




USE OF DRUGS IN SPORTS
WORLD ANTI-DOPING AGENCY
(WADA)

By Rajiv Dutta, Senior Advocate

- Olympic Motto
- CITIUS, ALTIUS, FORTIUS, a Latin expression meaning "FASTER, HIGHER, STRONGER" was proposed by Pierre De Coubertin in 1894 and has been official since 1924.


Introduction

- Use of drugs to enhance performance by an athlete in sports is an age old phenomena. Human body has its limitations when it comes to its physical endurance, however, with proper exercise intake of proper food can enhance the performance of an individual physically. Some humans have natural ability towards performing a certain skill for e.g. there are region's in this world where humans have stronger legs and therefore they are natural footballers and good at athletics. Similarly there are other parts of the world where over a long experience living next to the coast, can provide those humans better body ability in swimming. Thereafter by training, those skills can be enhanced and can help the athletes / individuals to make them stronger, faster and more agile. There was a time when sports persons were using certain types of herbs to enhance their performances but in modern world things have changed drastically.
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- In the current scenario a wide range of chemical substances or processes like blood transfusion, gene modification, amongst others are readily available and their use increases performances off individuals drastically.
- One can imagine if an athlete is competing with another who has enhanced his skills by manipulating his body artificially, then the fundamental basis and ethics of sports will be defeated.
- In sports, use of performance enhancing drugs is referred as "doping". Use of substances and chemicals which enhance the performance are basically drugs, the use of these drugs is thus a very serious issue which is spreading today like a plague in all fields of sports activities.
- If we want the sports persons all over the world to compete with each other using only their natural resources, then to curb doping is a challenge, which the sports world has to accept if the spirit of sports has to remain. This main objective can then be achieved only if there is a very effective mechanism in place to protect the sports from the abuse of drugs.



How Anti Doping Agency (WADA) came to be Established:

- It is interesting to know that although the use of drugs or doping has been a phenomena which has been in existence for a very long time, the regulatory response towards this issue began in the late 1960s when a Danish Cyclist Kurt Jenson during the 1960 Rome Olympics and an English Cyclist Tony Simpson during the 1967 Tour De France suffered from enhanced use of drugs known to induce alertness and focus but at the same time these drugs caused reduced appetites and fatigue; the drug is known as amphetamines.
 - The Council of Europe first tabled a resolution against the use of drugs in sports in 1960. The International Olympic Committee (IOC) established its medical commission in the year 1967 and also introduced a programme for testing of stimulant and narcotics at the 1968 Olympic Games in Mexico City.
 - In the year 1974, the IOC further expanded the scope of its programme of protecting the health of the athletes, by banning anabolic steroids. At the same time, the IOC started testing the athletes for the 1976 Montreal Games against these banned Anabolic Steroids.
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- Later in the year 1983, the methodology to detect the prohibited substances in athletes' urine samples was introduced by using gas chromatography and mass spectrometry. In 1984 Anti Doping Charter proposed by the Europe Committee of Sports Ministers was adopted.
- After the fall of Berlin Wall in the year 1989, evidence emerged of systematic state-sponsored misuse of drugs in the former East Germany which promoted criminal prosecutions of doctors and coaches.
- In 1988, for the first time, the Festina Cycling Team was expelled from the Tour De France after it was discovered that there was evidence of systematic drug use. There was evidence of other teams for the same but since those teams did not participate and withdrew from the competition, nothing could be done to them. This incident prompted IOC to organize the World Anti-Doping Conference in Lausanne in February, 1999. In this conference, the delegates brought forward an identified ways, methods and means for a regulatory response to use the drugs.



- As a result WADA or the Anti Doping Agency came to be established. It introduced the WADA Code which states as follows:-

"Anti Doping Programmes seeks to preserve what is intrinsically valuable about sports. The intrinsic value is often referred to as "the spirit of sports". This is a essence of Olympism, it is how we play true. The spirit of sports is celebration of human body and mind, and is characterized by the following values:

- *Ethics, fair play and honesty*
- *Health*
- *Excellence in performance*
- *Character and education*
- *Fun and Joy*
- *Teamwork*
- *Dedication and commitment*
- *Respect for rules and laws*



- *Respect for self and other participants*
- *Courage*
- *Community and solidarity*

- Doping is fundamentally contrary to the spirit of sports.
- World Anti - Doping Agency (WADA) is then recognised body which keeps a cheque on doping in Sports.
- Major Activities of WADA are Scientific research, Education, development and anti - doping activities.
- It monitors the World Anti Doping Code for All Sports.
- All World Sports Bodies National or International when agree to participate in International or National Events agree to adhere to the Norms / Standards set by WADA and get affiliated. Adhering to the WADA rules becomes a Pre-Condition for Participation.
- The First World wide Anti doping Code was accepted in Copenhagen in 2003, thereafter raised in Madrid in November, 2007 and in Johannesburg in 2013.



