

Anti-Doping Awareness in Sports

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Lecture -39

The National Anti Doping Act 2022 Part 1

Good morning, ladies and gentlemen. Welcome back to week 8 of this course on Anti-Doping Awareness for Sports. I am Colonel Dr. Anup Krishnan, and today we will be talking about the National Anti-Doping Act of 2022 in two parts. This is a very important act as far as anti-doping rules and regulations in India are concerned, and we felt that this act should be dwelt upon in great detail.

I apologize in advance that the lecture will be full of legal terminology, but that is how the Act has been written, and I will try and simplify it as much as possible. However, there are several aspects to this Act which we all who are working in the field of doping and anti-doping should know about, and this is our small endeavor towards the same. So this is lecture 4 of week 8, and without much further adieu, let's begin. I will cover this topic as per the following outline: introduction, purpose of the act, prohibition of doping in sport, consequences of ADRV, National Board of Anti-Doping, composition and duties, National Anti-Doping Agency, power of entry, search and seizure given under the Act, the Athlete Database, and we will also discuss one study which has been conducted in India. This is an act to provide for the constitution of the National Anti-Doping Agency. Earlier, the National Anti-Doping Agency was an agency under the central government.

Now, it is a registered body under the Government of India, and this act provides a lot of legal framework for the National Anti-Doping Agency and gives it a lot of powers for regulating anti-doping activities in sport, to give effect to the United Nations Educational, Scientific and Cultural Organization International Convention Against Doping in Sport, and for compliance of such other obligations and commitments thereunder and for matters connected therewith or incidental thereto. That means it has been formed for regulating anti-doping activities. There is a UN Educational, Scientific and Cultural

Organization International Convention Against Doping in Sport paper, and a lot of regulations are covered under it. It has also been convened to give effect to that and for compliance of obligations and commitments, and matters which are connected to anti-doping as well as the UN Convention. This following act received the assent of the President on 12th August 2022.

So what's the purpose of this act? It establishes a statutory framework for combating doping in sports. Earlier, doping in sport was governed by the NADA under the WADA regulations. However, it was found that there is a need for introducing a legal framework under the laws of the land to combat doping in sport and to make the anti-doping rules and regulations. It ensures the effective implementation of anti-doping measures in alignment with international regulations, particularly those set by the World Anti-Doping Agency; promotes fair play, transparency, and ethical practices in sports. So this is a law now.

It's an act, and it is part of the law of the land. So now it is a law, and anybody who is involved in sport has to obey and follow this particular law or act. Formation of the National Anti-Doping Agency: the NADA has been officially recognized as the authority to oversee anti-doping measures across all sports disciplines in India. There is only one power, and that is the NADA for all anti-doping measures, rules, regulations, etc. across all sports which are played in India. Its primary functions include testing of athletes, conducting investigations, and sanctioning violations. There is something called the National Anti-Doping Tribunal which has been established. This act mandates the establishment of an independent tribunal to handle anti-doping rule violations. The tribunal will have the authority to adjudicate cases and impose sanctions, ensuring a fair hearing process for athletes accused of violations.

The Act also has provisions for formation of a national board for anti-doping in sports. Now, what is this national board? It is a governing body which is responsible for policymaking, providing oversight, and ensuring NADA functions in compliance with international norms. This board will include members from various ministries, experts in sports science, and legal professionals. We have talked about the principle of strict liability and the sanctions thereof. So this act enforces the principle of strict liability, meaning athletes will be held responsible for any prohibited substance found in their bodies, regardless of intent.

They will not ask you what the intent of the intake was. As long as a prohibited substance or method or metabolites are found in the athlete's body, the act will consider it under the strict liability principle and give punishments accordingly. Athletes found guilty of doping face penalties such as suspension, fines, and bans from participating in competition. So this is a new deterrent or a new sanction which has come in as per this

Act; that is, fines. Suspensions and bans from participating were already existing under the WADA Code.

