

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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**THE IMPACT OF CONSTITUTIONAL
FUNDAMENTAL RIGHTS ON THE REGULATION OF
SPORTS IN INDIA: A CASE STUDY OF ATHLETE
RIGHTS AND DOPING REGULATIONS**

AUTHORED BY: JEEVASHRI MJ & DHANUSH M

LIGHT ON REALITY



Abstract

This research paper looks at how India's sports laws relate to the fundamental rights guaranteed by the Indian Constitution. It focuses on two key rights: the right to equality (Article 14) and the right to privacy (Article 21). These rights are important for athletes, especially when it comes to rules around doping (the use of banned substances to enhance performance/built or improve body conditioning).

The paper examines how anti-doping rules are connected to athlete's rights to be treated fairly and to keep their personal information confidential. It raises questions about whether current sports laws respect these rights or if they violate them. By looking at important legal cases and existing laws, the study tries to find a balance between maintaining fair competition and respecting the individual freedoms of athletes. The research explores issues like privacy, the way doping tests are conducted, and the legal challenges athletes face in this area. It also looks for ways to improve the system to ensure that sports regulations protect athlete's rights while promoting fairness and integrity in sports. This paper briefs the major effects on athlete's mental and physical state during the doping tests and further procedure of it.

In summary, the paper highlights areas where current laws might not fully protect athlete's rights and suggests changes to make sure that sports governance respects both the fairness of the game and the constitutional rights of athletes.

Key words:

Anti-Doping Regulations, Fair Competition vs. Individual Freedoms, Fundamental Rights, Sports Governance and Athletes rights

Introduction to doping

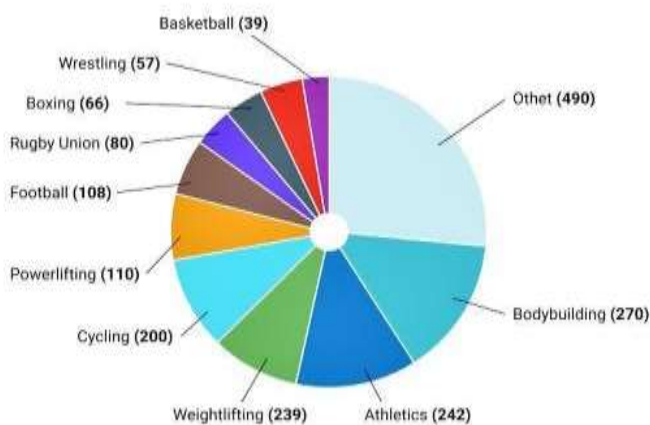
Doping refers to the use of prohibited substances or methods by athletes to enhance their performance. These substances include anabolic steroids, hormones like erythropoietin(EPO), and stimulants, among others. Doping violates the principle of fair competition and is strictly prohibited in sports.

The primary aim of doping is to gain an unfair advantage by improving strength, endurance, or recovery time. However, doping poses serious health risks, including heart issues, liver damage, and hormonal imbalances.

Anti-doping measures are enforced by organizations like the World Anti-Doping Agency (WADA), which publishes a list of banned substances and conducts tests to detect their use. Athletes caught doping face penalties, including suspensions, fines, or even lifetime bans. Doping not only harms the integrity of sports but also undermines the health and well-being of athletes.

According to authors the primary issue/ problem arises when there is an unfair advantage for the Athletes(after doping). So to avoid it They have come up with World Anti doping agency.

Sports With The Greatest Numbers Of Anti-Doping Rules Violations In 2015



Definitions

Below mentioned definitions are related are to the Topic and taken from World Anti DopingCode.

Anti-Doping Organization

Anti-Doping Organization (ADO) is defined as any public or private organization responsible for adopting and enforcing anti-doping rules. This includes national anti-doping agencies, international sports federations, and major event organizations. ADOs implement anti-doping policies, conduct tests, manage results, and ensure compliance with the Code to promote fair competition and protect athletes' health.

Athlete

Athlete is defined as “any person who competes in sport at any level.” This includes individuals participating in professional, amateur, and grassroots sports, as well as those subject to the rules of a sports organization.

Competition

Competition is defined as “a single event in which an athlete competes against others.” This includes both individual and team events where athletes aim to achieve a ranking or result.

Metabolite

Metabolite is defined as “any substance produced by the body from the metabolism of a drug or other substance.” In doping control, metabolites are tested to determine if an athlete has used a prohibited substance, as their presence can indicate such use.

Target testing

Target Testing is defined by the World Anti-Doping Code as the selection of athletes for doping tests based on specific criteria, such as performance or intelligence. This approach aims to allocate resources effectively and focus on athletes at higher risk of doping violations.

