



Doping Laws in India

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Abstract

The importance of sports in our lives cannot be overstated, as they often serve as a means of inspiring values such as teamwork, honesty, and competition. With the proliferation of various sports disciplines and the integration of modern scientific and technological methods, today's world of sports is a complex arena. With the high cost and stakes involved, winning has become a top priority. As a consequence, athletes/teams and their support networks sometimes turn against the legitimacy of the methods used to achieve success. There are urgent concerns that regulating such behavior is necessary, given the current situation. Doping and the use of banned substances pose significant legal challenges. The issue is complex but important. Also, it is important to consider the part played by international and national authorities in managing these matters. The increasing prevalence of addiction among youth globally is becoming more apparent, particularly in sports, where a considerable number of athletes are resorting to doping for enhanced performance. Doping is commonly viewed as an ethical and moral breach, presenting a significant global concern. It entails the use of specific substances or techniques meant to artificially improve physical abilities—such as increasing blood oxygen capacity to augment endurance and strength. However, the use of these substances can result in serious health risks, including infections, allergic responses, cardiovascular diseases, strokes, pulmonary embolisms, hypertension, acne, infertility in men, and irregular menstrual cycles in women. Doping poses not only a risk to athletes' health but also compromises the integrity of competitive sports. While anti-doping regulations are in place at both national and international levels, inconsistencies, and a lack of coordination among these regulatory bodies often impede effective enforcement. Organizations like the International Sports Federation and the Association of Indian Universities have been actively working to address doping through awareness initiatives and medical support. However, advancement remains minimal due to the ongoing development of sophisticated and challenging-to-detect doping strategies. This creates a considerable challenge for regulatory authorities responsible for identifying and curbing these practices. It is crucial for governments to remain updated on new and emerging performance-enhancing substances and to take proactive steps to regulate and limit their usage to maintain fair competition. This paper utilizes a doctrinal research approach to thoroughly investigate the doping issue in sports. It looks into the consequences and ramifications of doping, assesses whether performance enhancement through its use can ever be justified, and reviews the pertinent legal and judicial frameworks. Special focus is given to Indian anti-doping laws, landmark judicial decisions, and the roles and duties of the state and judiciary in tackling this intricate issue.

Keywords: Doping, Anti-doping regulations, Performance-enhancing substances, Legal challenges, Indian sports law

Introduction

Imagine putting in the necessary effort, experiencing physical discomfort and dedicating yourself to training for a sports competition with all your heart." Your confidence is rewarded as you progress through the ranks, only to encounter an opponent in the final who performs beyond your expectations. It seems like something unnaturally elevated their level of ability.¹ The situation presented here may seem like a sketch, but it highlights the alarming truth of sports. Why? Doping is the term used to describe the use of artificial substances or methods to improve athletic performance. These include, but are not limited to: anabolic steroids, cocaine, blood transfusions (blood doping), sedatives, stimulants, cannabinoids, diuretics and beta-blockers. While it was prohibited to use performance-enhancing drugs in 1928, the issue of using them is still a significant concern in competitive sports. Many athletes have faced doping convictions over the years, and some have even been temporarily suspended or banned from their sports. Why is this so? The practice hasn't been entirely stopped by these penalties. The World Anti-Doping Agency (WADA) and the National Anti-Doping agency (NADA), among other organizations in India, have taken substantial

actions to regulate doping and fight against it through testing. Additionally, they emphasize prevention of doping and education. But the story of doping rarely goes beyond apprehension and punishment. The long-term effects of using these substances are often underestimated by athletes. Why? Severe and long-lasting effects can occur, ranging from physical health issues to mental disturbances^[1]. When an athlete uses substances or techniques designed to enhance their physical performance, it is referred to as doping. Sports often rely on performance-enhancing drugs (PEDs), which can enhance physical abilities, endurance, or focus, thereby increasing the chances of success in competitions. The issue has become a global challenge, prompting the implementation of strict regulations and policies to address it. Physically or mentally boosted substances, such as performance-enhancing drugs, are prohibited by sports authorities. The majority of individuals using these drugs are athletes, military members, or bodybuilders; however, there are some students who use similar drugs in an attempt to improve their cognition. The use of anabolic steroids, stimulants, and diuretics, as well as growth hormones are commonly used to suppress PEDs. These drugs are often only obtainable through medical

supervision and require a prescription, as their use without authorization can cause significant health problems [2]. Ethical and moral concerns have arisen due to the widespread use of doping in sports at home and abroad. Sports are compromised by the use of performance-enhancing drugs, which is viewed as deceptive and unfair. Detecting doping has become more challenging due to the continuous development of new substances and methods, which has further complicated efforts towards maintaining a "clean competition". Athletes, trainers, coaches, and governing bodies are accountable for safeguarding against the use of prohibited substances that can artificially enhance performance.

