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“ANALYSIS OF DOPING AND ANTI-DOPING LEGAL FRAMEWORK IN INDIA”

AUTHORED BY - RADHIKA DATAR

Abstract:

The purpose of the research article is to study and analyse the concept of doping in sports and anti-doping legal framework in India. Doping in sports refers to the use of prohibited substances or methods by athletes to gain an unfair advantage in terms of performance. These substances or methods are typically banned because they can enhance physical strength, endurance, or recovery beyond what is considered normal or natural. The analysis describes the concept of doping in sports and the origin and evolution of doping in India. It stipulates various methods of doping such as use of performance enhancing drugs, blood doping, gene doping and more. The study also talks about what are the possible causes and effects of doping. The study further describes various agencies and legislations governing the doping in India which primarily includes the World Anti-Doping Agency (WADA), National Anti-Doping Agency (NADA) in detail including its establishment, power and functions. Analysis also discusses The National Sports Development Code (NSDC) and The National Anti-Doping Bill 2021 which serves as supportive legislations for effective working of various functions of National Anti-Doping Agency and adherence to the rules provided by World Anti-Doping Agency. The study finally stipulates that, while the legislative framework in India focuses on compliance with international anti-doping standards, there is still need timely amendments in comprehensive legislation specifically addressing doping in sports. Such legislation could further strengthen the anti-doping framework, enhance enforcement mechanisms, and provide clarity on legal procedures related to anti-doping violations.

Keywords: Doping, Anti-doping, National Anti-Doping Agency, legislative framework.

INTRODUCTION:

With the emergence of 21st century, India has emerged as a prominent player and participant of multiple sports at the national and international level, witnessing significant growth in sports. The sports industry in India has expanded itself from the erstwhile limits of cricket, to other up-and-rising sports such as Javelin Throw, Kabaddi, etc. Through the multiple sports, the nation aims to unite to stands in support of an Indian sportsperson, irrespective of any sport. For the past several years, sports has received unprecedented love and support. The rise of sports in India has also led to the development of other domains associated with sports, such as sports medicine, legal regulations, media and telecommunication, and so on. ¹With the development of interest in various sports in India; variety of issues also coexists with this development and one of it is doping is sports.

Doping in sports refers to the use of prohibited substances or methods by athletes to gain an unfair advantage in terms of performance. These substances or methods are typically banned because they can enhance physical strength, endurance, or recovery beyond what is considered normal or natural. Doping not only undermines the principles of fair play and competition but also poses significant health risks to athletes. Doping in sports involves various methods through which athletes attempt to enhance their performance using prohibited substances or techniques. These methods are typically aimed at gaining a competitive advantage, but they often pose serious health risks and are considered unethical. The practice of doping is not limited to any particular sport but it is practiced in multiple sports including cycling, weightlifting, powerlifting, wrestling and many more. ²

The World Anti-Doping Agency (WADA) and the World Anti-Doping Code³ are key components of the global efforts to combat doping in sports. They play a crucial role in setting international standards, guidelines, and regulations to ensure fair and clean competition and The National Anti-Doping Agency (NADA) is the established organization responsible for promoting, coordinating, and monitoring the anti-doping efforts in sports in India. NADA operates in accordance with the World Anti-Doping Code and collaborates with international anti-doping organizations to ensure a unified and consistent approach to anti-doping measures.⁴

¹ <https://amlegals.com/alternate-dispute-resolution-in-sports/#>

² Sports Law in India, Policy Regulations and Commercialization by Lovelydas Gupta.

³ https://en.wikipedia.org/wiki/World_Anti-Doping_Agency

⁴ Deepalakshmi K., The dope on doping in sports, The Hindu

CONCEPT OF DOPING IN SPORTS:

Doping in sports refers to the use of prohibited substances or methods by athletes to gain an unfair advantage in terms of performance. These substances or methods are typically banned because they can enhance physical strength, endurance, or recovery beyond what is considered normal or natural. Doping not only undermines the principles of fair play and competition but also poses significant health risks to athletes. Doping in sports involves various methods through which athletes attempt to enhance their performance using prohibited substances or techniques. These methods are typically aimed at gaining a competitive advantage, but they often pose serious health risks and are considered unethical. The practice of doping is not limited to any particular sport but it is practiced in multiple sports including cycling, weightlifting, powerlifting, wrestling and many more.