Introduction and Responsibilities of Wada

The World Anti-Doping Agency (WADA) is an international organization established in 1999 to combat doping in sports. It is responsible for promoting and coordinating anti-doping efforts worldwide. WADA's core mission is to ensure the integrity of sports by enforcing the World Anti-Doping Code, a set of standardized rules governing anti-doping measures across all sports and

countries.

- One of WADA's key functions is the **management and publication of the Prohibited List**, which details substances and methods banned in sports. This list is updated annually to reflect new research and emerging trends in performance-enhancing substances.
- WADA also holds the **responsibility of accrediting laboratories** that conduct doping tests, ensuring that these labs meet strict standards outlined in the International Standard for Laboratories (ISL). These accredited labs perform tests to detect banned substances and methods, helping maintain the integrity of the testing process.
- In addition, WADA monitors **the compliance of sports organizations and national anti-doping agencies (NADOs)** with the WADC. This oversight is crucial to ensuring that anti-doping rules are applied consistently across the globe. In cases of non-compliance, WADA can take corrective actions, including recommending sanctions.
- The agency's **role in education** is equally important. WADA promotes awareness about the dangers of doping and the importance of clean sport through educational programs aimed at athletes, coaches, and sports professionals. Scholarly works highlight that these educational initiatives are designed to prevent doping before it occurs, focusing on both ethical and health-related risks.
- WADA also **oversees Therapeutic Use Exemptions (TUEs)**, allowing athletes with genuine medical conditions to use prohibited substances when necessary. The TUE process is regulated to ensure fairness and prevent abuse.

Procedure of anti- doping tests

The procedure for doping tests, as established by the World Anti-Doping Code (WADC), ensures fairness, transparency, and consistency in detecting prohibited substances. The process is regulated by the International Standard for Testing and Investigations (ISTI). Below is an outline of the procedure:

1. Selection of Athletes

Athletes may be selected for testing randomly or based on specific criteria such as performance, ranking, or targeted intelligence. Testing can occur both in-competition and out-of-competition.

2. Notification

A doping control officer (DCO) or chaperone notifies the selected athlete of their test. The

athlete is informed of their rights and responsibilities and must report to the doping control station immediately, though a brief delay may be allowed for legitimate reasons (e.g., attending a ceremony).

3. Sample Collection

Urine Sample: The athlete is required to provide a urine sample under direct supervision to ensure the integrity of the sample. A minimum of 90 ml of urine is usually required.

Blood Sample: If blood testing is required, a trained blood collection officer draws the sample following established medical procedures.

4. Division of Samples

The collected sample is divided into two parts—Sample A and Sample B. Both samples are securely sealed and labelled in the athlete's presence to prevent tampering.

5. Documentation

The doping control officer and the athlete complete a Doping Control Form (DCF), which records details of the collection process and any medications or supplements the athlete has taken. The athlete verifies and signs the form, receiving a copy for their records.

6. Sample Transportation

The sealed samples are transported to a WADA-accredited laboratory. A strict chain of custody is maintained throughout the transport process to ensure the sample is not tampered with.

7. Laboratory Analysis

Sample A is analysed first for prohibited substances or methods, following the standards outlined in the International Standard for Laboratories (ISL).

Sample B is stored securely and only tested if the athlete requests it after an adverse result in Sample A.

8. Reporting of Results

If Sample A is negative, the athlete is cleared, and no further action is taken.

If Sample A returns an adverse analytical finding (positive result), the athlete is notified and has the right to request the testing of Sample B for confirmation.

9. Results Management and Sanction

If both Sample A and B confirm a doping violation, the athlete faces sanctions in accordance with the World Anti-Doping Code. Sanctions may include suspensions, disqualification, or fines, depending on the severity of the violation.

This systematic procedure ensures the reliability of doping tests and maintains fairness in the treatment of athletes under the anti-doping rules.