Doping involves the use of banned substances on a large scale to gain competitive advantage. Even though it is explicitly prohibited by organizations like the IOC, it remains a widespread problem that has been actively pursued to eradicate its immoral and unlawful involvement in sports. Numerous athletes, whether intentionally or inadvertently, engage in doping without comprehending its detrimental effects on their physical and mental health. Fair play, effort, and mutual respect are fundamental to sports, but this undermines their traditional values. Increasingly, competitions are not just about sports; they offer athletes the chance to achieve fame, financial rewards or prestige by demanding recognition and performance. Doping refers to the use of substances or methods that have been deemed illegal by the World Anti-Doping Agency (WADA). The contemporary culture of competition, which places greater value on winning than on participating, is a significant contributor to this issue. Despite the implementation of numerous educational initiatives, frequent testing, and therapeutic measures, doping remains prevalent in sports. The development of more intricate and concealed methods of delivering performance-enhancing drugs has made it harder to regulate and enforce. However,

With the growing prevalence of international sporting events, efforts to combat doping have become more intense. WADA, a non-governmental organization established to coordinate the fight against doping in sports, has become the primary force in this regard. India established the National Anti-Doping Agency (NADA) to enforce and monitor anti-doping regulations at the national level, as per the principles of WADA. Talented young fans are often influenced by professional athletes who achieve their highest level of success. If these athletes are found to be doping, it creates a dangerous precedent and makes them more susceptible to being emulated by those who admire them. It is clear that addressing doping in a comprehensive and coordinated manner necessitates education, strict regulation, and the reaffirmation of sportsmanship as the fundamental principles of fair competition [3].

Causes of Doping

Doping is a popular activity among athletes due to various reasons, such as motivation to improve, intense pressure to achieve success, financial difficulties, and the influence of peers like coaches and other teammates. Certain people may use these substances to expedite injury recovery or better manage the demands of intense training. However, there are other applications for these drugs. Due to the intense competition and the apprehension of recognition, notoriety, and valuable sponsorships, athletes may feel motivated to pursue any means necessary or unethical. The drive to

succeed and the potential rewards that come with success can lead athletes to make dubious choices. The impact of cultural and societal factors is significant, particularly in settings where winning is the primary objective and doping is considered an essential means of staying competitive. Some instances involve athletes being encouraged or pushed into doping by their coaches and officials, without any self-sustained action. The situation is made worse by this, which contributes to a pattern of unethical behavior in sports [4].

Studies have consistently demonstrated that athletes frequently resort to doping in pursuit of their top-notch skills, popularity status, and financial success. It is common for athletes to be influenced or encouraged by their coaches, peers, sponsors, or family members. The perception and attitude of athletes towards doping are heavily influenced by the social, cultural context in which they reside and train. It is worth mentioning that genders do not typically have the same level of concern for performance-enhancing drugs, even in the most intense and competitive sports. The absence of comprehension and awareness about doping dangers and repercussions among athletes, coaches, and mentors is a significant concern at the grassroots level. This knowledge gap is one of the main reasons why there are so many doping scandals in India. Lack of a strong and effective governance structure has been largely responsible for the doping scandal in India. Political interference and a lack of accountability within sports organizations are further contributing to the problem. The focus on exceptional performance for securing sponsorships and investments in specific sports often leads to underreporting or inadequate response from authorities. Rather than being taken seriously as a profession, sports in India are often considered an entertainment option. Therefore, doping cases seldom generate sustained discussion or media coverage. The lack of regular national debate reduces the burden on sports administrators to formulate and enforce comprehensive anti-doping policies. The doping issue requires authorities to engage and raise awareness among the public [5].

Several researches have explored the multifaceted implications of doping, especially its association with psychological characteristics and social influence. Achieving a medal is the starting point for an athlete's career in Indian sports, followed by financial benefits and public recognition. A consequence of this advancement creates a situation where the pressure to sustain oneself and achieve success becomes intense. The athletes are always conscious of the advantages that come with playing at a high level, and this can lead to them seeking shortcuts through doping when external pressure is too strong. Not just the young; both junior and senior athletes are attracted to performance-enhancing drugs. Those with lower achievements may feel particularly driven to use them, as they believe their competitors have an advantage due to the drugs. Doping is more likely to occur in young or less experienced athletes when they feel the support or encouragement of their teammates. Why? Individuals with significant influence from their coaches may be more prone to using prohibited substances when they think it aligns closely with the expectations set for them.

The role of coaches is essential in this regard. There are situations where they can bear the direct responsibility by providing prohibited drugs or tying athletes with doping networks. Due to the pressure of delivering results, coaches may prioritize performance over ethics due to their job