ORIGIN AND EVOLUTION OF DOPING IN INDIA:

The origin and evolution of doping in sports can be traced back to ancient times, with a complex history influenced by cultural, societal, and scientific developments. In ancient Greece, athletes and warriors were known to consume various substances, including special diets and herbal concoctions, to gain a competitive edge. In the ancient Olympic Games, there were instances of athletes using herbal stimulants to enhance their performance. However, the use of performance-enhancing substances was not as systematic or regulated as it is today.

In the early years of Indian sports, there is limited documented evidence of systematic doping practices. Athletes may have experimented with traditional substances, but the prevalence was not well-documented. The 1960s and 1970s marked a period of increased awareness and use of performance-enhancing drugs globally. Anabolic steroids gained popularity during this time for their muscle-building properties. During this period, anti-doping measures were not as comprehensive or well-established as they are today. The focus on drug testing and enforcement was not as rigorous. The 1980s saw the emergence of doping scandals in international sports. Athletes from various countries, including India, faced allegations of using prohibited substances.⁵

Due to the increase use of doping practices; in 1999, the World Anti-Doping Agency (WADA)

⁵ Sports Law in India, Policy Regulations and Commercialization by Lovelydas Gupta.

was established at the global level to coordinate international efforts against doping. In India, the National Anti-Doping Agency (NADA) was created in 2005 to align with WADA's guidelines. Afterwards, National Anti-Doping Agency was established in India in order to take the responsibility of implementing anti-doping programs in India. It conducts dope testing, educates athletes and support personnel, and collaborates with international anti-doping organizations. Further to deal with continued anti-doping challenges various legislations in India mentioned set of rules to deal with the issue of doping.⁶

METHODS OF DOPING IN SPORTS:

Doping in sports involves various methods through which athletes attempt to enhance their performance using prohibited substances or techniques. These methods are typically aimed at gaining a competitive advantage, but they often pose serious health risks and are considered unethical. Here are some common methods of doping in sports:

1) Use of Performance-Enhancing Drugs:

- **Anabolic Steroids:** These synthetic variations of the male sex hormone testosterone promote muscle growth and improve endurance. They are among the most widely known and abused substances in doping.
- **Stimulants:** Substances like amphetamines and cocaine are used to increase alertness, reduce fatigue, and improve concentration.
- **Erythropoietin (EPO):** EPO is a hormone that stimulates the production of red blood cells, improving oxygen delivery to muscles. It is commonly used in endurance sports like cycling and long-distance running.
- **Human Growth Hormone (HGH):** HGH stimulates growth, cell reproduction, and regeneration. Athletes may misuse it to enhance muscle growth and recovery.

2) Blood Doping:

- **Autologous Blood Doping:** Athletes store their own blood and reinfuse it before a competition to increase the number of red blood cells and, consequently, oxygen-carrying capacity.

⁶ Gujrath National Law University, Center for sports and entertainment law journal.

- **Homologous Blood Doping:** Athletes use blood from a compatible donor to boost their red blood cell count.⁷
- 3) **Gene Doping:** Gene doping involves the use of gene therapy to manipulate an athlete's genes to enhance specific traits, such as muscle growth or endurance. This method is still in its experimental stages but is a growing concern in the anti-doping community.
 - 4) **Masking Agents:** Athletes may use substances known as masking agents to hide the presence of prohibited drugs during doping tests. These agents can interfere with the detection of banned substances or alter their chemical composition.
 - 5) **Beta-2Agonists:** These substances, which include drugs like clenbuterol, are bronchodilators used to treat asthma. Athletes may misuse them to improve respiratory function and increase oxygen intake.
 - 6) **Diuretics:** Diuretics increase urine production and can be used to dilute the concentration of banned substances in the urine, making them more challenging to detect during drug testing.
 - 7) **Synthetic Oxygen Carriers:** Substances like perfluorocarbons or modified hemoglobins may be used to enhance the transport of oxygen in the bloodstream, improving endurance.
 - 8) **Peptide Hormones and Analogues:** Athletes may use substances like insulin or insulin-like growth factor (IGF-1) to enhance recovery, promote muscle growth, or regulate metabolism.⁸

