

Anti-Doping Awareness in Sports

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Lecture -40

The National Anti Doping Act 2022 Part 2

Good morning ladies and gentlemen, and welcome to lecture 5 of week 8 of this course on anti-doping awareness for sports. This is the last week of this course, and this is the last lecture of this last week. We will be covering part two of the National Anti-Doping Act 2022. I will be covering this topic as per the following outline: introduction, purpose, prohibition of doping in sports and consequences of ADRV have been covered in lecture one; and National Board for Anti-Doping, compositions and duties, the NADA, power of entry, search and seizure, athlete database, and we'll discuss a study as I promised in the last lecture.

So who does this act apply to? The provisions of this Act, and the rules and regulations made thereunder, shall apply to such other athletes and sports bodies, or to competition, or even at such other level, as the Central Government may, by notification in the Official Gazette, specify.

It means all competitions, all athletes, all athlete support personnel, all sports bodies come under this Act; very simple. Every person to whom this Act is made applicable shall be bound by and have the obligation to comply with the provisions of this Act and the rules and regulations made thereunder. All people under this Act are bound by it, and they have the obligation to comply with the Act and all its provisions.

Section 7, Para 1: with effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established, for the purpose of this Act, a board to be called the National Board for Anti-Doping in Sports. The Act provides for the establishment of a board called the National Board for Anti-Doping in Sports. The board shall consist of a Chairperson and two members to be appointed by the Central Government, provided that no person shall be appointed as the Chairperson or member of the Board if such person is involved in the management or

operation of any International Federation, National Sports Federation, Major Event Organization, National Olympics Committee, National Paralympic Committee, or is in the government department with responsibility for sport or anti-doping.

It means that anybody who is part of sports in a national or an international federation, or part of sports in a government department, or part of NADA or NDTL or any other department of the government which is involved with anti-doping; these people cannot be appointed as Chairperson and members of the National Board for Anti-Doping because of conflict of interest.

Duties of the National Board: subject to the provisions of this Act, the Board should be responsible for ensuring implementation of the international obligations and commitments, and monitoring the compliance thereof. That means you are responsible for looking after whether the provisions of the WADA Code are being followed in true letter and spirit. The Board shall advise the Central Government and make recommendations relating to regulating anti-doping in sports and the international obligations and commitments.

The Board shall oversee the activities of the National Anti-Doping Agency and may call for such information and reports from the NADA as may be required, including reports on activities of the agency towards ensuring compliance with the anti-doping rules, matters of integrity and fair play in sports, implementation of the notified or adopted anti-doping measures or policies, strategic planning of its anti-doping activities for the forthcoming years, and any other matter which the Board may deem expedient for fulfilling the objective of eliminating doping in sports.

Basically, every year it can ask NADA: what have you been doing to ensure compliance with the anti-doping rules? What have you done to improve integrity and fair play in sports? How have you implemented the anti-doping measures or policies? And what is your future plan for anti-doping activities in the future? And the Board may also get into any other activity or report which it deems important for fulfilling its objective. The Board may make such recommendations to the agency as may be necessary for elimination of doping in sport. The Board may call for such information from the Disciplinary Panel and from the Appeal Panel on its operations, and issue such directions as may be necessary for the effective and timely discharge of their functions with respect to ADRVs under this regulation, provided that such directions shall be limited to procedural efficiency of the Disciplinary Panel and the Appeal Panel, and shall not interfere with their decision-making process.

Now, the Anti-Doping Disciplinary Panel and the Anti-Doping Appeal Panel: the Board can call for their reports, and they can ask them to follow such directions which they feel are required for effective and timely discharge of their functions. However, this Board

cannot interfere with the decision-making powers of the Disciplinary Panel and the Appeal Panel. So let's make this very clear. The Board has got certain powers to make regulations. The Board may, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act for all or any of the following matters.

Namely, what it means is the Board can make regulations, but they should be consistent with the provisions of this Act. And the matters are: the times and places for meetings and the procedure for transaction of business at meetings of the Board, including quorum; the manner of constituting a Disciplinary Panel; the manner of appointing Chairperson, Vice-Chairperson, and other members of the Disciplinary Panel; the grounds on which a member of a Disciplinary Panel may be removed.

The procedure to be followed by the Appeal Panel; the manner of communicating the decision of the Appeal Panel under subsection 8 of section 23; any other matter which has to be, or may be, specified by regulations for giving effect to the provisions of this Act or for fulfilling obligations under the convention, except on matters which the agency has power to make regulations. Matters which come under the agency's powers will not be dealt with by the Board.

However, the Board can ask the agency to give reports and regular reports and returns. The Board can make regulations for constituting an Appeal Panel, for appointing Chairperson, Vice-Chairperson, and other members of the Appeal Panel, and the grounds on which a member of the Appeal Panel may be removed, and other activities to be undertaken by the agency for eliminating doping in sport. The Board will make regulations regarding the procedure to be followed by the Disciplinary Panel; the manner in which and the timeframe within which written submissions have to be submitted; the manner of communicating the decision of the Disciplinary Panel; the other decisions against which appeal may be filed; and the manner and form in which, and the time within which, appeal may be filed under subsection 1 of section 23. Basically, it lays down regulations on how the Disciplinary Panel has to function and how appeals may be filed.

Now let's talk about the National Anti-Doping Agency:

Under para 16, section 1: the agency shall be responsible for adopting and implementing anti-doping rules, regulations and policies which conform to international obligations and commitments for promoting, coordinating and monitoring the doping control program in sport to ensure dope-free sport. Basically, how to form the policies, how to implement them, how to form the regulations, how to implement them as conforming to international obligations and to ensure that there is no doping in sport. The agency shall have the primary responsibility to implement the provisions of this Act and may direct the collection of samples, manage the test results and conduct results management at the

national level. Nobody other than the NADA can ask for your samples. Nobody other than the NADA can manage the test results, and nobody other than the NADA can conduct results management at the national level.