security. Furthermore, the culture that an athlete creates, whether through coaches or support staff, can be a direct normalization of doping, particularly when winning is considered more crucial. Doping is viewed as an essential tactic by athletes who have a mindset that prioritizes winning over harming themselves. Figures reveal the scale of the problem, such as India having 107 infections [6]. In 2018, only a few countries had an edge in anti-Doping Rule Violations. Beyond external stimuli, there are several psychological factors that influence the decision to engage in doping. One of the primary factors is the unwavering desire to achieve success. Athletes are committed to their sport and frequently see success as the ultimate reward. Their preoccupation with ethical issues can be so perplexing that they believe only doping is effective. Similarly, the fear of failure is potent. In the face of intense competition, athletes often take drastic actions to ensure they do not disappoint others or themselves. The apprehension of losing can be overwhelming when their entire self is solely focused on playing sports. Peer pressure has a significant impact. Athletes frequently participate in tight-knit groups where the actions of one person can have repercussions. When doping occurs within a group, it can lead to individuals wanting to maintain their status and reputation. Moreover, there is the notion of invincibility. Individuals who participate may believe they can evade punishment from those they have encountered, believing their incompetence. A false sense of security fosters risk-taking behavior. Many athletes believe that the short-term benefits are worth more than the long-lasting consequences. The sudden surges in physical power, stamina, and recuperation can be so intense that they neglect the severe health and legal risks associated with doping. The problem is made worse by a lack of awareness. Many athletes may not realize the risks or physical harm that can result from doping, either mentally or physically. Why is this so? The importance of education in prevention is highlighted by this. It is important to note that financial constraints are a factor. Sponsorships, prize money, and career advancement can be a source of intrigue for athletes not competing at the top level, leading to ethical concerns. To sum up, doping in sports is a combination of individual motivation, external pressure, and systemic flaws. This requires not just more stringent enforcement, but also a change in the way success and competition are perceived by society [7].

The Effects of Drugs on Sports Professionals

This paper explores numerous materials which are usually utilized by athletes to decorate their overall performance and the consequences those materials can have. One such institution consists of androgens, which might be in the main used to reinforce the frame's herbal testosterone degrees. Higher testosterone degrees make a contribution to expanded muscle groups and strength, making them attractive to athletes in search of bodily advantages. Growth hormones and associated increase elements also are used to sell bodily enhancement, despite the fact that those materials are prohibited via way of means of anti-doping agencies. Research has proven that the usage of increase hormones can notably lessen fats mass whilst growing lean frame mass and sprinting capacity. These consequences are even greater reported whilst increase hormones are blended with testosterone, because of the sturdy anabolic effect they have got on muscles.

Stimulants are any other class of materials recognised for his or her capacity to enhance persistence, enhance anaerobic overall performance, lessen fatigue, sharpen alertness, and boost up response time. While stimulants as an entire are banned, caffeine is an exception. Many athletes eat power liquids that encompass a mixture of stimulants and components to decorate overall performance. Nutritional dietary supplements are extensively used withinside the athletic network and might comprise a combination of vitamins, herbs, minerals, plant extracts, and different compounds. Despite their prison availability, research have proven that a few dietary supplements bought on line or over-the-counter can be infected with banned materials, together with steroids or stimulants. This manner athletes might also additionally unknowingly eat a prohibited substance and fail a doping test.

There also are techniques geared toward enhancing oxygen delivery withinside the frame, together with blood transfusions and the usage of erythropoiesis-stimulating agents. These techniques decorate cardio capability and growth bodily stamina, supplying athletes a sizeable gain all through persistence events. In addition to overall performance-targeted materials, a few athletes use leisure tablets together with alcohol, cannabis, narcotics, and nicotine to control tension or lessen soreness due to severe education and competition. Narcotics, for example, are used for ache relief, whilst nicotine can be eating up to suppress urge for food and decorate concentration. Some athletes additionally flip to non-drug strategies to decorate their overall performance. One such technique is gene doping, a way that entails manipulating genes to enhance bodily traits. Training in excessive-altitude environments is any other approach, as it may stimulate expanded pink blood mobileular production (erythrocytosis). Certain research endorses that sound asleep at excessive altitudes at the same time as schooling at decrease elevations can also additionally offer higher edition than constant publicity to both surroundings alone. Additionally, modifications in nutritional styles are regularly made in a try to improve hemoglobin ranges withinside the blood.

While those materials and strategies can also additionally provide short-time period overall performance benefits, they arrive with extensive fitness dangers. The use of androgens, for instance, can cause a number aspect consequences such as decreased sperm production, infertility, liver damage, intellectual fitness troubles inclusive of melancholy and psychosis, and bodily modifications like zits and voice deepening [8].

Growth hormones and associated marketers can also additionally motive insulin resistance, diabetes, carpal tunnel syndrome, excessive blood pressure, and accelerated blood sugar ranges. Stimulants were related to mental consequences inclusive of tension, agitation, hallucinations, and insomnia, at the side of bodily signs like excessive blood pressure, headaches, nausea, tremors, and good sized weight loss. Techniques aimed toward growing oxygen ranges withinside the blood convey dangers as well, such as deep vein thrombosis, hypertension, strokes, and a selected sort of anemia because of antibodies. Recreational tablets additionally pose extreme fitness threats: alcohol can impair attention and motor skills; hashish can also additionally lessen alertness and short-time period memory, and make contributions to tension and psychosis; narcotics can also additionally cause addiction, gastrointestinal troubles, and

coordination problems; and nicotine is related to coronary heart disease, lung conditions, and diverse kinds of cancer. In conclusion, at the same time as the attraction of more desirable overall performance is strong, the outcomes of substance abuse in sports activities are far-achieving and doubtlessly devastating, affecting each the bodily and mental wellbeing of athletes.