CAUSES OF DOPING IN SPORTS:

Doping in sports is a complex issue influenced by various factors, ranging from individual motivations to societal and systemic pressures. Understanding the causes of doping helps in developing effective strategies to prevent and address this problem. Here are some key factors contributing to doping in sports:

- 1) **Desire for Competitive Edge:** The intense competition in sports can lead athletes to seek ways to gain a competitive advantage over their rivals. The pursuit of success and the pressure to win at all costs may drive some athletes to resort to doping.
- 2) **Performance Pressure:** Athletes often face tremendous pressure to perform at the highest level, especially in professional and elite sports. The fear of failure, loss of endorsements, or financial repercussions can create a strong incentive for some athletes to use performance-enhancing substances.

⁷ https://www.brahmanandcollege.org.in/ug_physical/Doping%20in%20Sports.pdf

⁸ https://www.brahmanandcollege.org.in/ug_physical/Doping%20in%20Sports.pdf

- 3) **Reward and Recognition:** Success in sports is often associated with fame, financial rewards, and social recognition. Athletes may be tempted to use doping substances to achieve or maintain a high level of performance and secure these rewards.
- 4) **Financial Incentives:** The financial stakes in professional sports can be substantial, with lucrative contracts, sponsorship deals, and prize money at stake. The lure of financial rewards may tempt athletes to resort to doping to enhance their marketability and earning potential.
- 5) **Lack of Education:** Some athletes may be unaware of the potential health risks and consequences of doping. A lack of education about the dangers of using prohibited substances can contribute to athletes making uninformed decisions.
- 6) **Peer Pressure:** Athletes may face peer pressure within their teams or sports communities to conform to a culture where doping is considered acceptable or even necessary for success. The desire to fit in or gain acceptance from peers can be a powerful influence.
- 7) **Lack of Effective Testing:** Inadequate or ineffective anti-doping testing programs may create an environment where athletes believe they can escape detection. The perception that testing is not stringent or that loopholes exist in the system can encourage doping.
- 8) **Lack of Ethical Leadership:** The behaviour and attitudes of coaches, administrators, and other leaders within sports organizations can influence athletes. If there is a lack of ethical leadership and a tolerance for doping, athletes may be more inclined to engage in such practices.
- 9) **Cultural and Societal Factors:** Cultural attitudes toward winning, competition, and the use of technology or substances to achieve success can influence the prevalence of doping. Societal expectations regarding athletic achievements may contribute to the pressure on athletes to resort to doping.
- 10) **Athletes' Personal Characteristics:** Individual factors such as personality traits, risk-taking behaviour, and ethical values may play a role in an athlete's decision to use performance-enhancing substances. Some individuals may be more susceptible to the temptations of doping due to their personal characteristics.

EFFECTS OF DOPING IN SPORTS:

Doping in sports can have a range of detrimental effects on athletes, the integrity of sports competitions, and the broader sports community. These effects extend beyond individual athletes

to impact the reputation of the sport itself. Here are some of the key effects of doping in sports:⁹