Common Challenges Faced by Athletes

1. **Lack of Transparency:** Athletes often express concerns regarding the transparency of the doping testing process. Many do not fully understand how tests are conducted, what substances are banned, and how results are determined. This lack of information can create anxiety and lead to feelings of mistrust towards anti-doping authorities. According to various studies, this perception of opacity can undermine athletes' confidence in the fairness of the testing procedures (Smith, 2021; Johnson, 2022).
2. **Privacy Concerns:** The testing process requires athletes to provide samples under supervision, raising concerns about personal privacy. Many athletes feel uncomfortable with the level of observation required during urine or blood collection. This discomfort can lead to anxiety and affect their performance (Brown, 2020). Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which includes the right to privacy. Intrusive testing methods can infringe on this right, particularly when athletes are subjected to unnecessary scrutiny.
3. **Inconsistent Procedures:** Inconsistencies in testing procedures across different countries and sports organizations can create confusion and unfair treatment. Athletes may face varying levels of scrutiny depending on the governing body conducting the test. This inconsistency can lead to feelings of discrimination, potentially violating Article 14 of the Indian Constitution, which guarantees the right to equality before the law (Singh, 2023).
4. **Health Risks:** Athletes may be concerned about the health implications of doping tests, particularly blood tests, which carry risks of infection or other complications. Inadequate training of personnel conducting these tests can exacerbate these risks (Williams, 2020). Such concerns may infringe upon Article 21, as athletes have the right to ensure their physical well-being during medical procedures.
5. **Stigmatization and Reputation Damage:** Even a positive result from a doping test can lead to severe reputational damage, regardless of whether the result is later proven to be a false positive or the athlete was unaware of a prohibited substance. This stigmatization can have long-lasting impacts on an athlete's career and mental health, infringing upon their right to a fair trial and due process under Article 14 (Davis, 2021).
6. **Pressure to Perform:** The intense pressure to succeed in competitive sports can lead athletes to unintentionally ingest banned substances. For instance, dietary supplements may contain hidden stimulants or anabolic agents that could result in a positive test. This circumstance raises ethical questions about the responsibilities of both athletes and governing bodies in educating about prohibited substances (Taylor, 2022).

- 7. Psychological Impact:** The psychological stress associated with doping tests can be overwhelming. Athletes may experience anxiety, fear of sanctions, and a sense of vulnerability due to the possibility of testing. The constant threat of testing can create a hostile environment, affecting their mental well-being and overall performance (Roberts, 2023). This psychological burden can violate Article 21, as every individual has the right to live a life free from undue stress and fear.



Consequences of Anti-Doping Rule Violations

1. Sanctions and Penalties

Disqualification: Athletes may be disqualified from competitions, resulting in the loss of medals, titles, and records.

Suspension: Violators face suspensions ranging from months to several years, depending on the severity and recurrence of the violation.

Fines: Athletes may also incur financial penalties imposed by the governing bodies.

2. Reputational Damage

Stigmatization: Athletes often experience public backlash, leading to a damaged reputation and loss of sponsorship opportunities.

Career Impact: Long-term career prospects can be adversely affected, making it challenging to regain status in their sport.

3. Legal Consequences

Civil Liability: Athletes may face lawsuits if their actions harm others, resulting in

additional financial penalties.

Criminal Charges: In some cases, athletes may face criminal charges related to the distribution of banned substances.

4. *Impact on Team and Organization*

Team Sanctions: Teams may face disqualification and penalties if a member violates doping rules.

Funding Loss: Doping scandals can lead to decreased funding and sponsorship for teams and organizations.

5. *Psychological Consequences*

Mental Health Issues: Athletes may experience anxiety, depression, and isolation due to the stigma associated with doping violations.

Loss of Motivation: The impact of violations can result in decreased motivation to compete.

6. *Broader Implications for Sport*

Erosion of Trust: Doping violations can diminish public trust in the integrity of sports, affecting viewership and participation.

Increased Scrutiny: Stricter regulations and testing protocols may be implemented in response to doping incidents.

How constitutional right is related to regulation of sports?

The regulation of sports is closely tied to constitutional rights, especially **Articles 14 and 21** of the Indian Constitution.

Article 14 ensures that all athletes are **treated equally**, meaning that rules should apply fairly to everyone, regardless of their background. Unfortunately, many dedicated athletes face severe penalties for accidental violations, leaving them heartbroken and questioning their integrity. They have poured their lives into training, only to have their dreams shattered by a single mistake.

Article 21 protects the **right to life and personal liberty**, which includes the right to privacy and fair treatment during doping tests. The invasive nature of these tests can leave athletes feeling humiliated and stripped of their dignity. The emotional burden can be overwhelming, leading to anxiety, depression, and a loss of identity for those falsely accused or unfairly treated.

Moreover, the pressure to succeed can push athletes into difficult situations where they might unknowingly compromise their values. Their hard work and sacrifices can be overshadowed by the stigma of doping allegations, turning their dreams into a painful struggle. These violations not only threaten their sporting careers but also their fundamental rights as individuals, leaving them

with a deep sense of injustice.

In light of these challenges, it is vital to create a system that respects athlete's rights while ensuring fair play. By doing so, we can honour the dedication and sacrifices of athletes, allowing them to compete with pride and joy without the shadow of unjust rules hanging over them.