Legal Framework of Doping Sanctions

The inception of the contemporary Olympic Games has fueled a rising enthusiasm not only for active involvement but also for passive consumption of sports as a form of entertainment. Along with the thrill and national pride inspired by sports events, this cultural trend has led to a growing call for the regulation of the related economic and legal activities. For instance, cricket enjoys a unique position as the most popular sport in India, despite it not being the designated national sport. In India, the governance of sports largely hinges on two factors: first, any modifications to sports law necessitate action from the State legislature;^[4] and second, the International Olympic Committee (IOC) advises against interference by public authorities in national sports governance^[9].

Sports law includes a range of legal issues that may come up in both amateur and professional international events. These issues often intersect with areas such as labor, competition, contract, tort, and criminal law, involving various parties like athletes, agents, governing bodies, and regulatory institutions. This multifaceted legal field requires a thorough comprehension of sport-specific regulations, the functioning of professional leagues, and applicable statutory frameworks. The commercialization and technological advances in sports have encouraged athletes to seek unfair advantages, sometimes compromising ethical standards by using performance-enhancing substances. This situation has made it essential to create legal presumptions aimed at preventing and tackling such anti-competitive conduct.

The principle of strict liability serves as a fundamental concept in various sports-related regulations, including those pertaining to doping, betting, and match-fixing. This discussion particularly centers on the legal frameworks surrounding doping, with comparisons made to other regulatory structures in sports.

Doping is not usually considered within the purview of criminal law, as it does not qualify as a criminal act. Even under civil law, this action is typically not recognized as a legal offense in itself, as athletes maintain control over their bodies—though this autonomy is subject to certain limitations. Efforts to eradicate the use of performance-enhancing drugs in sports demand coordinated action by sport's governing bodies. As stated in the Council of Europe's Charter against Doping in Sport, authorities are required to function within their designated competencies. The Council's Anti-Doping Convention advocates that member states establish strong anti-doping laws, support doping control laboratories, promote pertinent scientific inquiry, and launch educational programs to combat drug misuse. National and international sports federations are expected to make use of these laboratories and engage in mandatory testing, in alignment with the IOC and the World Anti-Doping Agency (WADA), including compliance with lists of prohibited substances and procedures. Athletes and their support staff found guilty of doping may face sanctions imposed by their national organizations^[10].

The Anti-Doping Convention highlights that doping jeopardizes not only the health of athletes but also the integrity and future of sports. It threatens the foundational ethical values outlined in the Olympic Charter, the UNESCO International Charter of Physical Education and Sport, and the European Union's Sport for All charter. The Strasbourg Convention addressed issues such as doping methods, categories of banned substances, and impacted athletes. In 1989, various European countries, including the UK, France, Switzerland, and Italy, ratified this convention. Under Article 7, signatory nations are responsible for synchronizing disciplinary measures across their sports organizations and ensuring athletes' entitlement to a fair hearing and the option of appealing domestic decisions. Doping regulations generally enumerate chemically related substances believed to enhance performance, with sanctions possible even for substances that are not explicitly included on banned lists if irregularities are identified. A proposal has been made for a panel of medical and legal experts to assess samples for anomalies and determine their implications, irrespective of whether the substance is listed among the officially prohibited ones.

The IOC and various sports organizations enforce standardized testing protocols, frequently performing random checks during significant competitions and implementing out-of-competition testing initiatives. These tests fulfill three key purposes:

1. safeguarding clean athletes;
2. confirming an athlete's drug-free status; and
3. Detecting violations of the rules. Jean-Philippe highlights two main legal issues in doping regulation: the difficulties in creating coherent legal frameworks and the conflict of interest presented by sports authorities that both oversee and enforce anti-doping policies.

The Lausanne Declaration represented a notable partnership among WADA, governmental and non-governmental entities, the IOC, National Olympic Committees, and sports organizations. It requires penalties for doping offenses that occur both during and outside competitions. Serious violations result in a minimum suspension of two years, although exceptional circumstances might lead to modifications. Coaches and officials may face harsher punishments for violating the Anti-Doping Code. Disciplinary measures under the International Association of Athletics Federations (IAAF) can involve suspension, formal hearings, and disqualification. Athletes are entitled to advance notification and an equitable hearing. A positive doping test result may result in a ban and retroactive disqualification effective from the date the sample was collected.