- 1) **Health Risks:** Many performance-enhancing substances have known and potential health risks. Athletes who use these substances may experience adverse effects such as cardiovascular issues, liver damage, hormonal imbalances, and psychological issues. Long-term use can have serious consequences for an athlete's overall health and well-being.
- 2) **Unfair Competition:** Doping creates an uneven playing field, compromising the fairness and integrity of sports competitions. Athletes who resort to doping gain an artificial advantage over their clean competitors, leading to a distortion of the true competitive balance.
- 3) **Loss of Credibility:** Doping scandals tarnish the reputation of sports and erode public trust. When high-profile athletes are caught doping, it can lead to a loss of credibility for the sport and disillusionment among fans.
- 4) **Erosion of Sports Values:** Doping undermines the core values of sports, such as fair play, respect, and integrity. It sends a message that success can be achieved through cheating rather than through dedication, hard work, and skill.
- 5) **Damage to Athletes' Careers:** Athletes caught doping face serious consequences, including suspensions, loss of medals, and damage to their professional reputations. Some athletes may see their careers come to an abrupt end as a result of doping sanctions.
- 6) **Financial Ramifications:** Doping can have financial repercussions for athletes, including the loss of endorsements, sponsorship deals, and prize money. The financial incentives that may have initially motivated doping can be severely impacted by anti-doping sanctions.
- 7) **Negative Impact on Team Dynamics:** Doping scandals can disrupt team dynamics and cohesion. Team members may feel betrayed by a doping teammate, leading to a breakdown in trust and teamwork.¹⁰
- 8) **Erosion of Fans' Enthusiasm:** Doping scandals can disillusion fans who may become sceptical about the authenticity of sports performances. The loss of fan enthusiasm can affect attendance at events, viewership, and overall support for the sport.
- 9) **Increased Scrutiny and Regulation:** Doping scandals often result in increased scrutiny and more stringent anti-doping measures. This can create a challenging environment for clean athletes who face additional testing and monitoring to ensure a level playing field.

⁹ <https://www.drishtiiias.com/daily-updates/daily-news-analysis/doping-practices-in-india>

¹⁰ Recent events at the Delhi athletics championship have highlighted the extent of **Doping** issue, as competitors fled from doping testers, and some events witnessed a mere single participant. Ill effects of the same are notable.

- 10) **Impact on Future Generations:** The use of doping by high-profile athletes can influence younger athletes, creating a perception that doping is a shortcut to success. This can perpetuate a cycle of doping across generations.
- 11) **Legal Consequences:** Doping violations can lead to legal consequences, including lawsuits and criminal charges. Athletes, coaches, and sports organizations may face legal action for their involvement in doping activities.

INSTANCES OF DOPING IN INDIA:

The news of Rio-bound Indian athletes (Inderjit Singh and Narsingh Yadav) being linked with the dope test failure shocked the whole nation. However, there have been various incidences in the past where Indian athletes were involved in the doping scandal.

In year 2000, discus thrower Seema Antil was stripped of her gold medal at the World Junior Championships. Further she was issued a public warning by national federation for testing positive for pseudoephedrine.¹¹

In 2005, discus throwers Anil Kumar and Neelam Singh were handed two-year suspension for testing positive for Norandrosteron. Anil Kumar was also disqualified from the Asian Championships and was stripped of his bronze medal.

In year 2010, shot putter Saurabh Vij got a two-year ban for testing positive for Methylhexanamine (A banned stimulant). However, National Anti-Doping Agency (NADA) cleared him within weeks. As a result he was allowed to take part in 2010 Commonwealth Games.

In 2011, NADA handed out one-year ban to six women athletes (Three of them were 2010 Commonwealth Games and Asian Games 4x400m gold medalists). Mandeep Kaur, Sini Jose and Ashwini Akkunji were the members of the 4x400 relay team who tested positive. Apart from them a long jumper Harikrishnan Muralidharan (Handed one year ban by NADA) and sprinter Jauna Murmu (Handed two years doping ban by the NADA) also tested positive for doping.

¹¹ Doping in Indian Sports: A brief history, The Times of India <http://timesofindia.indiatimes.com/sports/rio-2016-olympics/india-in-olympics-2016/miscellaneous/Doping-inIndian-sports-A-brief-history/articleshow/53377388.cms>

LEGISLATIVE FRAMEWORK FOR DOPING IN INDIA:

The legal and regulatory landscape related to doping in India has evolved over the years. India's legislative framework for doping in sports involves adherence to international standards, with the National Anti-Doping Agency (NADA) playing a crucial role. In the early years of Indian sports, there is limited documented evidence of systematic doping practices. Athletes may have experimented with traditional substances, but the prevalence was not well-documented. 19th century saw the emergence of doping scandals in Indian sports. Emergence of doping scandals, establishment of World Anti-Doping Agency (WADA) and the World Anti-Doping Code and necessary adherence to international standards made Indian government to take a step to develop anti-doping legislation. Following is the India's Anti-doping legal framework:

1) National Anti-Doping Agency:

The National Anti-Doping Agency (NADA) is India's apex anti-doping organization. It was established in 2005 to address the issues of doping in sports and to promote a doping-free sports environment in India.¹²

Establishment: The National Anti-Doping Agency (NADA) was established under the Ministry of Youth Affairs and Sports, Government of India in 2005. Later it was given statutory status in the year 2022 through National Anti-Doping Bill 2021.