Enhanced testing and investigating powers: the Act provides NADA with broader powers to conduct drug tests both in and out of competition. It also strengthens the authority to investigate doping allegations and ensures proper enforcement mechanisms are in place. Now, basically this act has given NADA more teeth. The Act has got a wider scope now.

It covers not only athletes but also support personnel, including coaches, trainers, and doctors, making them liable for any role in doping activities. Penalties can be applied to individuals or organizations which are found guilty of encouraging or enabling doping. International cooperation: this Act ensures that India's anti-doping measures align with global standards, especially with the World Anti-Doping Code. NADA will coordinate with international bodies to track and address doping practices, ensuring athletes representing India are compliant with international norms.

Education and Awareness: this Act emphasizes the need for anti-doping education and awareness programs to inform athletes, coaches, and the sports community about the dangers of doping and the importance of maintaining integrity in sports. How does it act? So let's talk about prohibition of doping in sport as per Para 3, Section 1 of the Act. Para 3, Section 1 of the Act says that no athlete, athlete support personnel, or other persons shall indulge in doping in sport. Earlier, as per the WADA Code, it was limited to the athlete and the athlete support personnel. Now, this Act has widened the net.

Any other person can also be punished under this Act for indulging in doping in sport. 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. Section 4 of the Act lists out all the anti-doping rule violations, and Section 3, Paragraph 2 says that no athlete, no athlete support personnel, or other persons shall be, and shall ensure that there is no occurrence of any anti-doping rule violation. Every athlete shall participate in sports competitions at all levels with the highest standards of integrity and ethics and in accordance with the provisions of this Act and the rules and regulations made thereunder. So if there is any rule or regulation which are made based upon this act, it will automatically be applicable to every athlete who participates in any sports competition at any level.

Every athlete, athlete support personnel, and other persons participating or involved in sport 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. If you are an athlete, if you are an athlete support personnel, or any other person participating or involved in sport, you shall accept these rules as a condition of participation or involvement. That means if you are involved with sports in any

capacity, this act is applicable to you. 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.

If you are an athlete, if you are an athlete support personnel, or other person, you are responsible for knowing what are ADRVs, what are prohibited substances, what are banned substances. It's your responsibility. You will have to learn about it on your own or attend the necessary classes or workshops on your own. The provisions of this Act shall apply to such persons who are specified by the central government to be protected persons to such extent and in such manner as may be prescribed. Protected persons are minors, and this Act shall apply to minors also if they are participating in sport, with some restrictions and modifications.

So let us talk about the consequences of the ADRVs. Section 6, Para 1. The consequence of ADRVs by an individual athlete or athlete support personnel may result in one or more of the following. See, one or more. Disqualification of results with all consequences, including forfeiture of medals, points, and prizes, in such manner as may be specified by the agency by regulation.

So, if there is an anti-doping rule violation reported, the results will be disqualified, the medals will be forfeited, and all points and prizes will have to be forfeited. Ineligibility to participate in any competition or event or any other activity or funding for such period and in such manner as may be specified by the agency by regulation. Basically, it means you cannot participate in sport in any capacity if an ADRV has been reported against you under this. Provisional suspension from participation 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. It means that if an ADRV is reported, you will automatically go under provisional suspension, and you will not be allowed to participate in any competition or activity prior to the decision of the appeal.

Imposition of financial sanctions, including proportionate recovery of costs, in such manner as may be specified by the agency by regulations. This is a new thing. You can be fined, and you can be asked to pay costs. Public disclosure and such other consequences as may be specified by the agency by regulations. Till the hearing is done, the names and identities of the athlete or athlete support personnel related to the ADRV is not made public.

During the hearing, which is a public event, this can be made public. What's the take-home message? The National Anti-Doping Act of 2022 marks a significant step in India's commitment to clean sports; ensures the effective implementation of anti-doping measures in alignment with the WADA; and provides a structured legal framework to

address doping issues, reinforces international cooperation, and ensures that the athletes and athlete support personnel are held accountable for maintaining ethical standards in competition. These are the references. I strongly urge you to go through them. I seem to have finished, ladies and gentlemen.

Thank you very much for listening. Thank you, and Jai Hind.