- WADA is funded by the Olympic Movement and various Governments of the World. Since, the contribution by developed countries is on the higher side, WADA is often criticized for being more favourable to the developed countries. For example, in the case of Tyson Gay for use of Anabolic Steroids - his ban was reduced to one year. WADA is also very quick in appealing against the decisions of Third World Countries, but did not appeal in the case of Tyson Gay, adopting difficult standards.
- Both WADA and the IOC are independent Private Bodies and 60% of the revenue of WADA comes from USA.
- WADA's Governing bodies are compared in equal parts from Sports movements and Athletics and Governments of World.
- But how WADA selects its Office Bearers is Not Known and how its membership is structured is also not known.
- Article 7 of WADA reads as follows:
- The Foundation Board is Self recognised. It elects its members or from personalities chosen outside of its members, a Chairman and a Vice Chairman for a period of three years. The Chairman and Vice Chairman may be re-elected for a further three years period(s).



- No vetting rights to all countries.
- Strength of the Foundation Board is restricted to 40 from amongst whom Executive Board is elected.
- Another form of Doping:-
- Gene doping :- Non therapeutic use of cells genes, genetic elements or of the modulation of Gene Expression,
- Its detection is very difficult. Dr. H.J. Haisona Gene doping,
- Netherlands Centre for Doping Affairs, 2004, p-6-7.
- WADA's method of Blood Transfusion through Athletes Biological Passport is yet to be qualified as a Gene Testing / deducting method.
- The World Anti-Doping Code 2015, is a document which aims at harmonizing anti doping rules in all the Sports World wide. For this purpose, it has to consult domestic authorities including government of various countries and then establish the universally acceptable standard.
- Every year a list of Prohibited substances is published along with the methods, the sports persons are prohibited from using.



- WADA Code is a very long Code and can be accessed at <https://www.wada-ama.org/en/what-we-do/the-code>.
- Every country has also established its own Code which is almost replica of WADA Code, e.g. In India, Nada or National anti doping Authority, who have its Code which is replica of WADA Code.
- According to article 4.3.1 of the WADA code, 2015, a Substance or method shall be considered for inclusion on the prohibited list, if the substance or the method either has or has two of the following three criteria:
 1. It has the potential to enhance or enhances sport performance.
 2. It represents a potential or actual health risk or
 3. It is contrary to the Spirit of Sport.
- WADA Code is based on the Principle of "Strict Liability";
- Which means any athletic who test positive is solely recognisable for the substance being found in his body irrespective of whether he or she has unintentionally or negligently consumed the prohibited substance.



- The punishment under WADA code of 2015, have become harsher, while under the WADA code of 2009 punishment of 4 years was available under aggravating circumstances but under article 10.2 of the code, the ineligibility has increased from 2 years to 4 years for all international dopers.
- But the WADA code now provides for Greater flexibility for elimination or reduction or suspension of periods of eligibility under Article 10.6. For athletics to establish that they are not international cheaters. This is possible on the following grounds:
 1. Substantial assistance in discovering or establishing anti doping rule violations.
 2. Admission of anti - doping rule violation in the absence of other evidence.
 3. Prompt admission often being confronted.
 4. Application of multiple ground for reduction of a sanction.
- Article 5 specifically deals with NDDO's or National Anti Doping organisations. This article also ensures new greater harmony amongst WADA and NDDO'S.



- WADA has published an Athletic Reference Guide to the World Anti doping Code - to enable the athletics to have better understanding of the Code.
- Why the Code is not perfect:-
- On 7th March 2008, the National Anti Doping Agency (NADA) accepted the World Anti Doping code in India.
- The role played by NADA in India has been facing a lot of criticism as a result of which the Government had to appoint a one man Committee under the Ministry of Youth affairs and Sports in the year 2011 after the doping scandal involving six Indian athletics. According to the report submitted by the Committee NADA had failed miserably in its positive duty of providing adequate education and was only taking confront in discharging its negative duty of punishing the athletics.
- At present NADA is only performing role of testing and a prosecuting agency.



- There is lack of Natural justice dealing with fair, just and timely hearing. NADA Code, 2009 mandates a hearing to be complete within three months but in most instances, this time is not adhered to.
- How WADA code 2015 works for India:
- Narcotics Drugs and Psydotropics substances Act of 1985 prohibits use of narcotic drugs and other related substances.
- NADA code 2009, has been amended to incorporate the changes brought about by WADA 2015.
- All Sports Federations have been now directed to incorporate the NADA rules in their constitution.
- Re Minors it is understood that they will be covered by the WADA Rules by virtue of their participation in sports.
- Whether consent of a minors guarantee is necessary is still not clear.
 - Role of Coaches:
 - Role of Federations:
 - Filing of correct Forms - WADA IST.
 - Appointment of Doping Control Officers (DCO)



