

NEW NATIONAL FRAMEWORK FOR TACKLING THE MENACE OF DOPING IN INDIA: AN OVERVIEW

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ABSTRACT

Doping means the act of giving a person or animal drugs in order to make them perform better or worse in competition. The International Olympic Committee (IOC) established WADA as a foundation for battling doping in sports. In Olympic Athletes can be tested anytime or anywhere. Urine or blood samples are collected by trained and accredited doping control personnel to test for the presence of anti-doping substances. According to the WADA's December 2019 Anti-Doping Testing Statistics Report, India topped the list for the first time, with 225 positive instances out of 4,004 samples. Athletics was one of the worst defaulters. In this background, recently, in Lok Sabha, the National Anti-Doping Bill of 2021 was introduced. It aims to outlaw doping in sports and establish a new National Anti-Doping Agency. Various studies results show that doping was done for the best result, as well as for the money and for limelight. Doping, especially at the grassroots level, a lack of understanding of athlete's coach's and mentor's accounts is a major concern. Numerous reasons that favor doping in India, the lack of a strong governance framework, as well as political influence, are important contributors to the country's incapacity to deal with the problem. Therefore government of India proposes to bring The National Anti-doping Act, 2021 replacing the earlier authorities and establishes new supporting machineries as well as authorities.

Keywords – Anti-Doping, New Amendment 2022, Menace of doping, India on Doping Law, WADA and NADA

INTRODUCTION

Healthy life means healthy body and mind. Quality of life is a multidimensional construct pertaining to individual's physical, emotional, mental, social and behavioral components of well-being and functioning. Physical activity and sports as the main means of combating the sedentary lifestyle and increase the quality of life.ⁱ Health benefits from a physically active lifestyle are well known in the general population.ⁱⁱ Indian people are fond of every kind of sports and from very old time. Concept of sports and physical activities is found in ancient India since the Indus valley period. In early India, games and sports were very much concerned about the development of the physique and for the art of offence and defense.ⁱⁱⁱ In modern time due to changed life style and technological advancement importance of sports has decline in Indian society. Similarly there are many reasons for the low level of participation and lack of involvement in sport in India. They include inadequate facilities, insufficient attention paid to the development of physical culture and general absence of positive attitudes towards sports.^{iv} Speaking about the Indian impression on global platform India has won just 15 medals in its chequered Olympic history between 1928 and 2004.^v But in recent time success in Tokyo Olympic 2020, ranked 48th in medal tally 1 gold, 2 silver, 4 bronze India produced it's richest-ever medal haul and the finest performance of all time.^{vi} And with this the sports and ethics issues came forward specially about the doping in the sports. Recently Union Government propose an amendment Bill in this regard therefore this paper aims to focus on various aspect of doping and the proposed legislation.

CONCEPT OF DOPING AND ITS BACKGROUND:

At the outset, it is important to understand that what is doping? Doping means the act of giving a person or animal drugs in order to make them perform better or worse in competition.^{vii} The term "doping" was first used in an English dictionary in 1889. It was originally used to describe a combined medicine including opium and used to "dope" horses. "Dope" was a spirit prepared from the residues of grapes, which Zulu warriors used as a "stimulant" at fights and religious procedures and which also reportedly was called "doop"

in Afrikaans or Dutch. Later, the meaning of “dope” was extended in a broader sense to other beverages with stimulating properties. The expression was introduced into English Turf Sport about 1900 for illegal drugging of race horses.^{viii} The earliest records of doping in sport come from the Ancient Olympics games when athletes are reported to have taken figs to improve their performance. With the advent of modern pharmacology in the 19th century, many athletes began to experiment with cocktails of drugs to improve strength and overcome fatigue.^{ix} So the doping can be understood as some substance that increases your energy by which performance in sports activity can be enhanced.