The IAAF adheres to a strict liability principle, which means no intent is necessary to prove a violation. This policy is designed to maintain fair competition by holding athletes responsible for any banned substances in their bodies, regardless of intent. Exceptions may be made if strong evidence indicates a lack of intent, but ignorance or failure to provide a satisfactory explanation usually does not suffice. This legal stance was upheld in the High Court ruling of *Gasser v. Stinson*. Ken Foster has expressed concerns about this policy, asserting that it could undermine athletes' legal protections and lead to unfair penalties that end careers. Nonetheless, criminal liability may still emerge,

as illustrated by cases involving British athletes punished for the use of nandrolone. The IAAF's unwavering position was highlighted in conflicts with UK Athletics regarding the doping incidents involving Linford Christie and Dougie Walker. The IAAF regarded a positive test result as sufficient evidence for guilt, enforcing bans even without the full cooperation of national organizations. This raised issues about the consistency of enforcement and the compatibility of IAAF regulations with domestic laws. In Christie's situation, the enforcement of the ban, despite his coaching responsibilities, further complicated the case. There is a growing need for legal alignment between international and domestic bodies to lessen confusion and appeals.

Opposition to strict sanctions continues, particularly in sports like football and cycling, where the two-year ban established in 2004 remains contentious. Legal challenges may emerge if such penalties are viewed as disproportionate under civil law criteria. Although doping scandals have affected numerous sports, including cycling, baseball, and athletics, the IAAF has intensified its testing protocols. High-profile incidents, such as Justin Gatlin's suspension after a positive steroid test in 2006, along with similar bans for athletes from Russia and Slovenia, highlight the widespread nature of the problem. The IAAF has committed to executing its most rigorous testing program thus far, with over 1,000 tests scheduled during its championships ^[11].

Institutional Framework

An efficient anti-doping program depends significantly on a strong institutional framework to encourage fair and clean competition in sports. In India, the fundamental element of this framework is the National Anti-Doping Agency (NADA), established in 2009 under the direction of the Ministry of Youth Affairs and Sports. NADA operates as an independent entity focused on enforcing anti-doping regulations throughout the nation. Its establishment marked a pivotal development in India's dedication to eliminating doping practices and aligning its efforts with the global standards set by the World Anti-Doping Agency (WADA). The main role of NADA involves coordinating and applying anti-doping initiatives across various Indian sports organizations, aiming to uphold the integrity and fairness of athletic events. NADA is responsible for a variety of tasks to ensure a fair playing environment. A major responsibility includes conducting doping control, which entails systematically testing athletes to identify the use of prohibited substances. These examinations take place both during competitions and throughout off-season periods, with athletes chosen randomly from a specified testing pool. Beyond testing, the agency actively engages in raising awareness through educational initiatives designed to inform athletes, coaches, and support personnel about banned substances, testing protocols, and the ethical significance of clean sport. Educational projects encompass workshops, seminars, and awareness campaigns that encourage understanding and compliance with anti-doping principles. Additionally, NADA investigates potential violations of anti-doping rules, ensuring that proper procedures are followed. Athletes have the chance to present their side and contest any negative findings in a fair and transparent way. In cases where athletes need medications containing banned substances due to legitimate medical reasons, NADA also manages the process for granting

Therapeutic Use Exemptions (TUEs). This ensures that necessary medical treatment does not unjustly penalize athletes while keeping the sport's integrity intact.

India's anti-doping approach is closely aligned with international initiatives, particularly through its partnership with WADA. By adopting and enforcing the World Anti-Doping Code (WADC), India shows its commitment to globally recognized anti-doping standards. This alignment guarantees that NADA's regulations and procedures are in line with international guidelines, facilitating smoother cooperation and mutual acknowledgment of sanctions and practices. Moreover, India engages in collaborative efforts outside of WADA by working with national anti-doping organizations from other countries, global sports federations, and international bodies. These collaborations support the sharing of knowledge, joint research, and the dissemination of effective methods. Collaborative research is crucial for advancing detection techniques and staying ahead of the ever-evolving doping methods. Additionally, international cooperation in education and outreach allows for the exchange of resources and strategies, contributing to a more extensive global movement towards clean sport ^[12].

Effectiveness & Anti-Doping Policies

The topic of doping within Indian sports gained considerable focus during the 1982 Asian Games, where numerous athletes, especially weightlifters, were given harmful substances without proper oversight. This event signaled the onset of serious worries regarding doping practices in the nation. In response to this challenge, India founded the National Anti-Doping Agency (NADA) in 2009, operating under the Ministry of Youth Affairs and Sports. NADA was established to tackle doping and align India's efforts with the international benchmarks set by the World Anti-Doping Agency (WADA). However, the direct application of WADA's framework, without customizing it to fit India's unique legal and practical circumstances, raised questions about its efficiency. One of the key issues related to anti-doping regulations is their true effectiveness in curtailing doping in sports. While events held under rigorous anti-doping protocols signify an important advance toward achieving a drug-free sporting environment, these regulations often face criticism for being excessively harsh. Although numerous doping incidents have been addressed under the existing laws, there remains an ongoing debate about whether these actions have led to significant improvements in the overall sports field. A significant component of this discussion revolves around WADA's function in assessing the effectiveness of anti-doping initiatives worldwide. A long-term resolution may involve changing athletes' attitudes so they willingly adopt clean sport principles and adhere to anti-doping regulations. Moreover, consistent policy enforcement, clear visibility of punishments, and backing from various sporting entities can aid in establishing a more trustworthy anti-doping framework.

