial gain or is likely to be used in relation to betting or manipulation of a sporting event; or	
	(iv) omits to perform the duty imposed on him under section 4.	
Duty to inform.	<b>4.</b> Whoever gets any information as to the commission of any of the acts referred to in clauses (i) to (iii) of section 3, shall forthwith or within such time as may be prescribed, give the information regarding the same to the appropriate authority or the team management or the National Sport Federation, in writing:	
	Provided that the team management or National Sport Federation, as the case may be, shall inform the appropriate authority within three working days of receiving such information.	
Punishment for sporting fraud in relation to a sporting event.	<b>5.</b> Whoever commits the offence of sporting fraud shall be punishable,-	
	(a) where such sporting fraud relates to clauses (i) and (ii) of section 3, with imprisonment for term which may extend to five years and with fine of ten lakhs or five times the economic benefits derived by the person from sporting fraud, whichever is greater;	
	(b) where such sporting fraud relates to clauses (iii) and (iv) of section 3 with an imprisonment for a term of not exceeding three years and with fine of rupees five lakhs or three times the economic benefits derived by the person from sporting fraud, whichever is greater.	
Punishment for attempt to commit offence	<b>6.</b> Whoever attempts to commit the offence of sporting fraud or to cause such offence to be committed	

of sporting fraud.	and in such attempt does any act or omission towards the commission of the said offence shall be punishable with the same punishment as provided for the offence.	
Punishment for abetment of Sporting fraud.	<b>7.</b> A person who abets the commission of the offence of sporting fraud shall be punishable with the same punishment as provided for the offence.	
	<i>Explanation.-</i> For the purpose of this section, the expression “abets” shall have the same meaning as is assigned to it in section 107 of the Indian Penal Code.	45 of 1860
Offences by companies or association of individuals.	<b>8.</b> (1) Where any offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall to be proceeded against and punished accordingly:	
	Provided that nothing contained in this subsection shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	
	(2) Notwithstanding anything contained in subsection (1), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	
	<i>Explanation.-</i> For the purposes of this section,- (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.	
Cognizance of offences.	<b>9.</b> (1) No court shall take cognizance of an offence under this Act except on a complaint made by-	
	(a) the appropriate authority;	
	(b) a person from the National Sport Federation in charge of implementing its anti-corruption code or rule in such manner as may be prescribed; or	

	(c) a person after giving notice of not less than sixty days, in such manner as may be prescribed, to the appropriate authority, of the alleged offence and of his intention to make a complaint to the court.	
	(2) No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence punishable under this Act.	
Power to make rules.	<b>10.</b> (1) The Central Government may by notification published in the Official Gazette make rules to carry out the provisions of this Act.	
	(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-	
	(a) the time within which a person shall inform the appropriate authority or team management or National Sports Federation;	
	(b) manner in which the complaint is to be made under clause (b) of sub-section (1) of section 9;	
	(c) manner in which the complaint is to be made under clause (c) of sub-section (1) of section 9;	
	(d) any other matter which is required to be, or may be, prescribed.	
Rules to be laid before Parliament.	<b>11.</b> Every rule 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.	

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