WORLD ANTI-DOPING AGENCY (WADA):

WADA was established on 10 November 1999 following a major doping scandal that shook the world of cycling in 1998. The main objective of WADA is to protect athletes, promote the values of clean sports, and preserve the spirit of sport internationally. The International Olympic Committee (IOC) established WADA as a foundation with the support and participation of intergovernmental organizations, governments, public authorities, and other public and private bodies battling doping in sports. The Agency is still made up of and supported by members of the sporting community as well as governments from across the world. WADA is a lead organization within the policy regime.^x

In February 1999, The First World Conference on Doping in Sports was held by the International Olympic Committee (IOC) in Lausanne, Switzerland. This brought all parties involved in the anti-doping campaign together. The Lausanne Declaration on Doping in Sport was issued as a consequence of the conference, and it called for the establishment of an independent international anti-doping organization in time for the XXVII Olympiad in Sydney, Australia, in 2000.^{xi} In Olympic Athletes can be tested anytime or anywhere. Urine or blood samples are collected by trained and accredited doping control personnel to test for the presence of anti-doping substances. Similarly National Anti- Doping Organizations, (NADOs) International Federations and Major Event Originations (MEOs) could also take sample for this purpose.^{xii}

THE NATIONAL ANTI-DOPING BILL, 2021

On 17th December 2021, in Loksabha, the National Anti-Doping Bill of 2021 was introduced. It aims to outlaw doping in sports and establish a new National Anti-Doping Agency to replace the current National Anti-Doping Agency. It includes several key new provisions, such as prohibiting athletes, support employees, and others from doping in sports. It establishes the National Anti-Doping Agency as a separate legal entity. The Director General will be nominated by the central government. It recommends the creation of a National Board for Anti-Doping in Sports, which would provide advice to the government on anti-doping rules and international anti-doping commitments. The board will be in charge of overseeing the agency's activities and giving it direction.^{xiii} It will also to give effect to UNESCO International Convention against doping in the sports. India signed the convention in 2005 and ratified it in 2007. The National Dope Testing Laboratory, which already exists, will be considered the primary dope testing laboratory. More National Dope Testing Laboratories may be established by the central government.^{xiv}

MENACE OF DOPING IN INDIA:

The entire world is suffering from the problem of doping. It cannot be exactly ascertain that how much doping is prevalence in the sporting arena. But approximately it can be counted that around 14-39 percent of the athletes deliberately use doping substances. Hence, the athletes who are being caught are only the tip of the iceberg whereas the problem lies much deeper.^{xv}

Generally speaking about India, doping continues to be important concern for the Indian sports. Russia and Italy are at the peak of the doping list, but India is also not far behind which is a big worry.^{xvi} Therefore the government of India proposes to establish various regional anti-doping centers and also is frequently conducting anti-doping awareness programs for the athletes as well as coaches all over India.^{xvii} According to the WADA's December 2019 Anti-Doping Testing Statistics Report, India topped the list for the first time, with 225 positive instances out of 4,004 samples. Athletics was one of the worst defaulters.

NADA

The Official Anti-Doping Agency, or NADA, is India's national body in charge of promoting, organizing, and monitoring the anti-doping programme in all of its manifestations.

NADA specializes with developing and executing anti-doping laws and policies that comply with the World Anti-Doping Agency, cooperating with other anti-doping organizations, and promoting anti-doping research and education, according to its official web portal. There are some drugs which prohibited by these national and international anti-doping authorities those are as follows:

BANNED DRUGS^{xviii}

1. Substances and methods prohibited at all times (in and out of competition)
 - a. Anabolic androgenic steroids
 - b. Peptide hormones, growth factors, and related substances
 - c. Beta-2 agonists
 - d. Agents with anti-estrogenic activity
 - e. Diuretics and other masking agents
 - f. Enhancement of oxygen transfer
 - g. Chemical and physical manipulation
 - h. Gene doping.
2. Substances and methods prohibited in competition. All the categories under Section I, plus
 - a. Stimulants
 - b. Narcotics
 - c. Cannabinoids.
3. Glucocorticosteroids
4. Substances prohibited in particular sports
 - a. Alcohol
 - b. Beta blockers.

