

SPORTS LAW IN INDIA: LEGAL CHALLENGES IN DOPING AND GOVERNANCE

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Abstract :

Sports in India have experienced significant growth; however, the legal and governance frameworks that regulate them face substantial challenges. Doping remains a critical issue in Indian sports, affecting athletes at both grassroots and professional levels. A notable incident is the Punjab University doping scandal of 2023; during which over 50 student-athletes were caught using banned substances at inter-university sports meets. Additionally, prominent athletes like Shivpal Singh (Javelin) and Kamalpreet Kaur (Discus), who participated in the Tokyo Olympics, tested positive for doping in 2022. India has also dealt with doping scandals in weightlifting, with incidents reported in 2004, 2006, and 2011, resulting in the country being banned twice by the International Weightlifting Federation (IWF). Furthermore, during the Commonwealth Games in 2010, six Indian wrestlers, three swimmers, and two athletes tested positive for banned substances. The researcher of this paper examines the issues surrounding doping and governance in Indian sports, highlighting legal inadequacies, enforcement challenges, and structural deficiencies. By analyzing existing laws, case studies, and making international comparisons, this research proposes reforms aimed at creating a robust sports law ecosystem in India.

Keywords: Sports law, doping, governance, NADA, WADA, Indian sports

Research Objectives:

- To identify gaps in India's anti-doping laws and governance structures.
- To analyse case studies highlighting these challenges.
- To pin point legal and policy reforms to address these gaps.

Methodology:

The researcher has chosen a doctrinal research method for this paper, relying primarily on newspapers, websites, textbooks, and the relevant Acts.

Introduction :

Technological advancements have opened up opportunities for global citizens in various fields, and sports are no exception. Indian sports have become increasingly vibrant, creating more opportunities for athletes. However, the rise in opportunities and competition has also led to instances of wrongdoing. The past incidents of doping among Indian athletes raise significant questions about the adequacy of legal and administrative provisions and their effectiveness. As Indian athletes gain prominence on the global stage, maintaining integrity in sports becomes a pressing challenge. Although India has taken steps to combat doping and promote good governance in sports, these efforts remain insufficient. This paper examines the



legal and administrative issues surrounding this topic, with a focus on strengthening the sports ecosystem.

Meaning of Doping :

According to Section (o) of the National Anti-Doping Act, 2022 “*doping in sport*” means the occurrence of any Anti-Doping Rule Violations specified in section 4.

Section 4 speaks about the Anti-Doping Rule Violations as anyone or more of the following circumstances or acts or conduct by an athlete or athlete support personnel or other persons shall constitute Anti-Doping Rule Violation for the purposes of this Act, namely:

- the presence of a prohibited substance or its metabolites or markers in an athlete's sample;
- use or attempted use of any prohibited substance or a prohibited method, unless such use is exempted by the Agency under section 5;
- refusing or failing without compelling justification, to submit sample collection after notification as authorised in applicable anti-doping rules or otherwise evading sample collection;
- whereabouts failure;

In general parlance, the “Doping” refers to the use of banned substances in competitive sports. Performance enhancing drugs (PEDs) is another term used to for drugs used by athletes to improve their athletic performance. The most important reason doping is a big deal is the fact that many of these substances can have harmful and long-lasting side effects which may include the following:

- Cardiovascular: irregular heart rhythm, elevated blood pressure, heart attack, sudden death
- Central Nervous System: insomnia, anxiousness, depression, aggressive behaviour, suicide, headache, addiction with withdrawal, psychosis, tremor, dizziness, stroke
- Respiratory: nose bleeds, sinusitis
- Hormonal: infertility, gynecomastia (enlarged breasts), decreased testicular size, low sex drive, acromegaly (coarse bones in face, hands, and feet), cancer

The second issue is more of a moral dilemma. These banned substances are used to gain an unfair advantage which significantly devalues the spirit of healthy competition. As stated by the World Anti-Doping Agency (WADA), the purpose of an anti-doping program is “*to protect the athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for athletes worldwide...*”

Banned Substances in Sports :