WADA's primary aim is to ensure athletes' rights to compete in an environment free of drugs, while also fostering health, fairness, and equality in the realm of sports. Nevertheless, putting anti-doping regulations into action frequently entails rigorous legal processes, especially when handled by appropriate tribunals. According to Article 2 of the World Anti-Doping Code, athletes are strictly accountable for any banned substances detected in their

systems, meaning they hold responsibility regardless of their intention or negligence. When an athlete tests positive for the first occasion, penalties are comparatively lenient; however, repeated offenses result in more severe repercussions. Based on Article 10.2, a second infraction could lead to a two-year suspension, while Article 10.7.2 stipulates that a third breach may result in a lifetime ban. Furthermore, Article 10.8 requires that any medals, awards, or honors earned by an athlete found guilty of doping may be revoked. The responsibility of proof in doping allegations primarily rests with the athlete, as stated in Article 3 of the Code. Once the anti-doping organization provides evidence of an infraction, the athlete is tasked with demonstrating their innocence based on the balance of probabilities. They may defend themselves by offering credible justifications, documentation, or other pertinent information. On the national front, NADA is crucial in preserving the integrity of Indian sports. It is tasked with executing anti-doping measures, carrying out tests, and enhancing awareness in line with WADA's Code. Although NADA has come under fire for perceived insufficient testing, officials have countered these claims by pointing out that over 4,000 tests are administered annually, not accounting for interruptions caused by the COVID-19 pandemic. Research covering a five-year span has indicated a marked decrease in doping cases in India, implying that the agency's initiatives have yielded a positive outcome. Nonetheless, challenges remain, particularly as NADA was still developing during the mid-2010s and faced obstacles in adapting WADA's intricate guidelines to fit within the Indian legal and sports framework.

Instances in which athletes faced penalties for using commonplace medications without realizing they contained banned substances have sparked concern. These incidents have led regulatory organizations like the Board of Control for Cricket in India (BCCI) to work more closely with NADA and pursue policy changes. Following the appointment of specialized officials, a systematic approach to tackling doping-related issues has been established, enhancing the overall effectiveness of the national anti-doping framework. Crucially, the WADA Code does not accept ignorance or lack of intent as valid defenses, creating difficulties for athletes trying to evade sanctions unless they can present strong evidence. Although there are provisions for reducing penalties in extraordinary situations, the principle of strict liability continues to be a fundamental aspect of the global anti-doping framework, emphasizing the necessity for vigilance, education, and adherence among all parties involved^[13].

The National Anti-Doping Act 2022

The issue of widespread doping in Indian sports gained significant attention during the 1982 Asian Games, as inadequate testing measures allowed many athletes, particularly weightlifters, to use performance-enhancing drugs without detection. This raised increasing concerns regarding fairness and the health of athletes. To address these issues, India established the National Anti-Doping Agency (NADA) in 2009 to oversee and prevent such practices. However, NADA adopted the World Anti-Doping Agency (WADA) protocols without customizing them to suit India's unique legal and sporting environment, leading to questions about the overall effectiveness of anti-doping efforts. The effectiveness of anti-doping regulations remains

a subject of discussion. While competitions free of doping are celebrated as significant achievements, consistently reaching this goal proves to be a challenge. Stricter policies often face criticism, especially when their effects on the wider sports environment are unclear. Several individual cases have been examined under anti-doping regulations, but their impact on the overall sports industry is still debated. The responsibility for evaluating these initiatives largely falls on WADA. A key aspect of enhancing compliance involves motivating athletes to willingly engage in clean sports and guaranteeing that all substances utilized are legally acquired.

WADA's main objective is to uphold the integrity, health, and fairness of global sports. Nevertheless, the implementation of its code is often considered overly strict due to legal processes. According to Article 2 of the WADA Code, athletes are held strictly responsible for any prohibited substances found in their bodies, regardless of their intent. While a first offense might incur a moderate penalty, subsequent violations face increasingly harsh repercussions — a second infraction can lead to a two-year suspension, while a third may result in a lifetime ban. Furthermore, Article 10.8 stipulates that all awards and titles must be forfeited if doping is proven. Article 3 of the Code places the onus of proof on the athlete, who must demonstrate their innocence once the charges are presented. The decision relies on the balance of probabilities, and athletes are required to provide convincing explanations or evidence to evade sanctions. At the national level, NADA plays an essential role in implementing these protocols and ensuring that Indian athletes are educated, tested, and safeguarded. Although some critics have questioned its effectiveness in identifying doping cases, NADA maintains that it conducts over 4,000 tests each year, showing a notable decline in doping incidents over a five-year period. Despite the advancements made, there are still hurdles to overcome, particularly since NADA began actively enforcing regulations only in 2016. During this early stage, some athletes faced sanctions for using over-the-counter medications without being aware of their banned components. Since then, the Board of Control for Cricket in India (BCCI) and other parties have collaborated with NADA to rectify these concerns, especially after the hiring of key officials who improved anti-doping initiatives to align with WADA standards.

