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The National Anti-Doping Bill, 2021

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THE NATIONAL ANTI-DOPING BILL, 2021

- The National Anti-Doping Bill, 2021 was introduced in Lok Sabha on 17/12/2021.¹
- The National Anti-Doping Bill, 2021 seeks to provide for the constitution of the National Anti-Doping Agency for regulating anti-doping activities in sports and to give effect to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport, and compliance of such other obligations and commitments there under and for matters connected therewith or incidental thereto.(Link of the Bill is placed in the end)

❖ Need of the Bill

- The Government of India was one of the Members of Foundation Board of the World Anti-Doping Agency (WADA) from 1999 to 2002. India is signatory to the United Nations Educational, Scientific and Cultural Organisation International Convention against Doping in Sport in 2005 and had ratified the same in November 2007.
- Pursuant to the ratification of the said Convention, the Government of India has established the National Dope Testing Laboratory in 2008 and the National Anti- Doping Agency in 2009 to fulfil the commitments of India there under.
- The said Convention aims to promote the prevention of, and the fight against, doping in sport for its elimination. To achieve the objectives of the Convention, each State Party undertakes to adopt appropriate measures that may include legislation, regulation, policies or administrative

¹ http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/160_2021_Is_Eng.pdf

practices and to commit themselves to the principles of the World Anti-Doping Code as the basis for the measures provided in the said Convention.

- It is intended to provide a statutory framework for the operation of the National Anti-Doping Agency, the National Dope Testing Laboratory and other dope testing laboratories and for creation of a National Board for Anti-Doping in Sports to strengthen anti-doping activities in sport, and to comply with the provisions of the said Convention.

❖ **Objectives of the proposed Bill**

The National Anti-Doping Bill, 2021, inter alia, seeks to

- establish a National Board for Anti-Doping in Sport and provides for its composition, powers and functions;(Chapter III , Clause 7 to Clause 13)
- establish the National Anti-Doping Agency to be headed by a Director General, and provides for the powers and functions of the said Agency, including the powers of investigation, levying sanctions for Anti-Doping Rule Violations, the disciplinary procedures to be adopted and the powers of inspection, sample collection and sharing and free flow of information; (Chapter IV , Clause 14 to Clause 18)
- establish National Dope Testing Laboratory and other dope testing laboratories;
- Doping Control Process (Chapter V , Clause 19 to Clause 23)
- Finance, Accounts, Audit and Reports (Chapter VI , Clause 24 to Clause 25)
- strengthen the framework and mechanisms for carrying out the doping control programme in sports to ensure dope-free sport in India.

UNESCO International Convention against Doping in Sport²

- ❖ The Anti-Doping Convention is now the second most ratified of all UNESCO treaties, with 191 States Parties.
- ❖ The Convention helps to harmonize anti-doping legislation, guidelines, regulations, and rules internationally in order to provide a fair and equitable playing environment for all athletes.
- ❖ There is a degree of flexibility as to how governments can give effect to the Convention, either by way of legislation, regulation, policies, or administrative practices. However, States Parties commit to:
 - encourage international cooperation to protect athletes and the ethics of sport;
 - limit the availability of prohibited substances and methods by combating trafficking;
 - facilitate doping controls and support national testing programmes;
 - encourage producers and distributors of nutritional supplements to establish 'best practice' in the labelling, marketing, and distribution of products which might contain prohibited substances;
 - support the implementation of anti-doping education programmes; and
 - promote anti-doping research.
- ❖ The Convention provides an assistance mechanism for States Parties to design and implement specific anti-doping capacity-building, education, and policy projects through the Fund for the Elimination of Doping in Sport.
- ❖ It also helps to ensure the effectiveness of the World Anti-Doping Code .As the Code is a non-governmental document that applies only to sports organizations, the Convention provides the legal framework under

² <https://en.unesco.org/themes/sport-and-anti-doping/convention>

which governments can address specific areas.

❖ **Examination of the Bill by the Standing Committee**

The National Anti-Doping Bill, 2021 was introduced in Lok Sabha on 17 December, 2021. Hon'ble Chairman, Rajya Sabha, in consultation with the Speaker, Lok Sabha referred the said Bill for examination to the Departmentally Related Standing Committee on Education, Women, Children, Youth and Sports on 25 December, 2021.

During the process of examination of the Bill, the Committee issued an advertisement in prominent newspapers on 3 February 2022 to seek the views of people on the Bill. In its meetings held on 19 January, 2022 and 7 March, 2022, the Committee heard the Secretary and other senior officials of the Department of Sports, various Sports Federations, prominent sportspersons and organizations/individuals who had given suggestions on the Bill.

The Committee considered and adopted its Report in its meeting held on 22 March, 2022. The Report³ was laid on the Table of Lok Sabha on 23 March, 2022.

Some of the Main Observations/Recommendations of the Committee are as follows:

- The Committee is of the view that the explanation should be included in the Rules so as to provide clarity in respect of what constitutes an Anti-Doping Rule Violation (ADRV) (Para30)

³ https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/16/162/340_2022_3_11.pdf

- The Committee recommends that the relevant WADA (World Anti-Doping Agency) Code provisions and their applicability be appropriately reflected in the regulations, that will follow, so that the correct import of any provision of the Bill is made clear for all concerned. (Para 32)
- The Committee observes that this provision squarely places the onus of responsibility on the athlete/ athlete support personnel in respect of ADRVs, restrictions on use of prohibited substances and prohibited methods. The Committee is of the view that, in order for athletes/ athlete support personnel to ably adhere to the responsibility entrusted, the onus towards creating awareness on these aspects falls on the Department of Sports, SAI, the Federations , NADA and other stakeholders and they must come up with substantive measures to address the issue. (Para 34)
- The Committee notes the provisions and recommends that a Committee/ mechanism / process to be followed for selection and appointment of the Chairperson or Members of the National Board for Anti-Doping in Sports may be laid down to ensure proper vetting of the person(s) who are sought to be appointed by the Government. (Para 39)
- The Committee also emphasizes on the need for opening more Dope Testing Laboratories in the country, preferably one in each state, to cater to the need of the country and to also become a leader in South East Asia region in the areas of Anti-Doping Science and Education. (Para 45)