CAUSES OF DOPING

Various studies results show that doping was done for the best result, as well as for the money and for limelight. Some time they are encourage for this by their friends, coaches, sponsors, or close family members. Similarly the socio-cultural environment in which athletes live and train determines their attitude towards doping. Even different gender has different attitude toward doping from the same sport and the same environment.^{xix} In other areas, when it comes to doping, especially at the grassroots level, a lack of understanding of athlete's, coach's, and mentor's accounts is a major concern. Particularly in speaking about India this lack of awareness is the major cause for doping positive results.

Absence of Proper Governance Mechanism:

In addition to the numerous reasons that favor doping in India, the lack of a strong governance framework, as well as political influence, are important contributors to the country's incapacity to deal with the problem. Sports authorities and the governing bodies at different level often ignored such incidences, when such cases appears, because best performances required by these sports bodies by the particular athlete for better sponsorship and investment in that particular game.^{xx}

Absence of Public Debate:

In India games are seen as entertainment purposes and there is no seriousness about it functioning. When the athletes are apprehended, there is no persistent national debate and because there has been no persistent public debate, there is little pressure on sports administrators to develop an effective anti-doping programme.^{xxi} If there is public awareness and pressure then certainly these authorities implement new policies and ways to tackle the problem of doping.

Measures to Tackle Doping in Sports:

It is important to control the menace of doping at domestic level so the image of the sports will maintain its pride. Hence, the first and most important step must be to implement anti-doping education programmes for athletes, coaches, and support personnel. This has to be implemented from the grassroots level so that all it could be effective and inclusive. Coaches

should be given special training so they will encourage sporting values of fair play and honesty among the athletes they trained.^{xxii} WADA provides such anti-doping online training for both coaches and athletes. Therefore, such training should be made mandatory for participation in any sporting event; this may be a proposal worth pursuing to achieve this aim. Most athletes in Western nations have already participated in anti-doping procedures and considered anti-doping education as a useful tool.^{xxiii} Most crucially, drug monitoring and eradication must also fall into the hands of local sports federations and organizations. This could be more effective approach for better administration to implements national plans to curb the menace of doping.

WORLD ANTI-DOPING CODE

It is the foundation document that harmonizes anti-doping policies, rules and regulations within sports organizations and among public authorities around the world. It works in conjunction with eight international standards which aims to foster consistency among anti-doping organizations in various areas.^{xxiv}

These standards are:

1. The international standard for testing and investigation (ISTI)
2. The international standard for laboratories (ISL)
3. The international standard for therapeutic use exemptions (ISTUE)
4. The international standard for the prohibited list (The List)
5. The international standard for protection of privacy and personal information (ISPPPI)
6. The international standard for Code compliance by signatories (ISCCS)
7. The international standard for Education (ISE)
8. The international standard for Result Management (ISRM)

INTERNATIONAL CONVENTION AGAINST DOPING IN SPORTS:

This International Convention Entered into force on 1 February 2007, it is a multilateral UNESCO Treaty by which states agrees to adopts national measures to prevent and eliminates drug doping in sports.^{xxv} Through the fund for the elimination of doping in sports, it provides a platform for state parties to create and implement specialized anti-doping capacity building,

education, and policy programmes. It also boosts to the World Anti-Doping Code's functionality.

CONCLUSION:

Despite sporting bodies across the world spending an estimated US\$350 million on drug testing each year the percentage and the use of doping is increasing day by day.^{xxvi} Therefore at national and international level the anti-doping programs are implemented. Taking into consideration this doping menace the government of India proposes to bring The National Anti-doping Act, 2021 replacing the earlier authorities and establishes new supporting machineries as well as authorities. There are different causes of doping amongst the sportspersons. All this causes has to be removed by systematic education and awareness about the doping. The athletes, sportsperson, coaches and sports organizations have to implement and adopt the due precautionary measures for the doping policy. Then only the dignity, fair play and spirit of the sports will remain intact.

ENDNOTES

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