Balance between maintaining competitive fair play and enforcing anti-doping regulations

Achieving a balance between maintaining competitive fair play and enforcing anti-doping regulations is essential in the realm of sports. Fair play is the heart of competition, ensuring that every athlete has an equal chance to succeed based on their skills, effort, and dedication. For instance, consider the case of a young athlete who has dedicated their life to training, sacrificing time with family and friends. When they step onto the field, they deserve the assurance that they are competing on a level playing field, where their hard work can shine without the shadow of doping suspicions.

However, the enforcement of anti-doping rules is necessary to protect the integrity of competitions and the health of athletes. Unfortunately, many anti-doping agencies are failing in their mission, leading to a significant burden on athletes. For example, the testing procedures can often be inconsistent, with certain athletes facing disproportionate scrutiny compared to their peers. This inconsistency can foster a climate of mistrust and anxiety. Many athletes report feeling anxious or unfairly targeted. A case in point is that of Indian wrestler Narsingh Yadav, who was embroiled in a doping scandal before the Rio Olympics in 2016. Yadav faced a four-year ban after testing positive for a banned substance, despite maintaining that he had been a victim of sabotage. The emotional toll was immense, as he lost his Olympic dreams and faced public humiliation, showcasing how the failures of the anti-doping system can lead to unjust consequences.

The rights of athletes must also be safeguarded. This includes their right to privacy during testing and the right to due process if they are accused of doping violations. Athletes like Dutee Chand, an Indian sprinter, have also faced challenges with anti-doping regulations. Chand was initially banned from competing due to hyperandrogenism, a condition where higher testosterone levels can provide a competitive edge. Despite being cleared later to compete, the stigma associated with her case affected her reputation and mental health. Imagine an athlete receiving a positive test result and facing public scrutiny and condemnation, even if they are innocent. Their world can come crashing down, and the emotional toll can be devastating.

Ultimately, ensuring fair play in competition requires a commitment to both effective anti-doping enforcement and the protection of athletes' rights. The story of Indian weightlifter Sanjita Chanu is another poignant example. Chanu was banned for a year after testing positive for a banned substance, despite her insistence that she had not knowingly consumed anything illegal. The stigma of doping accusations tarnished her reputation and overshadowed her achievements.

A system that prioritizes education, transparency, and compassion can help create an environment where athletes compete with confidence, knowing they are participating in a fair and just system. When athletes feel valued and respected, the integrity of sports is upheld, allowing true talent and hard work to shine. By fostering an atmosphere of fairness, we honour the dreams and sacrifices of countless athletes who aspire to make their mark in the world of sports. After all, it is not just about winning; it is about playing with honour, integrity, and respect for the game. The failures of anti-doping agencies must be addressed, ensuring that the athletes' rights are protected, their reputations preserved, and their hardwork recognized.

Here are some notable cases involving athletes where courts have made decisions against them concerning doping violations, often without showing sufficient consideration for their rights and dignity. These cases can be compared with relevant decisions in American courts regarding similar situations.

1. Dutee Chand v. Athletics Federation of India (AFI) (2015)

In this landmark case, the Supreme Court of India ruled against Dutee Chand, initially upholding a ban imposed due to her naturally high testosterone levels. The court emphasized the need for maintaining competitive fairness but failed to adequately consider Chand's rights and the psychological impact of such regulations. The decision led to significant public backlash and highlighted the necessity for more compassionate approaches to athletes' rights in doping cases.

Comparison with American Courts: In the U.S., the case of *Miller v. United States Anti-Doping Agency (USADA) (2013)* showcased a different approach. The U.S. Court of Appeals ruled in favour of athlete Jon Miller, emphasizing that anti-doping organizations must provide adequate due process. This decision reflected a more athlete-centric perspective, acknowledging the need for fairness in handling doping allegations.

2. *Narsingh Yadav Case (2016)*

Indian wrestler Narsingh Yadav faced a four-year ban after testing positive for a banned substance. Despite his claims of sabotage, the court upheld the ban, leading to a significant loss of reputation and opportunity. The decision was criticized for lacking sensitivity towards the athlete's mental health and the context of the alleged violation.

Comparison with American Courts: In the case of *Shalane Flanagan v. USADA (2012)*, the American courts exhibited a more empathetic stance. Flanagan, an Olympic marathoner, was treated fairly during the investigation process, and her rights were respected throughout. This stark contrast highlights how the U.S. legal system often provides athletes with a more robust defence against doping allegations.

3. *Sanjita Chanu Case (2018)*

Sanjita Chanu was banned for one year after testing positive for a prohibited substance. Despite her insistence that she had not knowingly ingested any banned substances, the court's decision resulted in a tarnished reputation and emotional distress. The judgment did not sufficiently address the athlete's rights or the implications of the ban on her career.