Purpose: The purpose of NADA is to protect the health of athletes and ensure the spirit of fair play by preventing the use of performance-enhancing drugs. It is responsible for the detection, deterrence, prevention and elimination of doping in sports in India.

Powers and Functions: The primary functions of NADA are to develop and implement anti-doping policies, conduct anti-doping tests, investigate doping violations, and educate athletes and other stakeholders about the dangers of doping. Following are the detail powers and functions of National Anti-Doping Agency:

¹² National Anti-Doping Bill 2021, Ministry of law and affairs, <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

1. **Conducting Dope Testing:** NADA has the authority to conduct dope testing of athletes participating in sports competitions. This includes both in-competition and out-of-competition testing to detect the use of prohibited substances or methods.¹³
2. **Implementation of Anti-Doping Rules:** NADA enforces anti-doping rules and regulations in accordance with the World Anti-Doping Code. This involves conducting tests, managing the results, and taking appropriate actions against athletes found guilty of anti-doping rule violations.
3. **Therapeutic Use Exemptions (TUEs):** NADA handles the process of granting Therapeutic Use Exemptions (TUEs). Athletes with legitimate medical conditions requiring the use of medications containing prohibited substances can apply for TUEs.
4. **Coordination with International Bodies:** NADA collaborates with international anti-doping organizations, including the World Anti-Doping Agency (WADA), to align its efforts with global standards. This includes sharing information, participating in international anti-doping initiatives, and ensuring compliance with WADA guidelines.
5. **Anti-Doping Education and Awareness:** NADA conducts educational programs and awareness campaigns to inform athletes, coaches, and support personnel about the dangers and consequences of doping. This includes promoting the values of clean sport and ethical behaviour.¹⁴
6. **Research and Development:** NADA may be involved in research and development activities related to anti-doping. This can include staying abreast of advancements in testing technology and scientific methods to enhance the effectiveness of doping control measures.
7. **Collection and Dissemination of Information:** NADA collects information on doping trends, substances, and methods. It disseminates relevant information to the sports community to enhance understanding and awareness of doping issues.
8. **Inclusion in National Sports Federations (NSFs):** NADA has the authority to ensure that National Sports Federations (NSFs) comply with anti-doping regulations. This involves working with NSFs to implement anti-doping measures and educate athletes about the risks of doping.
9. **Anti-Doping Rule Violations and Sanctions:** NADA has the power to investigate and take action in cases of anti-doping rule violations. This includes imposing sanctions on athletes,

¹³ Doping in sport: What is it and how is it being tackled? , BBC <http://www.bbc.com/sport/athletics/33997246>

¹⁴ National Anti-Doping Bill 2021, Ministry of law and affairs, <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

coaches, and support personnel found guilty of doping offenses. Sanctions may include suspensions, disqualifications, and other consequences.

10. **Coordination of Anti-Doping Activities:** NADA coordinates anti-doping activities at various levels, including national and international events. This involves working with event organizers to ensure the implementation of doping control measures.¹⁵
11. **Power to make regulations:** ¹⁶NADA has power to make regulations in compliance with international standards regarding various aspects such as procedure of investigation, collection of evidences, measures for promotion, manner of implementation and many more.¹⁷

The powers of NADA are designed to create a robust and comprehensive framework for combating doping in Indian sports. NADA's authority extends across various aspects of the anti-doping process, from testing and education to enforcement and collaboration with international bodies.¹⁸

2) **National Sports Development Code (NSDC) 2011:**

The National Sports Development Code (NSDC) is a comprehensive document that outlines guidelines and regulations for the development and governance of sports in India. While it covers various aspects of sports administration and management, it also includes provisions related to anti-doping measures. NSDC is part of the broader legal framework governing sports in India but the specific anti-doping provisions within the NSDC are meant to complement the National Anti-Doping Agency and align with international standards set by the World Anti-Doping Agency (WADA). Following is the emphasis on important points for anti-doping provided under National Sports Development Code.¹⁹

Compliance with Anti-Doping Rules: The NSDC emphasizes the importance of National Sports Federations (NSFs) and sports organizations adhering to anti-doping rules and regulations. This includes compliance with the World Anti-Doping Code.