- Language Problems - Not everyone knows English.
- Whereabouts information.
- In competition out of Competition tests.
- FIFA, UEFA, Belgium Players Association, ACO Sports. All argue that their requirement in violation of European Convention of Human Rights Sports Persons like Rafael nadol, Fernando Alonso, Lewis Hamilton - All have objected to these provision's.
- The Board of Control for Cricket in India (BCCI) and International Cricket Council (ICC) fell in line after WADA threatened that they will be declared non-compliant - But BCCI is yet to accept the WADA - 2015 code.
- Mere possession is sufficient.
- Investigation - NADA could gather information from any source.
- Therapeutic use exemptions (TUES)
- Period of Testing - Samples can be retained for 8 years, now 10 years.
- Laboratories -WADA accredited laboratories .
- Consent of Notice and Public disclosure.
- B-Sample analysis.



- Provisional suspension - No rule when the hearing has to begin.
- In the case of Amar Muralidharan V/s NADA, NDTL, MYAS - CAS castigated NADA for delays.
 - Anti Doping Panel.
 - Waiver of right to hearing



Sports Mail



Nadal advances in Rome as Almagro quits due to injury

Sharapova vows to continue chasing her dreams after French Open snub

Maria Sharapova reacts after being forced to retire against Mirjana Lucic-Baroni in the Italian Open.



MARIA Sharapova broke her silence after being denied a wildcard for the French Open by insisting 'no words, games, or actions will ever stop me from reaching my own dreams.' The 30-year-old Russian's request to enter the grand slam at Roland Garros was rejected by the French Tennis Federation on Tuesday following her recent return from a drugs ban.

Russian retired in the second round of Italian Open

Sharapova, who has twice won the tournament, said on Twitter on Wednesday morning, "if this is what it takes to rise up again, then I am in it all the way, everyday. No words, games, or actions will ever stop me from reaching my own dreams. And I have many." Sharapova will now wait to see if Wimbledon choose to follow the French Open's lead and deny her a wildcard to the tournament in July. She is already assured of entry into qualifying at SW19. She has competed at three events since returning to competitive tennis following her 15-month suspension for testing positive for meldonium, a sanction that was reduced from two years by the Court for Arbitration of Sport (CAS). However, Sharapova was not able to acquire enough ranking

DOWN BUT NOT OUT

“Must be tough for her (Maria Sharapova), but it's the way it is. In some tournaments, she's going to get that help in wild card and invitation; some not. Unfortunately, it's (a) Grand Slam, which is, for sure, for her, a big one.”
—NOVAK DJOKOVIC, WORLD NO. 2

“What I do not agree with is the basis put forward by the FFT for their decision with respect to Maria. She has complied with the sanction imposed by CAS. There are no grounds for any member of the TADP to penalise any player beyond the sanctions set forth.”
—STEVE SIMON, WTA CHIEF EXECUTIVE

points to secure an automatic place in qualifying for the tournament in Paris, with FFT president Bernard Giudicelli hinting that the rejection was due to her recent ban. He said during a live Facebook broadcast: "It is my responsibility and my mission to protect the game and protect high standards of the game played without any 'doping' on the result, so that is our decision." Giudicelli added: "Today this

(doping) suspension is over and she can take her path towards the new success, but if there can be a wildcard for return from injuries then there cannot be a wildcard for return from doping. "I'm very sorry for Maria, very sorry for her fans. They might be very disappointed and she might be very disappointed." WTA chief executive Steve Simon condemned the reasoning for her snub. He said in a statement: "Wild-

cards are offered at tournaments' sole discretion. I fully support the players that received wildcards and wish them the very best of luck. "What I do not agree with is the basis put forward by the FFT for their decision with respect to Maria Sharapova. She has complied with the sanction imposed by CAS. "There are no grounds for any member of the TADP to penalise any player beyond the sanctions

set forth in the final decisions resolving these matters." Sharapova's day went from bad to worse as she was forced to retire injured from her second-round clash at the Internazionali BNL d'Italia in Rome. That early exit against Mirjana Lucic-Baroni, which came in the third set where she was a break up, means that she can no longer secure a place in the main draw at Wimbledon.

Daily Mail



FROM CLOSE QUARTERS

Look who's talking: Lance Armstrong is now a Tour guide

JULIET MACUR
JULY 18

IF NBC'S broadcast of the Tour de France isn't making the three-week race must-see TV for you, there's an online recap show that might be a perfect alternative.

It's a podcast called "Stages," and its host is a former Tour rider with years of experience in the race — and an intimate, insider's knowledge of what unfolds behind the Tour's closed doors. His analysis is informed and honest and sometimes witty. Often, it is self-deprecating, which might come as a surprise.

The host is Lance Armstrong. That's right, the best commentator about the Tour this year might be Armstrong, a hero turned pariah who, for years, denied doping and targeted anyone who accused him of it. But he's not on the defensive anymore, at least during his audio and video podcasts. He has, at least in cycling terms, absolutely nothing to lose.

