

**STANDING COMMITTEE ON EDUCATION, WOMEN, CHILDREN,
YOUTH AND SPORTS**

NATIONAL ANTI-DOPING BILL, 2021

THREE HUNDRED AND FORTIETH REPORT

INTRODUCTION

The National Anti-Doping Bill, 2021 dealt with providing a framework for the operation of the **National Anti-Doping Agency (NADA)**, the **National Dope Testing Laboratory (NDTL)** and other dope testing labs, creating a National Board for Anti-Doping in Sports, and complying with international commitments such as the UNESCO International Convention Against Doping in Sport. In the report the Committee scrutinised the Bill, and recommendations and suggestions were put forward by it.

The Bill aimed at **strengthening the Anti-Doping framework in the country**. It was added that the Bill would **strengthen compliance of UNESCO International Convention against Doping in Sport, 2005 and the World Anti-Doping Code, 2021**.

The report began with discussing the different aspects of the anti-doping landscape, in India and in general. The drafting journey of the Bill was touched upon, and various stakeholders gave their opinions on the subject. Next, the Committee deliberated on the definitions of various important terminologies in the Bill, quantum of punishment for rule violations and exception cases. It also dealt with the powers and functions of the proposed National Board for Anti-Doping in Sports, NADA and its disciplinary and appeal panels, and the NDTL. Finally the Report gave recommendations, and endorsed the Bill with some modifications.

BACKGROUND OF ANTI-DOPING LANDSCAPE

India is a signatory to various anti-doping commitments, such as being a member of the Foundation Board of the **World Anti-Doping Agency(WADA)**, and the UNESCO International Convention against Doping in Sport, 2005. In pursuance of those, NDTL was established in 2008, and NADA the following year. However, the agencies lacked the requisite legal backing to carry out their duties effectively. Hence, the Bill aimed to address this loophole, and **strengthen the anti-doping framework in the country.**

PROPOSED FRAMEWORK AND INFRASTRUCTURE

The Bill intends to expand the scope of operations of NADA and NDTL, and set up the National Board for Anti-Doping in Sports, which would oversee the activities of NADA, advise the 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. The Bill made provisions for increasing the number of Dope Testing Laboratories in the country, along with manpower resources of NADA.

BILL DRAFTING PROCESS

Work on the Bill started from 2017-18 onwards, and consultations were undertaken with the related Ministries, sports bodies and federations, with their views considered and incorporated in the Bill. The views of the general public were also ascertained, as well as that of international bodies like WADA.

DEPOSITIONS

Numerous stakeholders, such as representatives of sporting bodies, experts, and sportspersons, deposed in front of the Committee, in order to provide their views on the matter. In most of the depositions, there was emphasis given on **spreading awareness and education about anti-doping among athletes and doctors.** Some other pertinent points were brought up, such as the **need for strict action against defaulters, checking access to**

prohibited supplements at medical stores, distinction between minor and major athletes, and the appointment process of Board members.

DISCUSSION ON TERMINOLOGIES

The Committee deliberated on various clauses of the Bill, and clarified the definition of various terminologies. The following suggestions/recommendations were given:

- It was recommended that the term **athlete** be defined in a way so as to distinguish between major and minor athletes, since the latter would be subjected to a lesser sanction.
- The scope of **anti-doping rule violations** should also include trafficking of prohibited substances.
- It was suggested that the phrase “or such other person” in the definition of ‘athlete support personnel’ be given some more clarity.
- The relevant WADA Code provisions should be appropriately reflected in the regulations.
- The list of prohibited substances be made readily available to athletes and support personnel; the onus on spreading awareness about these aspects lies with the governing authorities.

PENALTY MECHANISM FOR ANTI-DOPING RULE VIOLATIONS

The quantum of punishment for anti-doping rule violations was discussed, along with the technicalities pertaining to delegated legislation. With respect to cases of foreign athletes committing rule violations in India, it was highlighted that WADA made provisions of its own for such cases. The issue of **Therapeutic Use Exemption (TUE)** for athletes dependent upon compulsory medication having prohibited substances was also touched upon, as well as the issue of athletes not being considered eligible for national awards if they have been punished for doping, even after serving the punishment period. In the former case, it was recommended that TUE should be incorporated in the regulations, while for the latter, the onus was placed on the Government to evaluate this policy decision.

DETAILED INSTITUTIONAL STRUCTURE WITH POWERS AND FUNCTIONS

The structure of the proposed **National Board for Anti-Doping in Sports** was discussed by the Committee. The Bill called for the setting up of the Disciplinary and Appeal Panels under the Board, which would be independent and adjudicate matters relating to ADRVs. Currently 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. At present, there are disciplinary and appeal panels provided within NADA, so it was suggested that **NADA and the Anti-Doping Panels be functionally and administratively separated**, with the latter to be monitored by the National Board. 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. Overall, the proposed system was in sync with international requirements, and did not need much tinkering.

RECOMMENDATIONS

The Committee put forward some more recommendations so as to strengthen the anti-doping framework in the country.

- Promoting education and awareness about anti-doping from the grassroots level
- Strengthening physical resources of anti-doping bodies like NADA and NDTL
- Initiating courses in sports science and sports medicine so as to address lack of qualified personnel
- Improving consequential awareness among athletes
- Motivating the athletes to focus on training, proper food diet and recovery
- Enforcing regulatory action towards proper labelling of and use of dope-free certified supplements
- Putting in place early detection mechanisms for doping at all sports camps

- Enforcing measures at sports camps, such as guidelines for standardization of the protein intake of the athletes, strict monitoring of all types of food or liquid intake of the selected athletes, etc.
- Having one certified sports medicine doctor to advise and treat the athletes, and making training camps ‘no-syringe zones’
- Ensuring athletes’ compliance towards the ‘whereabouts guidelines’
- A mechanism for legal aid to athletes to present their point of view before the authorities
- Increasing coordination with fitness centres and gyms
- Encouraging athletes to speak out against doping, acting as whistleblowers, while protecting them and the privileged information

IMPLEMENTATION

On 27th July 2022, the Bill was presented to the Lok Sabha with some modifications. The Bill was passed in the Lok Sabha, and the Rajya Sabha as well. The Act then received the assent of the President of India, and was **notified in the official gazette on 12th August 2022**. With this, India joined the group of around 30 countries who have their own anti-doping laws, like the USA, Australia, France and UK.

As of now, the National Board for Anti-Doping in Sports has not been set up yet, although the Act has been passed. NADA continues to play the primary role in regulating anti-doping in India. Prior to the drafting of the Bill, in 2021, NDTL had regained its WADA accreditation, which it had lost in 2019 due to non-compliance issues, and continues to play the leading role in anti-doping research in India. With the passage of the Act, these two agencies will get further bolstered.

Many of the suggestions and recommendations given by the Committee have been more or less incorporated in the Act. With regards to spreading awareness and anti-doping education, the official websites of NADA and NDTL contain the updated list of prohibited substances, athletes who have been suspended for doping, dope tests conducted so far, information on nutritional supplements, etc. During sporting events such as the Khelo India Youth Games, athletes were made aware about anti-doping and the consequences of using illegal substances. Moving on to sports management education, there are some colleges in the country which



provide courses in sports management, at undergraduate and postgraduate level. Overall, the anti-doping landscape in India has received a major boost, thanks to the National Anti-Doping Act.