Certain drugs are prohibited both in and out of competition due to their performance-enhancing effects, while others are only banned during competitions. Some drugs are banned because they can mask the presence of other prohibited substances during testing. Different organizations maintain various lists of banned substances. Generally, the following classes of drugs are prohibited: street drugs, stimulants, anabolic steroids, peptide hormones (such as human growth hormone [hGH]), alcohol and beta blockers (specifically for archery and rifle



shooting), diuretics, beta-2 agonists, anti-estrogens, blood doping, and gene manipulation. For athletes who require a banned substance for legitimate medical reasons, anti-doping programs offer a process to request a Therapeutic Use Exemption (TUE). This allows athletes to use these drugs legally. To obtain a TUE, an athlete must have a physician complete a TUE form that verifies the necessity of the drug for treating their medical condition and confirms that no acceptable non-banned alternatives are available. A medical committee then reviews the TUE request and determines whether to approve or deny it. It's important to note that some over-the-counter (OTC) medications and supplements may also be banned or contain prohibited additives or contaminants. For instance, the National Collegiate Athletic Association (NCAA) prohibits excessive caffeine use, defined as a urine caffeine level above 15 µg/mL. The World Anti-Doping Agency (WADA) has banned pseudoephedrine (such as Sudafed) if the urine concentration exceeds 150 mcg/mL, although this substance is permitted by the NCAA. There are many other examples of commonly used drugs that may be allowed by one organization and banned by another. Therefore, athletes should work closely with their medical teams to determine which drugs are safe and permitted for use.

Authority determines whether a doping violation has occurred or not :

As stated previously, the organizations that monitor for doping violations vary between sports. The largest anti-doping organization is WADA. WADA has developed a coordinated, worldwide anti-doping program that applies to sports that have signed a pledge to uphold the WADA Code. The WADA Code outlines their “anti-doping policies, rules, and regulations with sport organizations and among public authorities around the world”. More than 660 sports organizations have signed the WADA Code including the International Olympic and Paralympic Committees, all Olympic Sport International Federations, and National Olympic and Paralympic Committees. The practical application of the WADA regulations is performed by various national anti-doping agencies such as the United States Anti-Doping Agency (USADA) & NADA

Athletes who participate in sports that have signed the WADA code are subject to random in and out of competition testing. Testing may be performed on urine and/or blood samples depending on the substances being tested. The frequency and type of testing varies between sport based upon a variety of factors including history of doping in the sport, type of sports (e.g., endurance, strength/power), substances being taken, and duration of the season. Penalties for a doping violation vary greatly between sports. In sports that follow the WADA Code, a single violation can result in a ban from sports competition of up to 2 years while a second violation may result in a lifetime ban. The punishment for a first offense anti-doping violation in the NFL is a four-game suspension, in the NBA is a 5 game suspension, and in the NHL a 20 game suspension.

Many athletes lack basic knowledge of banned substances and testing protocols, leading to unintentional violations. Sports federations are often plagued by corruption, nepotism, and mismanagement. Lack of accountability in fund allocation and resource management are prominently appearing in the sports. Despite adopting the WADA Code, India faces challenges in ensuring fair enforcement. Testing facilities are limited, and the judicial process for resolving disputes is slow.



Legal Framework for Sports in India

National Anti-Doping Agency (NADA) Established in 2005 under the Society

Registration Act, 1860, NADA functions as an autonomous body. It operates under the Ministry of Youth Affairs and Sports and adheres to the World Anti-Doping Code (WADC) by the World Anti-Doping Agency (WADA).

Key Institutions and Laws :

- National Anti-Doping Agency (NADA): Responsible for enforcing anti-doping rules.
- World Anti-Doping Code: India's alignment with international anti-doping protocols.
- National Sports Development Code (2011): Governs the functioning of sports bodies in India.
- The National Anti-Doping Act, 2022 is a comprehensive Act to tackle the issue of non-use of banned drugs by the sports personals and the establishment of the National Board for Anti-Doping in Sports (NBADS), Formation of the National Dope Testing Laboratory (NDTL)

India being a signatory to the United Nations Educational, Scientific and Cultural Organisation International Convention against doping in sport, enacted its The National Anti-Doping Act in the year 2022, the purpose of the Act is 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 to strengthen the fight against doping in sports and to support the country's regulatory framework with international standards. Here are its salient features:

1. **Establishment of the National Anti-Doping Agency (NADA)** as a Statutory Body NADA is empowered to ensure compliance with the anti-doping rules and regulations. It oversees testing, education, and the enforcement of anti-doping activities across sports in India.
2. **Creation of the National Board for Anti-Doping in Sports (NBADS)** The Board advises the government on anti-doping measures and policy development. It monitors the implementation of anti-doping programs and ensures coordination between stakeholders.
3. **Formation of the National Dope Testing Laboratory (NDTL)** NDTL is established as the sole institution for testing and analysing samples. It ensures compliance with the standards set by the World Anti-Doping Agency (WADA).
4. **Definition and Prohibition of Doping the Act explicitly defines "doping"** in accordance with international standards. It prohibits the use, possession, and trafficking of prohibited substances and methods by athletes and support personnel.
5. **Legal Framework for Penalties** Strict penalties, including suspension and disqualification, are outlined for athletes and support personnel found guilty of doping. The Act also provides for penalties against entities that facilitate or promote doping.
6. **Adherence to International Standards** the Act ensures compliance with the World Anti-Doping Code and aligns Indian anti-doping laws with global practices. It