In 2012, Armstrong was stripped of his seven Tour titles for doping and was barred for life from competing in Olympic sports. He admitted doping and lost his sponsors and his livelihood. But this summer, at 45, he

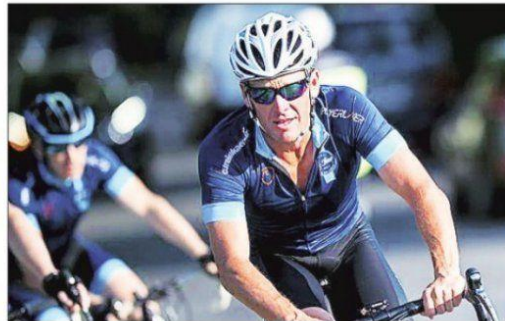
took a giant step back into the public eye — and into his sport — by starting a podcast about this year's Tour and agreeing to write an accompanying blog for Outside magazine.

In some ways, though, it's the same old Armstrong: He has not arrived on his knees, begging for acceptance or forgiveness from a sport he sent into turmoil, especially here in the United States, where he brought cycling into the mainstream. He curses and criticizes and challenges old enemies, like the longtime Tour director Christian Prudhomme, and he isn't afraid to say things that other commentators might be too timid to say.

While it can make for interesting listening, not everyone is celebrating his return.

As soon as the podcast appeared online, I received a text from one of his former teammates with a link to "Stages," with the words: "Less of this." Some people in cycling just don't want to talk about Armstrong anymore, or even to see his face anymore. And I agree that it is too soon for Armstrong to march back into the sport as if he and his lies didn't nearly strangle it.

It's hard to say, though, what the majority of cycling fans think about Armstrong's podcast and blog. Commenters on Outside's Facebook page are overwhelmingly anti-Armstrong, saying they are disappointed that



Lance Armstrong's podcast "Stages," about the Tour de France, made its debut this month in the United States.

the magazine gave Armstrong a platform. More than a few people said they were canceling their subscriptions. Still, lots of people gave the podcast post a Facebook thumbs-up.

Christopher Keyes, vice president and editor of Outside, told me last week that he and his fellow editors expected their choice to be controversial, but he said they partnered

with Armstrong anyway after hearing his weekly podcast, "The Forward," in which Armstrong interviews guests about music, politics and other subjects unrelated to cycling. Outside is not paying Armstrong for his blogging, Keyes said.

"To be honest with you, we just fundamentally believed that he would have some really great insights about the Tour just based on his own experiences," Keyes said, explaining that this wasn't the first time a disgraced figure returned to the spotlight to speak publicly about an area of expertise.

"Even Nixon became a valuable talking head on NBC talking about foreign policy," Keyes said. In sports, though, forgiveness seems to come especially easy these days. Fallen heroes like Barry Bonds and Mark McGwire are back in the embrace of the major leagues. The luckiest of the bunch, inexplicably, are rewarded for their insolence with high-profile TV jobs.

Alex Rodriguez, a player who sullied baseball by lying about his performance-enhancing drug use, is now a network analyst. During the playoffs last year, he had a role alongside Pete Rose. And it turns out, no matter their baggage, both are pretty great at chatting about baseball.

So Armstrong fits right in. And some peo-

ple love that. Over the past few weeks, a lot of people have listened to "Stages," so many that the podcast made its debut this month on the United States iTunes charts at No. 10. Keyes said that Armstrong's blog had been good enough and that he would consider inviting him back for next year's Tour.

By then, though, Armstrong may need to ask for a paycheck. Armstrong, who didn't respond to several interview requests over the past week, is scheduled to go to court in November in a federal whistle-blower lawsuit that could cost him as much as \$100 million. The government contends Armstrong and his team defrauded the government in signing a sponsorship contract with the United States Postal Service that included an anti-doping clause when they knew the team was doping.

Armstrong doesn't appear too worried about the case or the trial. In an Instagram post in March, he joked about a photo of a package that arrived at his doorstep with \$1.09 postage due: "That moment you realize @uspostalservice wants 100 mil plus a dollar and 9 cents from you."

Now this is a different Armstrong. He was once so visibly angry that his eyes seemed to sear right through you even the suggestion that he might be doping. **NYT**

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Manpreet tests positive for stimulant

EXPRESS NEWS SERVICE
NEW DELHI, JULY 19

SHOT PUTTER Manpreet Kaur, the Asian Athletics Championships gold medallist, has tested positive for Dimethylbutylamine, a stimulant which falls in the World Anti-Doping Agency's (WADA) prohibited list. This is the first instance of an Indian athlete testing positive for the substance, National Anti-Doping Agency director general Navin Agarwal confirmed on Wednesday.