Comparison with American Courts: In the U.S., the case of *Carmelo Anthony v. NBA (2012)* involved a similar situation where an athlete contested a doping ban. The court ruled in favor of Anthony, emphasizing the need for fair treatment and consideration of the athlete's rights. This ruling exemplifies a more protective stance towards athletes facing doping allegations in the American legal system.

4. *Mandeep Singh v. Union of India (2016)*

In this case, Indian weightlifter Mandeep Singh was banned due to a positive doping test. The court upheld the ban, emphasizing strict adherence to anti-doping rules. Critics argued that the decision lacked compassion for Singh's situation, considering the psychological and emotional effects of such a ruling.

Comparison with American Courts: The *World Anti-Doping Agency (WADA) v. USADA (2015)* case involved a dispute regarding doping violations. The American courts tended to adopt a more balanced approach, ensuring that athletes had the opportunity to present their case effectively and emphasizing the importance of due process.

Conclusion

The comparison between Indian and American court decisions in doping cases illustrates a crucial disparity in how athletes are treated under the law. While Indian courts often uphold strict anti-doping regulations with limited consideration for athletes' rights and emotional well-being, American courts generally provide a more compassionate approach, focusing on due process and fairness. This difference underscores the need for reforms in the Indian legal system to ensure that athletes are treated with dignity and respect while maintaining the integrity of sports.

The authors briefs here how the doping tests effects the Athlete's mental and physical state.

The impact of doping tests and regulations on athletes can have profound effects on their mental and physical well-being, sometimes leading to tragic consequences. Athletes often experience significant anxiety and stress due to the constant fear of being accused of doping, which can create an overwhelming psychological burden. For instance, the tragic case of Karnataka weightlifter, Nitesh Kumar, who died by suicide in 2019, raised alarm bells regarding the mental health crisis in sports. His family attributed his death to the immense pressure and humiliation he faced after being banned for doping, highlighting the severe emotional toll that accusations can have on athletes. Similarly, Maharashtra's Olympian athlete, Vikas Krishan, faced intense media scrutiny and public humiliation following doping allegations, leading to mental health issues such as depression and self-doubt.

The ramifications of doping allegations often extend beyond the arena, infiltrating an athlete's personal life. Relationships with family and friends can suffer under the weight of public scrutiny and stigma, as athletes become targets of blame and suspicion. Indian wrestler, Geeta Phogat, for instance, struggled to reconcile her achievements with the stigma attached to doping accusations, leading to tension in her personal relationships. The emotional strain can lead to isolation, as athletes withdraw from their support systems to escape the judgment of others.

Additionally, the pressure to maintain a clean image can cause a crisis of identity. Athletes frequently define themselves by their sporting achievements, and any accusation can shatter that identity, impacting their self-esteem and leading to feelings of worthlessness. The fear of judgment can lead athletes to disengage from social activities and even alter their lifestyle, as they become overly cautious about their actions to avoid any further scrutiny.

Physically, the stress associated with doping regulations can adversely affect performance, as anxiety often leads to decreased concentration and increased muscle tension. Sprinter Hima Das has spoken about the toll that rigorous training combined with the pressure of adhering to anti-doping regulations has taken on her physical health, resulting in fatigue and decreased performance levels. Furthermore, the fear of testing positive can drive athletes to overstrain, risking injuries and burnout. Indian badminton player, Saina Nehwal, has noted that the stress surrounding doping tests often leads to overexertion, which has resulted in injuries affecting her competitive edge.

These cases emphasize the urgent need for doping regulations to consider the mental and physical health of athletes, fostering a supportive and understanding environment within competitive sports to prevent tragic outcomes. The destruction of personal lives due to public scrutiny, isolation, and identity crises highlights the importance of prioritizing athletes' well-being alongside fair competition, ensuring they are not only respected as competitors but also treated with dignity and compassion.

In the highlights area the authors have explained how the current laws violate athletes rights and have suggested changes to make sure that sports governance respects both fairness of the game and the constitutional rights of the athletes

1. Right to Privacy

The invasive nature of current doping tests, particularly the requirement for constant supervision during sample collection, can violate athletes' right to privacy under Article 21. While the World Anti-Doping Agency (WADA) protocols are designed to prevent tampering, they often fail to account for the dignity of athletes.

Better Suggested Change: Amend sports governance regulations to introduce mandatory privacy safeguards in doping tests. This could include the use of alternative testing environments, such as private rooms monitored by less intrusive means (e.g., video surveillance with privacy filters), ensuring athletes' dignity while maintaining the security of the process. Additionally, constitutional law frameworks could mandate that privacy violations be subject to judicial review, allowing athletes to challenge overly invasive procedures in court.

