

Bill Summary

The National Anti-Doping Bill, 2021

- The National Anti-Doping Bill, 2021 was introduced in Lok Sabha on December 17, 2021. The Bill seeks to prohibit doping in sports and establish a National Anti-Doping Agency, which will replace the existing National Anti-Doping Agency. Doping is the consumption of certain prohibited substances by athletes to enhance performance. Key features of the Bill include:
 - **Prohibition of doping:** The Bill prohibits athletes, athlete support personnel and other persons from engaging in doping in sport. Support personnel include the coach, trainer, manager, team staff, medical personnel, and other persons working with or treating or assisting an athlete. These persons must ensure that there is no violation of anti-doping rules which include: (i) presence of prohibited substances or its markers in an athlete's body, (ii) use, attempted use or possession of prohibited substances or methods, (iii) refusing to submit a sample, (iv) trafficking or attempted trafficking in prohibited substances or methods, and (v) aiding or covering up such violations.
 - **Exemptions:** If any athlete requires a prohibited substance or method due to a medical condition, they may apply to the National Anti-Doping Agency for a therapeutic use exemption.
 - **Consequences of violations:** Anti-doping rule violation by an individual athlete or athlete support personnel may result in: (i) disqualification of results including forfeiture of medals, points, and prizes, (ii) ineligibility to participate in a competition or event for a prescribed period, (iii) financial sanctions, and (iv) other consequences as may be prescribed. Consequences for team sports will be specified by regulations. Consequences for a violation will be determined by the National Anti-Doping Disciplinary Panel after a hearing.
 - **National Anti-Doping Agency:** Currently, anti-doping rules are implemented by the National Anti-Doping Agency, which was established as a society. The Bill provides for constituting this National Anti-Doping Agency as a body corporate. It will be headed by a Director General appointed by the central government. Functions of the Agency include: (i) planning, implementing, and monitoring anti-doping activities, (ii) investigating anti-doping rule violations, and (iii) promoting anti-doping research.
- **Data related to athletes and doping:** The Agency will also have the power to collect certain personal data of athletes such as: (a) sex or gender, (ii) medical history, and (iii) whereabouts information of athletes (for out of competition testing and collection of sample). The Agency will prescribe the procedure for collection, usage, processing, and disclosure of such personal data. It will publicly disclose certain information such as the name of the athlete, the anti-doping rule violated, and the consequences imposed.
- **National Board for Anti-Doping in Sports:** The Bill establishes a National Board for Anti-Doping in Sports to make recommendations to the government on anti-doping regulation and compliance of international commitments on anti-doping. The Board will oversee the activities of the Agency and issue directions to it. The Board will consist of a Chairperson and two members appointed by the central government.
- **Disciplinary and Appeal Panels:** The Board will constitute a National Anti-Doping Disciplinary Panel for determining consequences of Anti-Doping Rule Violations. This Panel will consist of a Chairperson and four Vice-Chairpersons (all legal experts), and ten members (medical practitioners and retired eminent athletes).
- The Board will also constitute a National Anti-Doping Appeal Panel to hear appeals against: (i) refusal to grant therapeutic use exemption, (ii) imposition of consequences for anti-doping rule violation, or (iii) any other decision as prescribed. The Appeal Panel will consist of: (i) a Chairperson (a retired High Court judge), (ii) a Vice-Chairperson (a legal expert), and (iii) four members (medical practitioners and retired eminent athletes). Appeals against the decision of the Appeal Panel will lie with the Court of Arbitration for Sport (an international body that settles sport related disputes).
- **Dope Testing Laboratories:** The existing National Dope Testing Laboratory will be deemed to be the principal dope testing laboratory. The central government may establish more National Dope Testing Laboratories.

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