Kaur had qualified for the upcoming World Championships at the first leg of the Asian Grand Prix in Jinhua, China, with a throw of 18.86 metres. As dimethylbutylamine is a specified substance she does not face a provisional ban. "The athlete does not face a provisional suspension as she has tested positive for a specified substance. She can exercise her right to get the 'B' sample tested. She has to face a disciplinary panel and could potentially face a ban of up to 4 years. If the panel subsequently decides to impose a ban she stands to lose her medals," Agarwal said.

Athletics Federation of India (AFI) secretary CK Valsan said the selection committee will meet on Thursday to finalise the team for the World Championships. "It is up to the selection committee to decide whether to field Manpreet Kaur or not for the World Championships in London. She does not face a provisional suspension," Valsan said. Kaur's test was conducted during the Federation Cup in Patiala in the first week of June.

New salt

Dimethylbutylamine is described as a 'new salt', which is a derivative of methylhexaneamine, a stimulant found in the samples of at least a dozen Indian athletes ahead of the 2010 Commonwealth Games. Methylhexaneamine has been considered a stimulant by WADA since 2004 but is in the WADA's prohibited list since 2010.

Methylhexaneamine was re-classified as a specified substance in 2011. But manufacturers of nutritional supplements have looked to find a substitute for methylhexaneamine once it was banned.

Dimethylbutylamine is structurally similar to methylhexaneamine and is found in many supplements. As it is a 'new salt', it is not easy to detect and nutritional supplement manufacturers have used it as a stimulant in their products.

An AFI official said it was baffling why Manpreet would take a stimulant. "A shot putter does not get any benefit from a stim-



Dimethylbutylamine is described as a 'new salt', which is a derivative of methylhexaneamine, a stimulant found in the samples of at least a dozen Indian athletes ahead of the 2010 Commonwealth Games.

ulant like Dimethylbutylamine. A stimulant can increase alertness and awareness and provide a 'rush' and would be typically used by a sprinter. Its adverse effects are high blood pressure and heart-related complications. In an event like the shot put where there is little margin for error in the throwing circle, taking a stimulant can only increase the probability of fouls. For a sprinter it can provide the physiological rush," the AFI official said.

Incidentally, Manpreet is the second World Championship-bound athlete from India to have tested positive for a specified substance. Last month, javelin thrower Davinder Singh Kang tested positive for marijuana, which falls under the 'specified substances' list. Kang participated at the Asian Athletics Championships in Bhubaneswar from July 5 to 9 and won a bronze.



India not serious with anti-doping

By Mail Today Correspondent
in New Delhi

THE National Anti-Doping Agency (NADA), charged with leading India's fight against doping in sport, has now been entrusted with the task of drafting the much-touted anti-doping legislation. The eight-member panel constituted by NADA for this task has not inspired much confidence among the anti-doping proponents.

There are good reasons for doubts to arise since five of the panelists chosen to draft the Bill and present it to the NADA Director-General Navin Agarwal have not been on top of the game when they were either Chairmen or members of ADPPs (Anti-Doping Disciplinary Panel) or ADAPs (Anti-Doping Appeal Panel). The presence of a weightlifting official, discredited when serving as coach, in the panel raises eyebrows even higher.

Some members of the panel have shady past

What makes it more curious is that Justice (retd) Bharuka has recently gone on record to state that the NADA decisions against athletes who tested dope positive violated a citizen's right to profession under Article 19 (1) (g). He probably overlooked the fact that, as ADAP Chairman, he was himself party to penalties, including bans, being imposed on athletes.

For instance, an ADPP headed by former District & Session Judge Ramnath imposed a three-year suspension on javelin thrower Avtar Singh for a second offence when the rules prescribe a six- to eight-year ban.

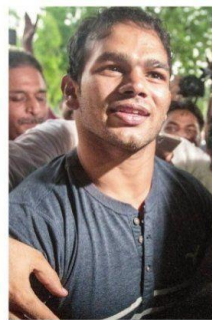
It took an appeal by NADA for an ADAP chaired by Justice (retd) Bharuka to rightly enhance the ban to six years.

However, some 10 months ear-

Doubts arise over panelists chosen to draft new legislation



India ranks third in WADA's list of nations with the most anti-doping violations.



ADPP's decision to wave off ban on Narsingh Yadav was overturned by CoA last year.

lier, Justice (retd) Bharuka and his colleagues on the ADAP had not been as vigilant in letting shot putter Saurabh Vij get away with a four-year suspension for

his second offence. The rules stipulate that he would have attracted a six- to eight-year ban for his second offence.

To cite another glaring example, Sanjay Mani Tripathi headed the NADA ADPP that absolved wrestler Narsingh Yadav of any guilt when he tested positive ahead of the Rio Olympics last year. The Court of Arbitration for Sport overturned the ADPP decision, banning Narsingh Yadav for four years. CAS said the wrestler had not satisfactorily proved his sabotage explanation.

What's more, anti-doping campaigners have been left hoping that Pal Singh Sandhu, named in the committee, is not the weightlifting coach who was slapped a life ban back in 2004 but staged a comeback two years later as advisor and chief referee and is now a selector with the Indian Weightlifting Federation.