2. *Right to Fair Trial*

Currently, athletes bear the burden of proving their innocence in doping cases, a practice that conflicts with Article 14's guarantee of equal protection under the law. This can lead to situations where athletes are punished without sufficient legal recourse or clear guidance on how to defend themselves.

Better Suggested Change: Revise anti-doping regulations to shift the burden of proof onto the regulatory authorities, requiring them to establish the guilt of an athlete beyond reasonable doubt. This would align with the legal standard used in criminal law, where the burden rests on the accuser, not the accused. Moreover, athletes should have guaranteed access to independent arbitration panels that operate under a transparent legal framework, ensuring their right to a fair and impartial hearing.

3. *Unintentional Doping Violations*

Many athletes are punished for unintentional violations due to factors such as contaminated supplements or insufficient knowledge of banned substances. This often leads to disproportionate sanctions, despite the athlete's lack of intent or negligence.

Better Suggested Change: Introduce a tiered sanctioning system that explicitly recognizes unintentional violations and offers proportionate penalties. This would require regulatory bodies to consider the athlete's intent and knowledge before imposing sanctions, consistent with the principle of "mens rea" (guilty mind) in criminal law. Further, athletes should be entitled to receive mandatory educational programs on doping regulations, with certification to demonstrate their understanding of the rules, ensuring both compliance and fairness.

4. *Mental Health Implications*

The psychological toll of being accused of doping and facing public scrutiny is rarely considered within the framework of anti-doping regulations. However, the emotional distress caused by these investigations can affect athletes' overall well-being and performance, creating long-term consequences.

Better Suggested Change: Incorporate mental health rights into sports regulations, mandating that athletes under investigation for doping receive psychological support and counselling. This would fall under an expanded interpretation of the "right to life" under Article 21, which includes mental health as an essential component of personal liberty. Regulatory bodies could also introduce guidelines for media reporting on doping cases, restricting harmful public disclosures that violate the privacy and mental health of athletes

before the conclusion of their cases.

5. *Equality in Enforcement*

Athletes from disadvantaged backgrounds often face unequal treatment due to limited resources, resulting in an imbalance in the enforcement of anti-doping laws. These athletes are less likely to afford quality legal representation or expert advice, leading to unequal outcomes.

Better Suggested Change: Enact legal provisions that require sports bodies to provide free legal aid and access to expert witnesses for athletes who cannot afford these services. Such a system could be modelled on the Legal Services Authorities Act, 1987, which guarantees free legal aid in India for those who cannot afford it. Additionally, regulatory bodies should set up independent athlete advocacy groups, funded by sports organizations, to assist athletes in navigating the complex legal landscape of anti-doping laws, ensuring a level playing field for all competitors.

The author suggests the ways to improve the system to ensure that sports regulations protect athletes rights by promoting fairness and integrity in sports

1. *Establishment of a National Sports Tribunal and Athlete Rights Commission*

A combined approach involving the creation of a National Sports Tribunal and an Independent Athlete Rights Commission would ensure legal recourse for athletes and safeguard their constitutional rights. The Tribunal would handle disputes related to doping and other sports violations, issuing binding rulings to ensure consistency and fairness across all sports bodies. Meanwhile, the Athlete Rights Commission would monitor compliance with athletes' rights, investigating abuses and advocating for policy changes to protect equality, privacy, and fair treatment. This dual system would provide athletes with both immediate legal support and long-term protection.

2. *Government-Mandated Athlete Education and Legal Aid Programs*

The government should mandate comprehensive athlete education programs that cover doping regulations, constitutional rights, and ethical responsibilities. All athletes would be required to complete these programs and obtain certification before competing at the national and international levels. Additionally, a government-funded legal aid scheme would

ensure that all athletes, regardless of their financial background, have access to legal representation in doping or sports-related cases. This would reduce unintentional violations and guarantee that athletes have the legal support necessary to defend themselves fairly.