The agency shall perform the following functions: planning, coordination, implementation and monitoring of anti-doping activities, including effective testing and whereabouts management; taking measures to prevent anti-doping rule violations; undertaking anti-doping sensitization and advocacy measures; carrying out investigations and conducting results management of any anti-doping rule violation; adopting and implementing anti-doping rules and policies as per international obligations and commitments, and perform its functions in accordance with such rules and policies; implementing the United Nations Convention in accordance with the Act; enforcing anti-doping rules by exercising authority over athletes, athlete support personnel, and other organizations, including national sports federations and other sports organizations; promoting anti-doping research, coordinating and cooperating with the World Anti-Doping Agency, other anti-doping organizations, national sports federations and international federations.

NADA also coordinates and collaborates with the concerned authorities and stakeholders in matters relating to the establishment of best practices in the marketing and distribution of nutritional supplements, including information regarding their analytical composition and quality assurance. Please note: establishment of best practices for marketing and distribution of nutritional supplements is a new thing under the Act. It is not there under the WADA Code. NADA facilitates sharing and free flow of information relating to the use of doping substances, doping practices, any ADRV between sports bodies, officials conducting competition, or even other anti-doping organizations and the agency. Establishing a code of conduct for officers and employees of the agency, and such other persons or agencies engaged by the agency.

So NADA has to implement a code of conduct. Establishing standards for manufacturing of nutrition supplements for sport in India. This is a new power which has been given to the NADA, and it has got wide-ranging ramifications. Undertaking any other activity specified by regulations by the Board that may be expedient for fulfilling the objective of eliminating doping in sport. NADA may act if directed to by the Board also.

Power of entry, search and seizure: where the agency has reason to believe that an athlete, athlete support person, or any other person to whom this Act applies has committed an anti-doping rule violation, any person authorized by the agency may, in accordance with the provisions of the Code of Criminal Procedure 1973, enter any place at all reasonable times, with such assistance as is deemed necessary; that means with the police, for the purpose of inspection, examination and determination if any anti-doping rule violation

has been committed or is being committed. So NADA can enter your house, your coaching area, your coaching institute, your locker at any time. You cannot prevent them, because they can come with the police if you prevent them. Any person authorized by the NADA can search any premises in which the officer has reason to believe that any anti-doping rule violation has been or is about to be committed. If the officer thinks that any anti-doping rule violation is being committed, may be committed, or has been committed, he can order a search of the premises.

Any officer authorized by NADA can seize any equipment, device, substance, record, register, document, or other material object if such officer believes that it may furnish evidence of such anti-doping rule violation, or that seizure is necessary to prevent or mitigate any anti-doping rule violation. Basically, it means NADA or its representatives can enter anywhere, search anybody, any place, and seize any object if they feel an anti-doping rule violation has been committed, is being committed, or may be committed.

So let us talk about the data of the athletes and the maintenance of a database. The agency has the power to collect, use, and process the following personal data for the purposes of implementation of the objectives of the Act, and in accordance with applicable data privacy regulations, namely: sex or gender of the athlete; list of anti-doping rule violations committed by an athlete under the Act and details of such violations; medical history of the athlete; whereabouts information of the athlete; any other personal data as may be specified by regulations. The agency may make regulations to govern the procedure for collection, usage, processing and disclosure of the personal data as specified in subsection 1. So all these data can be collected and stored in respect to athletes or any other person who's under the Act.

This was one of the few studies which has been done in India regarding a survey of anti-doping knowledge, attitudes and practices amongst elite Indian sportsmen and the way forward. There was a survey conducted regarding anti-doping knowledge, attitudes and practices amongst elite Indian sportsmen; that is, people who are participating at the national or the international level. And this is what the study found.

Athlete awareness regarding anti-doping agencies and anti-doping rule violations was poor. 40% or less reported receiving anti-doping updates. All of them reported improvement in anti-doping knowledge and attitude changes after attending the updates or workshops. Health is more important than sporting performance for 80% or more of elite athletes. Very low percentage reported consumption of banned substances amongst themselves and teammates.

Even though the study was a blind study with no data being collected regarding name, age, sex, sport, etc., very low percentage of athletes reported consumption of banned substances. One-third of these athletes reported not having been tested for banned

substances. However, athletes who attended anti-doping sessions exhibited significantly higher knowledge levels, and a significantly higher 80% reported consulting their team doctor before any therapeutic drug use as compared with non-attendees.

It's a very important point. Athletes who have attended anti-doping sessions have higher knowledge levels, and 80% more athletes reported consulting their team doctor or a sports medicine doctor before taking medication as compared to non-attendees. So attendees improved their knowledge; attendees started consulting their team doctor or sports medicine doctor before taking medication.

So let us come to the take-home message. The National Board for Anti-Doping has been formed for regulation and monitoring of anti-doping activities. The NADA and the NDTL have been given legal status. Power of entry, search and seizure has been given to NADA and any person authorized by NADA. Anti-doping knowledge is limited amongst even elite athletes and can be improved by education. This online course has been a small effort by our faculty and me to improve anti-doping knowledge amongst athletes, athlete support personnel, and anybody who is interested in working in the field of sports. We hope you will gain a lot of knowledge and exposure from attending this course. Thank you so much for your time, your patience, and your effort in completing this course.

These are the references. I strongly urge you to go through them. There will be a week-ending assignment as well as a course-ending exam. I wish you all the best for all your assignments and the exam. Thank you for listening. Thank you, and Jai Hind.