The WADA Code does not recognize ignorance or lack of intent as acceptable defenses, which creates significant challenges for athletes attempting to prove their innocence. Even though there are options for reducing penalties in unique cases, these are seldom granted. The ongoing conversation now includes the proposal to criminalize doping in India. According to reports, the Law Ministry has drafted a bill that would classify the use of performance-enhancing drugs as a criminal offense. A timeline for its implementation has also been suggested by NADA. Although several years have passed since India adopted the UNESCO International Convention against Doping in Sport, the nation has yet to fully embrace all its recommendations. The National Sports Development Bill, first presented in 2011 and later revised, contains measures intended to address this shortfall. While India's current sports code includes certain anti-doping regulations, they do not meet the extensive standards outlined in the proposed legislation. The law also tackles situations where coaches or medical

staff administer prohibited substances without the athlete being aware—an issue reportedly experienced by athletes in regions like Tamil Nadu. To tackle these problems effectively, stronger legal structures are essential. Penalizing coaches and sports professionals involved in doping could discourage such activities. With India being among the leading countries for doping violations in recent years, the need for criminal legislation is pressing. While this might have consequences that extend beyond the realm of sports, it is crucial to safeguard athlete welfare and maintain the integrity of competitive sports in the nation.

On August 12, 2022, the Indian Parliament promulgated the National Anti-Doping Act, 2022 following numerous prior endeavors to enact analogous legislation. The Act aspires to fortify India's anti-doping infrastructure by safeguarding the rights of athletes, augmenting institutional capabilities, and facilitating the nation's ability to host prominent international sporting events. The legislation accentuates India's commitment to upholding integrity and fairness in sports in alignment with international norms while endeavoring to streamline the administration of justice and enhance coordination among pertinent agencies. The principal aims of the Act encompass bolstering anti-doping institutions, protecting athlete rights, ensuring prompt resolution of doping allegations, fostering inter-agency collaboration, and affirming India's allegiance to equitable sporting practices. Furthermore, it stipulates provisions for independent adjudication of doping-related issues, formal acknowledgment of the National Anti-Doping Agency (NADA) and the National Dope Testing Laboratory (NDTL), expansion of dope-testing infrastructures, and avenues for employment, scientific inquiry, and domestic manufacture of supplements under regulated standards^[14].

Key Features of the National Anti-Doping Act, 2022

Prohibition of Doping

This Act prohibits athletes and their support teams—comprising coaches, trainers, medical staff, and team members—from engaging in doping activities^[15]. Doping is defined as any Anti-Doping Rule Violation (ADRV), which encompasses the presence or use of prohibited substances, trafficking, refusal to provide samples, failure to keep track of whereabouts, and attempts to hide such infractions. Both athletes and their support teams must be informed about these rules and the repercussions of violating them^[16].

Therapeutic Use Exemption (TUE)

Athletes needing banned substances for legitimate medical purposes may request a Therapeutic Use Exemption from NADA. If the request is rejected, the athlete has the right to appeal the decision to a designated appellate panel^[17].

Penalties for Violations

Section 6 of the Act specifies the penalties for doping infractions, which may include disqualification, suspension, and forfeiture of awards, financial penalties, and public disclosure. These sanctions are determined by the National Anti-Doping Disciplinary Panel following a formal hearing^[18].

Recognition of NADA as a Statutory Body

NADA, which previously operated as a registered society, has now become a statutory entity under the Act. Its duties include planning and supervising anti-doping initiatives,

investigating suspected breaches, and encouraging scientific research. Additionally, NADA is responsible for establishing various committees focused on therapeutic exemptions, investigations, testing, results management, and education^[19].

Leadership and Governance

The National Anti-Doping Agency (NADA) will be led by a Director General (DG) appointed by the Central Government for a three-year term. The government holds the power to remove the DG for misconduct, incapacity, or other justified reasons after following due process.

Establishment of the National Anti-Doping Board

The Act establishes a National Board for Anti-Doping in Sports charged with overseeing implementation, advising on international commitments, and producing an annual report on its activities, which will be presented to Parliament.

National Anti-Doping Disciplinary Panel

This panel is formed to rule on doping cases and decide on suitable penalties. It consists of a chairperson and multiple Vice-Chairpersons with legal backgrounds, alongside members who have medical expertise or are former athletes.

National Anti-Doping Appeal Panel

The appeal panel reviews disputes concerning the denial of therapeutic exemptions, sanctions for doping violations, or other decisions made under the Act. This panel also includes legal professionals and seasoned individuals from the sports or medical fields. Further appeals may be taken to the Court of Arbitration for Sport, an international organization dealing with sports disputes.

Doping Control Procedures

The Act grants agency officials the authority to inspect facilities, seize items, and collect samples if there is just cause to suspect a doping violation. After a positive test result, NADA will inform the affected individual and may commence disciplinary action unless the athlete opts to waive their right to a hearing.