It is fair to expect that the members of a committee charged with the task of writing a landmark law will not only have impeccable understanding of the subject but also buy into

the anti-doping philosophy whole-heartedly. These are essential if the law is to strike fear in the hearts of athletes and support staff who seek shortcuts to success and the attendant rewards.

It also appears that the Government has overlooked the fact that appointing members of the ADPP and ADAP to this committee will also hamper their work with a backlog of cases waiting to be heard, not the least being those of shot putter Inderjit Singh and perhaps Sandeep Tuli Yadav, Narsingh Yadav's room-mate at the Sports Authority of India hostel in Sonapat.

Ideally, the panel would have been headed by eminent jurists like Justice (retd) Mukul Mudgal.

It can only be hoped that when it sits down to write the Bill, the committee will arm itself with a lot more knowledge of anti-doping regulations to make the draft as water-tight as possible. After all, India holds the dubious third rank in WADA's list of nations with the most anti-doping violations.



'Rampant doping happening at SAI Sonapat'

SHIVANI NAIK
MUMBAI, JULY 20

ASIAN CHAMPIONSHIPS shot put medalist Manpreet Kaur returned a dope positive this week, bringing the focus back on the athletics federation, notorious for its high numbers of doping cheats among the elite athletes. AFI president Adille Sumariwala addresses a few issues while dealing with the latest setback.

One more elite athlete tests positive - this time shot-putter Manpreet Kaur - and AFI has suspended her. Can it deal with this more proactively?

We talk to athletes whose sample return positive. But it's the same story always - they'll come meet us, they'll cry and say 'I didn't do it.' They'll say 'Maine kuchh nahi kiya ji,' 'Galti ho gayi ji.' I sometimes want to tell them at least say something different and give a valid explanation. It's stupid that they continue to take these risks and don't realise they will get caught sooner or later. This is synthetic stuff - you just go to a shop and you get it. I can understand if someone's taken a pain-killer or a cortisone injection. But these are blatant cases. Athletes need to understand they will be in the dope net finally if they err.

There are allegations of institutionalised doping for years now.

I think it's a misleading usage of the word 'institutionalised.' There might be (Sports Authority of India) institutions in Sonapat or Panipat where doping is rampant. But it's not like Athletics Federation of India or Sports Authority of India is helping its athletes dope.

Can you say with certainty that AFI is not involved?

Yes AFI isn't involved. And I want to pass a signal as the Athletics chief and be very clear that we have zero tolerance for doping. The biggest problems are junior coaches and coaches at local level. We first need to catch those guys.

What steps have you taken as deterrence?

Recently a banned substance was found in an athlete's room, about two months ago. I was given to understand that the coach knew about this and I immediately suspended him for a year even before a full-



Yes, I have it from strongly reliable and multiple athletes that this (athletes bribing officials to evade tests) is happening at centres like Sonapat. It's what I've heard and we need to fix our system of testing because the athletes try to make testers run in circles. As soon as I heard - and this is at least 6 months back, I had reported this matter to the concerned authorities.

Adille Sumariwala, AFI PRESIDENT

fledged enquiry. A group of coaches came to me and said if I sack someone like this 'sab coaches ka naam kharab ho jaega'. There was a lot of resistance, and even the NIS Patiala office was delaying issuing his suspension orders. I said I will personally come there and terminate his duty if they don't issue orders and he was suspended. But these are complex issues and there are wheels within wheels, and I don't have a magic wand. I hope this acts as a deterrence for coaches.

Narsingh Yadav, in a recent interview, accused former AFI official Lalit Bhanot of being able to manipulate test results...

I don't know what he's talking about, I've never ever heard or known of an incident where Mr Bhanot's involved. I'm not here to defend him, but we use his immense knowledge of athletics for annual planning and competitions. I take inputs from him like I take from other experts. But to say he can fix doping results, I think he's out of the

loop with current officials in ministry or NADA. Frankly, it might seem to people he's running the show because he sits in Delhi and people drop in to say hello and athletes go to him with their problems. But to say he runs everything and is still all-powerful is an extremely misplaced notion and overstating his influence. In fact, whenever we've got an unusual spike in performance, he's warned me that 'Adille get this one tested or they'll get caught at World Championships' and he's red-flagged several athletes internally. That's my understanding of the situation, though I repeat, I'm not defending him.

What about the younger athletes?

I was in Nairobi last month for the u-18 Worlds. I sat there for half an hour with all the athletes and told them for God's sake, do not fall into this trap of doping. I told them there'll be seniors and coaches who will approach you and tell you this is the only way to succeed. But I was clear that they will get caught sooner or later and it's not worth it. When I was running, 100-150 samples used to be tested. Now close to 1200 samples are checked, and I want to ask athletes: Where will you run, and for how long? There are 270-80 elite athletes in India, and they cannot escape testing forever.