3. *Implementation of Transparent and Privacy-Protected Doping Tests*

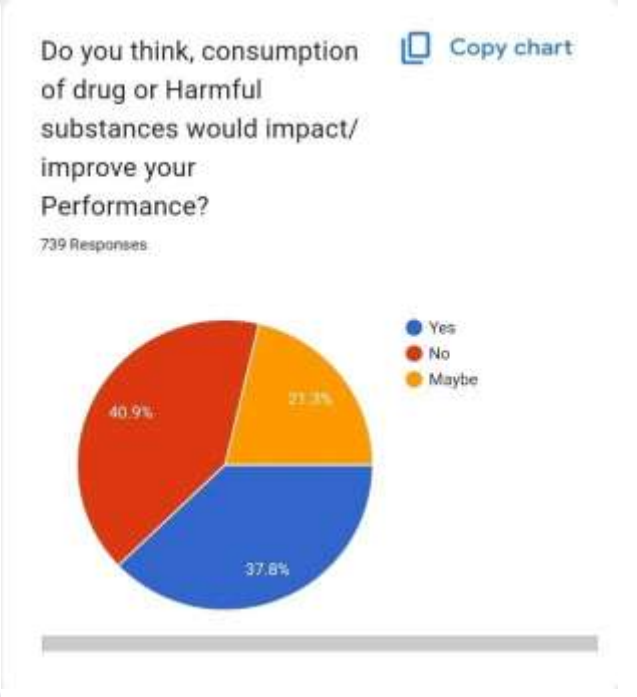
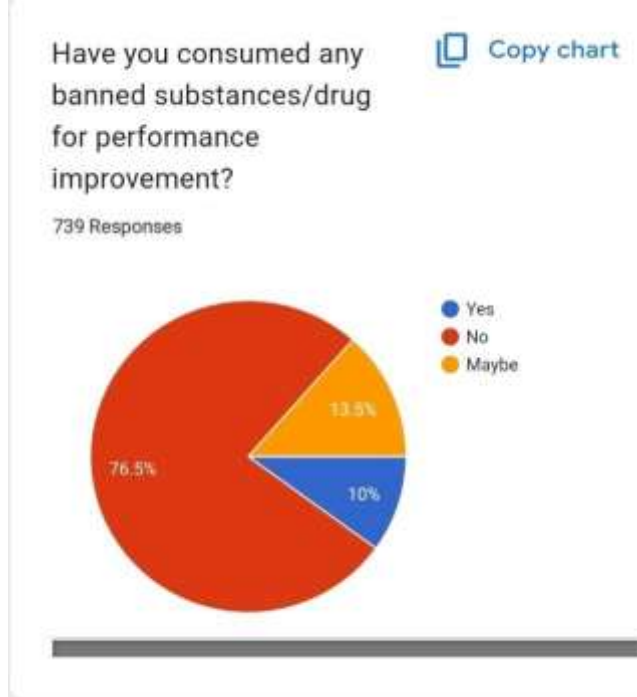
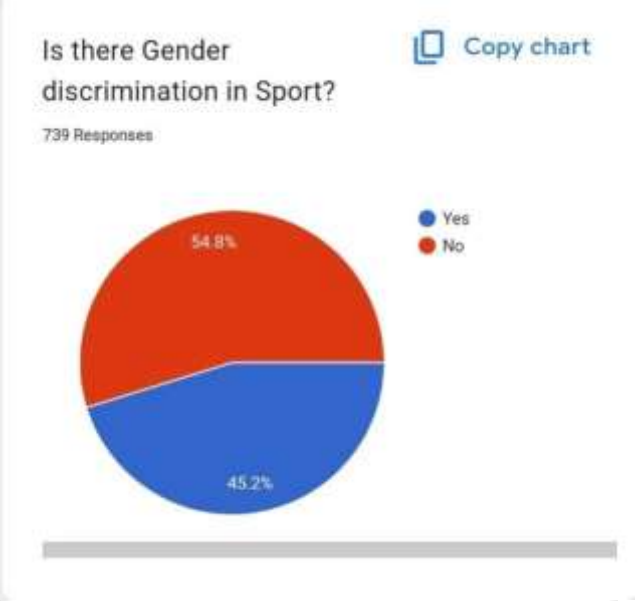
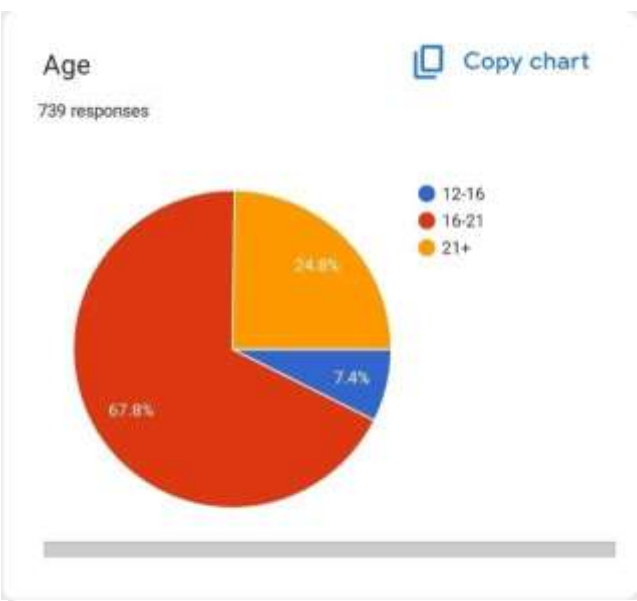
To address concerns related to fairness and privacy in doping tests, the government should implement mandatory data privacy laws governing the collection and handling of athletes' personal information during testing. This would protect athletes from unauthorized disclosures and ensure that testing procedures respect their privacy under Article 21 of the Constitution. Furthermore, government-led audits of the doping test processes would enhance transparency and accountability, ensuring that anti-doping regulations are applied uniformly and without bias. Regular audits would promote trust in the system and prevent procedural errors or injustices.