National Dope Testing Laboratory (NDTL)

The Act officially incorporates the NDTL and allows for the establishment of additional laboratories to perform tests and analyses. These facilities are responsible for conducting sample testing for both national and international events and have the authority to carry out other tasks as needed.

Data Collection and Transparency

The Act permits NADA to gather and manage personal data from athletes, including gender, medical history, and whereabouts for out-of-competition testing. Procedures for managing this information will be established, and certain details, such as the identities of sanctioned athletes and violations, will be made publicly accessible^[20].

The enactment of the National Anti-Doping Act represents a crucial advancement in showcasing India's dedication to fostering clean sports and aiding its athletes. Through this legislation, India has aligned itself with approximately 30 countries — including the United States, China, France, Australia, Japan, and South Korea — that possess formal anti-doping laws and specialized testing laboratories. The aim of this Act is to maintain the highest levels of integrity

in sports, both domestically and internationally. It closely follows the principles outlined in the International Convention against Doping in Sport and the World Anti-Doping Code. Despite these positive developments, there are ongoing concerns regarding the autonomy of the bodies established by the Act. According to global standards, especially those established by the World Anti-Doping Code, national anti-doping organizations must function independently and in the interest of the public. They should operate without improper influence from governmental agencies or national sports organizations, particularly in aspects like selecting athletes for testing, handling rule violations, and deciding on penalties. Nonetheless, the Act grants the Central Government substantial control over the leadership of the National Anti-Doping Agency, including the authority to appoint and dismiss the Director General based on government-determined criteria. This extensive control could jeopardize the agency's independence and lead to conflicts with international standards that demand operational autonomy. Similarly, the Act allows the governing board to set up and supervise both the Disciplinary Panel and the Appeal Panel, with the authority to remove members according to rules that will be established in future regulations. These regulations are not clearly described in the Act, and there is no clear requirement for panel members to have an opportunity to respond before being dismissed. This absence of procedural protections and transparency might undermine the impartiality and independence of these panels, raising additional concerns about their capacity to operate free from external influence or bias.

Conclusion

Doping remains a significant ethical, legal, and medical issue in competitive sports, both worldwide and in India. The rising inclination among athletes to utilize performance-enhancing drugs endangers not only their health and welfare but also compromises the integrity of sports and the concept of fair play. Even with initiatives by the World Anti-Doping Agency (WADA) and India's National Anti-Doping Agency (NADA), there are still shortcomings in execution, enforcement, education, and the autonomy of institutions. The implementation of the National Anti-Doping Act in 2022 represents a critical legislative advancement in India's pursuit of a more efficient anti-doping framework. It institutionalizes NADA and the National Dope Testing Laboratory (NDTL), reinforces disciplinary structures, and aligns national initiatives with global standards. Nonetheless, the Act still raises issues regarding the independence of anti-doping organizations, the inflexibility of the strict liability principle, and the absence of procedural protections for athletes. The sports environment in India continues to contend with socio-cultural pressures, insufficient awareness, and weak grassroots governance, all contributing to the occurrence of doping. Athletes, particularly young individuals facing financial hardship, frequently become victims of these pressures, sometimes encouraged or coerced by coaches, peers, or systemic failures.

Suggestions

Guarantee Institutional Independence

Revise the National Anti-Doping Act, 2022, to ensure complete operational autonomy for NADA and associated

panels free from governmental interference, adhering to WADA standards. There should be legally mandated independent processes for the selection and removal of adjudicators and directors.

Enhance Grassroots Education and Awareness

Broaden anti-doping education through sports programs at schools and colleges. Information on the health dangers, ethical considerations, and legal repercussions of doping must be incorporated into training programs for athletes, coaches, and medical personnel.

Establish a Holistic Rehabilitation Mechanism

For first-time or minor offenders, prioritize rehabilitation and counseling rather than solely punitive actions. This compassionate approach would support reintegration while upholding anti-doping standards.

Create India-Specific Testing and Enforcement Protocols

Tailor WADA's global standards to fit India's distinct legal, medical, and infrastructural contexts. This would improve compliance and enforcement efficiency without sacrificing fairness.

Improve Testing Infrastructure and Transparency

Expand the number of accredited dope-testing laboratories throughout the country. Ensure that testing methods and results are transparent while safeguarding athlete privacy through strong data protection measures.

Criminalize Malpractice by Support Personnel

Coaches, doctors, and agents who intentionally provide or endorse doping to athletes should face severe criminal penalties. This would help combat systemic abuse and deter coercive actions.

Promote Inter-Agency and International Cooperation

Encourage increased collaboration among NADA, educational institutions, the judiciary, and global anti-doping bodies for policy synchronization, research, and technical assistance.

Establish a National Registry and Analytics Platform

Create a centralized database of doping infractions and patterns to enable data-driven policymaking, early detection, and focused educational outreach.

If these reforms are effectively enacted, they would significantly enhance India's dedication to clean sport, advocate for athletes' rights, and bolster the credibility of its sports institutions on the international stage.

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