¹⁶ Section 32 of National Anti- doping Act, 2022 <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

¹⁷ National Anti-Doping Bill 2021, Ministry of law and affairs

¹⁸ [https://www.iasepress.net/ie-pedia/national-anti-doping-agency-nada-objectives-powers-functions/#:~:text=Objectives%2C%20Powers%20%26%20Functions-.National%20Anti%2DDoping%20Agency%20\(NADA\)%20%E2%80%93%20Objectives%2C%20Powers,free%20sports%20environment%20in%20India.](https://www.iasepress.net/ie-pedia/national-anti-doping-agency-nada-objectives-powers-functions/#:~:text=Objectives%2C%20Powers%20%26%20Functions-.National%20Anti%2DDoping%20Agency%20(NADA)%20%E2%80%93%20Objectives%2C%20Powers,free%20sports%20environment%20in%20India.)

¹⁹ <https://www.g-spr.com/post/an-analysis-of-the-national-sports-code-2011-and-its-implementation-part-1>

Promotion of Clean Sports: The NSDC encourages NSFs and sports organizations to actively promote a culture of clean sports. This involves taking measures to educate athletes, coaches, and support personnel about the dangers and consequences of doping.

Anti-Doping Education Programs: NSFs are expected to conduct anti-doping education programs regularly. These programs aim to create awareness, provide information about prohibited substances and methods, and emphasize the principles of fair play and integrity.

Implementation of Doping Control Measures: The NSDC includes provisions urging NSFs to implement doping control measures during competitions and events. This involves working in collaboration with the National Anti-Doping Agency (NADA) to conduct tests and enforce anti-doping regulations.

Disciplinary Actions for Doping Violations: The NSDC may outline the procedures and disciplinary actions that NSFs can take in cases of doping violations. This includes sanctions against athletes, coaches, and support personnel found guilty of anti-doping rule violations.

Cooperation with NADA: NSFs are expected to cooperate with NADA in the implementation of anti-doping programs. This cooperation includes facilitating the conduct of dope tests and providing necessary information to NADA.

Therapeutic Use Exemptions (TUEs): The NSDC may address the process of granting Therapeutic Use Exemptions (TUEs) for athletes requiring the use of prohibited substances for legitimate medical reasons. The procedures for applying for TUEs and the conditions under which they can be granted may be outlined.

The NSDC is part of the broader legal framework governing sports in India. The specific anti-doping provisions within the NSDC are meant to complement the National Anti-Doping Agency Act of 2005 and align with international standards set by the World Anti-Doping Agency (WADA).

3) **National Anti-Doping Bill 2021 (National Anti-Doping Act 2022):**

Recently, the Lok Sabha has passed National Anti-Doping Bill 2021 which later became National Anti-Doping Act 2022;²⁰ which seeks to create a statutory framework for National Anti-doping Agency. Piloted by the Union Ministry of Youth Affairs and Sports, it was first introduced in Lok Sabha in December 2021. The bill will protect the interest of sportspersons as it will provide ample space for them to put forth their versions especially when they face anti-doping charges.²¹

Key features of bill:

- 1. Prohibition of Doping:** The Bill prohibits athletes, athlete support personnel and other persons from engaging in doping in sport.²²
- 2. Consequences of Violations:** Anti-doping rule violation may result in **disqualification of results including forfeiture of medals, points, and prizes**, ineligibility to participate in a competition or event for a prescribed period, financial sanctions etc.
- 3. Statutory Backing for National Anti-Doping Agency:** The bill provides for constituting this National Anti-Doping Agency as a statutory body. The agency will be headed by a Director General appointed by the central government. The main functions of the Agency will include, Planning, implementing, and monitoring anti-doping activities, investigating anti-doping rule violations, promoting anti-doping research.
- 4. National Board for Anti-Doping in Sports:** The Bill establishes a National Board for Anti-Doping in Sports to make recommendations to the government on anti-doping regulation and compliance with international commitments on anti-doping. The Board will oversee the activities of the Agency and issue directions to it.
- 5. Dope Testing Laboratories:** The existing National Dope Testing Laboratory will be deemed to be the principal dope testing laboratory. The central government may establish more National Dope Testing Laboratories.²³