4. *Adoption of a "Three-Strike" Policy for Minor Violations*

The introduction of a "Three-Strike" policy for minor doping violations would ensure that athletes are given a fair chance to correct unintentional infractions, such as consuming contaminated supplements. Under this policy, athletes would receive a certain number of warnings for minor offenses before facing serious penalties. This approach would prevent disproportionate punishments for honest mistakes, aligning sanctions with the severity of the violations and promoting a more equitable system. By offering a structured means of accountability, this policy would help maintain the integrity of sports while respecting athletes' rights.

The authors have conducted survey in Karnataka, India. All the responses are given by current professional athletes who are the inmates of **Sports Authority of India** and **Department of youth empowerment and sports**, which comes under both central and state government schemes and have obtained 739 responses.

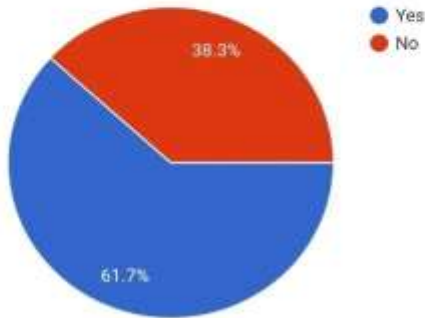
Survey Reports



Do you think that Anti-Doping Agencies are protecting athletes Fundamentals rights like Right to equality and Right to Privacy

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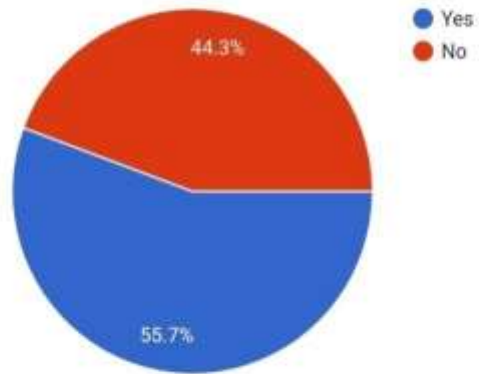
739 Responses



Is Sports person's rights protected?

Copy chart

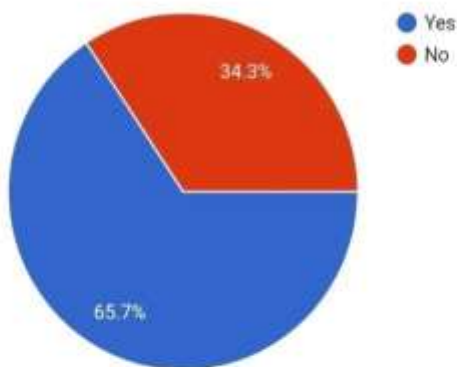
739 Responses



In Sport, discrimination based on Status / Caste still there?

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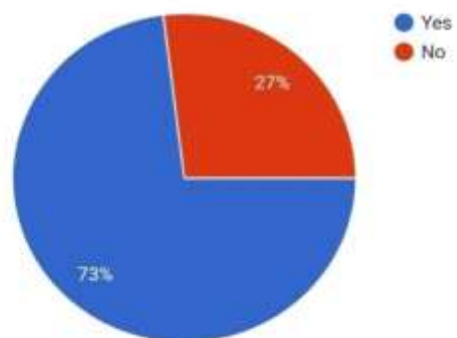
739 Responses



According to your personal experience, Is Political backup/support necessary for the growth in Sport.

Copy chart

739 Responses



The above survey results indicates the harsh reality of sports and failure in prevention of drug consumption in sports. According to the result currently 10% (out of 100) of Athletes have consumed banned substances for performance growth whereas other 13.5% responded as maybe, which also can be taken into consideration as consumption of drug which makes it 23.5% in total. It reflects the resolute behaviour and strong will of young athletes to achieve their goals which is

making them step into darkness.

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