You said there's a rate-card between Rs 50,000 and 5 lakh to help athletes escape testing. Can you elaborate?

Yes, I have it from strongly reliable and multiple athletes that this is happening at centres like Sonapat. It's what I've heard and we need to fix our system of testing because the athletes try to make testers run in circles. As soon as I heard - and this is at least 6 months back, I had reported this matter to the concerned authorities. But I'm not an investigating agency or the police so my duty is to inform whoever I need to inform. I've been saying it for the last two years that doping needs to be criminalised. It's nothing new.

On what basis are you saying Sonapat?

Look at where all these guys are getting caught from. Do I even need to take names

of centres that have a doping problem? Everyone knows it, but they just tell me - aap bolo, aap bolo - names of centres. Problems are mostly with athletes who are not in the national camp, or who run away from camps. At the camp, you are tested every 10-12 days, it's getting difficult to get away with it. Look, I sit with athletes on the ground and they usually open up. They sometimes give us information to get another athlete in trouble and there's instances of jealous coaches sniping at each other, so we have to weigh each accusation.

Athletes rationalise doping by saying it's impossible for Indians to win without doping and that the rest of the world is doing it. Your take.

It's not a new phenomenon. Let's be realistic. Athletes cheated at the first Greek Olympics - that time it was alcohol when they ran. Banned substances and methods have gotten sophisticated and I've heard that discussion several times how sab kar rahe hai, toh legal kar do. I'm aware of that thought process. But as administrators who govern this sport, we cannot allow doping to happen or encourage this. Athletes come and tell me the

cruder analogy of 'humaare paas laathi hai, aur unke paas AK-47' (others have more sophisticated dope and our's is rudimentary), but you can't just normalise doping. The health of my athletes is the most important to me. Over a period of time, as testing gets tougher, the difference between doped timings / distances and undoped will start narrowing. Now with blood passports and freezing of samples, laws are catching up with cheats. I tell athletes - tum aajnahi toh kal pakde jaoge, toh mat karo.

Any other ways of deterrence?

I'm not for throwing the baby with the bath-water. And we should compensate athletes who work hard and win the correct way. But there should be a way in which athletes should be asked to return the money they get in cash prizes if they are found to have tested positive later. That deterrence is important so that athletes don't dope for smaller medals and then fail at highest stage.

We talk to athletes whose sample return positive. But it's the same story always - they'll come meet us, they'll cry and say 'I didn't do it.' They'll say 'Maine kuchh nahi kiya ji,' 'Galti ho gayi ji'.



CAS extends Dutee's eligibility

IAAF asked to provide scientific evidence in two months or hyperandrogenism guidelines remain void, says court

EXPRESS NEWS SERVICE
NEW DELHI, JULY 29

A DAY after the International Association of Athletics Federations (IAAF) invited Indian sprinter Dutee Chand to participate in the World Championships, the Court of Arbitration for Sport (CAS) issued an interim order on Sunday which extended the suspension of hyperandrogenism guidelines by two months.

For athletes like Chand with high but naturally occurring testosterone, the CAS order means there won't be a sword hanging over their heads while they participate at the World Championships.

Though, IAAF president Sebastian Coe had stated on the eve of the Asian Athletics Championships that eligibility of hyperandrogenic athletes won't be affected for the World Championships, CAS' latest order gives athletes breathing space while also putting the sports' governing body on notice.

On Saturday, the CAS said that if the IAAF failed to provide scientific evidence within two months to prove the co-relation between enhanced testosterone levels and improved athletic ability in hyperandrogenic athletes, then the guidelines would remain void.

The IAAF had earlier this month claimed to have fresh evidence, which proves female athletes with hyperandrogenism have an advantage over others and that they would knock on the doors of CAS.

"Based upon the agreement of the parties and at the approval of the Panel, the Hyperandrogenism Regulations have been suspended for an additional two (2) months. During such extended suspension, Ms Dutee Chand remains eligible to compete in both national and international level athletics events. Should the IAAF not file any scientific evidence within the additional two-month period granted by the CAS Panel (i.e. end of September 2017), the Hyperandrogenism Regulations will be declared void," CAS said in a statement.

The initial interim order of CAS, which had set aside the hyperandrogenism guidelines which were disputed by Chand, was in force till July 24.

Leveling the playing field

In its effort to present fresh scientific evidence to CAS, the IAAF funded the research by scientists Stephane Bermon and Pierre-Yves Garnier — the director of the IAAF's health and science department. The research paper was titled: Leveling the Playing Field in Female Sports was published in the British Journal of Sports Medicine.

The two scientists conducted their research based on serum androgen levels of 2,127 male and female athletes based on their performance at the 2011 and 2013 IAAF



The CAS order comes as good news for athletes like Dutee Chand with high but naturally occurring testosterone. File

Scientists Stephane Bermon and Pierre-Yves Garnier conducted their research based on serum androgen levels of 2,127 male and female athletes based on their performance at the 2011 and 2013 IAAF world championships.

world championships.