- strengthens India's commitment to fair play in sports.
7. **Protection of Athlete Rights Safeguards** is introduced to protect the rights of athletes, including the right to a fair hearing. The Act emphasizes education and awareness to prevent unintentional violations.
 8. **Independence in Decision-Making** the Anti-Doping Disciplinary Panel (ADDP) and Anti-Doping Appeal Panel (ADAP) are made independent to ensure unbiased decision-making.
 9. **Promotion of Research and Education** the Act promotes research into anti-doping sciences and encourages educational programs to spread awareness about the harmful effects of doping.
 10. **Focus on Athlete Welfare Emphasis** is placed on creating a doping-free environment to safeguard the health and integrity of athletes.

The National Anti-Doping Act, 2022, has marks a significant step toward maintaining the sanctity of sports in India while protecting athletes and ensuring compliance with international norms.

Anti-Doping Rules :

NADA has developed the Anti-Doping Rules (2021), aligned with the WADA Code, which came into effect on January 1, 2021. These rules apply to all athletes, athlete support personnel, and sports organizations in India. The WADA is annually updates the list of prohibited substances which adopts NADA. Also prescribes penalties for its violations. Violations includes the presence of a banned substance in an athlete's sample, use of prohibited methods, refusal to undergo testing, or trafficking banned substances. Sanctions range from warnings to lifetime bans, depending on the severity of the violation and the athlete's history.

Key Features of Anti-Doping:

it has an elaborate framework Testing and Monitoring mechanism, in-competition testing normally conducted during or shortly before/after competitions. There is also a practice of testing during training sessions. The random testing will be taken to detect doping during training periods. **Sometimes the athletes may apply for Therapeutic Use Exemptions (TUEs)**, athletes with medical conditions requiring prohibited substances may apply for TUEs.

The NADA have practice of awareness sessions among the sportspersons. Usually conducts educational campaigns to inform athletes about banned substances and the risks of doping. National sports federations collaborate with NADA to ensure compliance and disseminate anti-doping information.

All this mechanism the WADA and NADA is taking but still the desired result is yet a distant dream. As following are the impediments and challenges need to address in priority;

The Challenges in Anti-Doping Enforcement :

- **Lack of Awareness:** Many athletes, particularly at grassroots levels, lack adequate knowledge about banned substances and their implications.
- **Limited Testing Infrastructure:** India has only one WADA-accredited laboratory (in

Delhi), which limits testing capacity.

- **Legal and Procedural Delays:** Resolving doping cases through disciplinary panels can be time-consuming, affecting athletes' careers.
- **Over-the-Counter Drugs:** Easy availability of performance-enhancing drugs in the market contributes to unintentional violations.
- **Influence of Coaches and Support Staff:** Some athletes are misled by coaches or trainers into using prohibited substances, highlighting the need for broader accountability.

Judicial Precedents :

Courts have repeatedly stepped in to resolve governance disputes, such as in the *BCCI vs. Cricket Association of Bihar* case, raising concerns about the autonomy of sports bodies. *Narsingh Yadav Case (2016)* wherein controversial doping allegations led to his disqualification before the Rio Olympics. In *Seema Punia Case (2000s)* the Court has highlighted issues of inadequate athlete education about banned substances. There is Gender and inclusivity gaps is another concerning issue. Female athletes and marginalized communities face systemic barriers to equal participation and representation in governance.

Court of Arbitration for Sport (CAS) :

Maria Sharapova v. International Tennis Federation (2016) Russian tennis player Maria Sharapova was suspended after testing positive for *MELDONIUM*. The CAS reduced her suspension, held that her use of *MELDONIUM* was unintentional but emphasized athletes' responsibility to know prohibited substances. The another case sesided by CAS was *Alberto Contador v. Union Cycliste Internationale (2012)* in this case the Cyclist *Alberto Contador* was found guilty of doping after testing positive for *CLENBUTEROL*. The court imposed a two-year ban, stripping him of his titles, despite his claim that it was due to contaminated meat. In another landmark case *Adrian Mutu v. Chelsea FC (2010)* Footballer *Adrian Mutu* tested positive for *COCAINE*, leading to his dismissal by Chelsea FC. The CAS upheld Chelsea's claim for damages, showcasing the financial consequences of doping.