²⁰ National Anti-doping Act, 2022 <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

²¹ <https://www.drishtias.com/daily-updates/daily-news-analysis/national-anti-doping-bill-2021>

²² National Anti-Doping Bill 2021, Ministry of law and affairs, <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

²³ National Anti-Doping Bill 2021, Ministry of law and affairs, <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

Significance of bill:

1. The bill attempts to achieve, time-bound justice to athletes, apart from enhancing cooperation among agencies in fighting doping.
2. It is also an attempt to reinforce India's commitment to fulfil international obligations for clean sports.
3. The bill would help in establishing a robust, independent mechanism for anti-doping adjudication.
4. The bill also would lend legal sanctity to the functioning of NADA and National Dope Testing Laboratory (NDTL).²⁴

Drawbacks of bill:

1. The qualifications of the Director General are not specified in the Bill and are left to be notified through Rules.
2. The central government may remove the Director General from the office on grounds of misbehaviour or incapacity or "such other ground".
3. Leaving these provisions to the discretion of the central government may affect the independence of the Director General.
4. This also goes against the mandate of the World Anti-Doping Agency that such bodies must be independent in their operations.
5. Under the Bill, the Board has powers to remove the members of the Disciplinary Panel and Appeal Panel on grounds which will be specified by regulations and are not specified in the Bill.
6. Further, there is no requirement to give them an opportunity of being heard. This may affect the independent functioning of these panels.²⁵

While the legislative framework in India focuses on compliance with international anti-doping standards, there is still need for comprehensive legislation specifically addressing doping in sports. Such legislation could further strengthen the anti-doping framework, enhance enforcement mechanisms, and provide clarity on legal procedures related to anti-doping violations.²⁶

²⁴ <https://pib.gov.in/PressReleasePage.aspx?PRID=1848085>

²⁵ National Anti-Doping Bill 2021, Ministry of law and affairs, <https://yas.nic.in/sites/default/files/NADA%20BILL23082022-compressed.pdf>

²⁶ <https://pib.gov.in/PressReleasePage.aspx?PRID=1848085>

CONCLUSION:

Doping in sports refers to the use of prohibited substances or methods by athletes to gain an unfair advantage in terms of performance. These substances or methods are typically banned because they can enhance physical strength, endurance, or recovery beyond what is considered normal or natural. The practice of doping includes taking performance enhancing drugs, bold doping i.e taking medicines which boosts the performance through blood etc. The practice of doping is not limited to any particular sport but it is practiced in multiple sports including cycling, weightlifting, powerlifting, wrestling and many more.

The World Anti-Doping Agency (WADA) and the World Anti-Doping Code are key components of the global efforts to combat doping in sports. The National Anti-Doping Agency (NADA) is the established organization responsible for promoting, coordinating, and monitoring the anti-doping efforts in sports in India. NADA operates in accordance with the World Anti-Doping Code and collaborates with international anti-doping organizations to ensure a unified and consistent approach to anti-doping measures. The National Sports Development Code (NSDC) which is a comprehensive document that outlines guidelines and regulations for the development and governance of sports in India also includes some comprehensive code dealing with enhancement of anti-doping laws. Recently passed National Anti-Doping Bill 2021 also deals with Anti-Doping thoroughly through the establishment of National Board for Anti-Doping in Sports and giving statutory recognition to National Anti-Doping Agency in India. While the legislative framework in India focuses on compliance with international anti-doping standards, there is still need timely amendments in comprehensive legislation specifically addressing doping in sports. Such legislation could further strengthen the anti-doping framework, enhance enforcement mechanisms, and provide clarity on legal procedures related to anti-doping violations.