Among other things, the study found that in certain events female athletes with high testosterone levels benefit from a 1.8 per cent to 4.5 per cent competitive advantage over female athletes with lower testosterone levels.

"Female athletes with high FT (testosterone) levels have a significant competitive advantage over those with low FT in 400 m, 400 m hurdles, 800 m, hammer throw, and pole vault," the research article stated.

Chand participates in the 100 metres and the 200 metres.

Dr Bermon commented: "Our starting

position is to defend, protect and promote fair female competition. If, as the study shows, in certain events female athletes with higher testosterone levels can have a competitive advantage of between 1.8-4.5% over female athletes with lower testosterone levels, imagine the magnitude of the advantage for female athletes with testosterone levels in the normal male range."

Yet, at the World Championships, none of this will matter as hyperandrogenic athletes will get another chance to win medals. South African Caster Semenya, who has faced questions over her gender in the past, was a controversial winner of the women's 800 metres at the Rio Olympics.

Great Britain's Lynsey Sharp said after the race it was difficult to compete after the hyperandrogenism guidelines were set aside by CAS.

"I have tried to avoid the issue all year. You can see how emotional it all was. We know how each other feels. It is out of our control and how much we rely on people at the top sorting it out. The public can see how difficult it is with the change of rule but all we can do is give it our best," Sharp told the BBC after the race.

'Excited' Rudisha ready to rock London

David Rudisha can't wait to get back to the stadium where he ran a world record time five years ago and is confident he can maintain his dominance of the 800 metres at the world championships in London next week.

The 28-year-old Kenyan still holds the two-lap world record with the one minute 40.91 seconds he ran for his first Olympic gold, when he lit up a packed East London stadium on a balmy August night in 2012.

"I am really excited to return to London," Rudisha said during Team Kenya's training camp in the capital. "London is a special place for me. Breaking the world record in 2012 and winning that title, remains one of the greatest moments in my career. I am really looking forward to returning to the same stadium, and especially this time to defend my title." **REUTERS**



COURT OF ARBITRATION IN SPORTS: (CAS)

The Gundel Case:

- Elmar Gundel's a German Competitors horse was tested positive for a prohibitive substance, the FEI Federation Equestre Internationale (Institutional Federation) after starting a disciplinary procedure against him in its Judicial Commission fined him and banned him for a period of three months.
- Gundel lodged an appeal for arbitration before the CAS on the basis of arbitration clause in the FEI statutes, challenging the above decision. An Award was partially rendered in his favour and the Fine was reduced marginally and the sentence was also reduced from three months to one month. Appeal was dismissed in substance on merits.
- Gundel disputed the validity of the Award on the grounds of impartiality and independence before the First Civil Division's Court.
- Although the Federal Tribunal held that CAS is a trial court of Arbitration but pointed out flaws in CAS due to its proximity with IOC.
- IOC exclusively Funded CAS.



- IOC's exclusively held power to amend its statutes, also powers of Appointments etc.
- Therefore doubted its independence.
- Thus the ICAS was created - "International Council of Arbitration For Sports". Henceforth, take care of financing of CAS. Thus the role of IOC was reduced in the Paris Agreement in 1994.
- The CAS code lays down Four distinct procedures:
 - a) The ordinary arbitration Procedure
 - b) The appeals arbitration procedure
 - c) The advisory procedure, which is non-continuous and allows certain sports bodies to seek advisory opinions from CAS.
 - d) The meditation procedure.
- CAS is comprised of 20 members
- Has 150 Arbitrators (Law + Sports) whose terms is for four years.
- 100 Swiss Francis minimum has to be deposited by each depositing party + Admin and Arbitration Fee being contingent upon valuation of the dispute according to CAS Code. The arbitrators are in addition paid Travel + Lodging.



- Problems Faced in CAS:

- Tendency to appoint Euro Centric Arbitration

- Wilhelmshaven Case:

- SV Wilhelmshaven V/s Clule Athletic Excursionists & clule Atletico River plate Arbitration CAS 2009/A/1810. Award 5/10/2009.

- [http://Jurisprudence.tascas.org/sites/case law/shared% 20 Documents/1810% 201811.pdf](http://Jurisprudence.tascas.org/sites/case%20law/shared%20Documents/1810%201811.pdf).

- Pechstein Case:

- <http://www.cludia-pechstein.de/olympia.php>.

- Are both supposed to be modern day Gundel for CAS. Reforms in procedure. One such reforms the power of Secretary General to decide which decisions are to be published.



- The positive Aspects:

- It provides Free Legal aid to persons with meagre financial means - After thorough examination.
- It provides its opinions on matters which pertains to legal matters, through a consultative process and this service is available to IOC, the international Federations, the NOCs and other associated organisations but the advisory opinions are not binding on the Arbitral Awards.



THANK YOU