The National Anti-Doping Appeal Panel (NADAP), India has held in *Rashmi Ranjan Parida v. National Anti-Doping Agency (2019)* in this case the athlete challenged his suspension by the National Anti-Doping Agency (NADA). The panel upheld the suspension of athlete, and emphasizing strict compliance with doping regulations in India. Further, in *Narsingh Yadav Doping Case (2016)* the Indian wrestler *Narsingh Yadav* tested positive for a banned substance ahead of THE RIO OLYMPICS. While he claimed sabotage, the CAS upheld his ban, emphasizing strict liability for athletes. In *Manjeet Kaur v. National Anti-Doping Agency (2011)* athlete *Manjeet Kaur* contested a doping allegation. The tribunal reaffirmed the principle of athlete responsibility, demonstrating India's growing anti-doping enforcement.

In all this cases the CAS and NADPA has clarified and loud message sent among the sports fraternity that in whatever manner if the banned drugs found in the body of the sports person it will never be tolerated. And the Athletes are responsible for ensuring no banned substances enter their bodies, regardless of intent.

Also cleared that regarding the standards of Proof, the Panels often are requires



substantial evidence to challenge doping allegations (e.g., claims of sabotage). The International and domestic tribunals always have an aim for uniformity in anti-doping rules under WADA's World Anti-Doping Code.

Recent Developments in Anti-Doping Laws in India :

Important provisions :

1. Criminalizing the possession and trafficking of banned substances.
2. Strengthening penalties for support personnel involved in doping violations.
3. Expanding testing capabilities across India.

Use of Technology :

- Adoption of AI and data analytics to identify doping patterns and target high-risk athletes for testing.
- Collaboration with International Agencies
- NADA collaborates with WADA and other international bodies to enhance enforcement and testing standards.

Comparative Analysis with Global Practices :

United States (USADA): The US Anti-Doping Agency (USADA) has a robust framework supported by the Rodchenkov Anti-Doping Act, which criminalizes doping-related activities globally. India could adopt similar legislation to criminalize trafficking of performance-enhancing drugs.

Russia (RUSADA): After the state-sponsored doping scandal, RUSADA underwent major reforms. India can learn from Russia's challenges and enhance transparency in its anti-doping processes.

Australia: Comprehensive sports governance framework with strong anti-doping measures adopted in Australia

United Kingdom: Integration of sports law into national policy and athlete welfare programs enforced in UK.

India also have to adopt the policy in its national levels as incorporated by the above mentioned countries to make the sports of India become more stronger and healthier.

Following are some measure if incorporated will certainly create positive impact on the overall sports.

1. Simplify access to WADA and NADA guidelines.
2. Expand Testing Infrastructure Need to establish additional WADA-accredited laboratories in different regions. Require to Increase funding for NADA to enhance its testing and monitoring capabilities.
3. Education and Grassroots Awareness: Conduct mandatory anti-doping workshops for athletes, trainers, and sports officials. Introduce anti-doping education in school sports curricula. Conduct workshops and training sessions on anti-doping rules.



4. Technology-Driven Enforcement: Use blockchain technology for maintaining tamper-proof records of athlete samples. Leverage AI to identify and predict doping trends.
5. Collaboration with Pharma and Health Sectors: Work with pharmaceutical companies to control the distribution of performance-enhancing drugs. Develop safer alternatives for therapeutic use that comply with anti-doping rules.
6. Enhancing Athlete Awareness
7. Promoting Transparency
8. Mandate annual public audits of sports federations.
9. Establish an independent body for grievance redressal.

Conclusion:

Anti-doping laws in India have evolved significantly, yet challenges are manifold, such as lack of awareness, limited testing infrastructure, and procedural delays persist. But the recent enactment has a progressive step toward the movement against doping. The National Anti-Doping Act, 2022, which has a mark of India's unfaltering commitment to the global anti-doping movement. The Act is a manifestation of the Government of India's strong resolve for clean sport at all levels in the country in combination of enhanced technological adoption could strengthen enforcement and ensures fair play in sports. The prioritizing education, accountability, and international collaboration, India can emerge as a global leader in anti-doping efforts. India's sports ecosystem is at expanding exponentially due to the government policy. But at the same time the various vicious elements are entered into make it sometimes difficult. To tackle all this challenges need to address intelligently. Addressing legal and governance challenges is essential for fostering fair competition and international credibility. With stronger laws and transparent governance, India can unlock its full sporting potential.

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