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# Doping in Athletics: Indian Perspective

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## ABSTRACT

*Individuals nowadays are highly competition oriented and this outlook has made them and their coaches to focus solely on winning, caring little about the legitimacy of means and methods adopted by them.*

*Competitive sports have always been a fundamental part of this world and with the emergence of novel apparatuses, numerous sports have been added to the competitions being held all over the earth. Certainly there are hundreds of games being played in every nook and corner of the world but still, athletics since its emergence for more than 2000 years ago has always been prominent in the sports world. And with the intensification of the competition, there has been a surge in unfair means mainly; doping in athletics.*

*Beginning with the basic information about athletics, this brief study further explicates the term doping, its etymology and the evolution in the doping trends. Ancillary to all these, the World Anti-Doping Agency and National Anti-Doping Agency are also elucidated. Last but not the least, a few landmark case studies are also discussed.*

## I. INTRODUCTION

### (A) Athletics

Athletics consists of number of competitive events such as running, jumping, throwing and walking, which are further categorised as track and field, road running, cross country and race walking.<sup>3</sup> Winners are decided by the finishing positions in the case of races and in case of jumps and throws by the distance i.e. highest or furthest measurement within a series of attempts by athletes. Event of athletics can be easily practised and participated by individuals because of lack of need of equipment. It is considered as an individual event with an exception of relay races.

Both the words “Athlete” and “Athletics” have a Greek origin. An athlete was the one who contended for a prize.<sup>4</sup> “The Greeks were fond of sports and contests, and glorified the

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<sup>3</sup> Oxford University Press, *Oxford English Dictionary* (3rd ed.), "Athletics". December 2013.

<sup>4</sup> Etymonline.com. 2021. Athlete | Origin and meaning of athlete by Online Etymology Dictionary. [online] Available at: <[https://www.etymonline.com/word/athlete#etymonline\\_v\\_18016](https://www.etymonline.com/word/athlete#etymonline_v_18016)> [Accessed 26 April 2021].)

individuals who emerged as champions. Athletics can be traced back from 776 B.C. when ancient Olympics games were first organized. The winner at the ancient Olympic games (A festival or celebration of and for Zeus) was honoured with an Olive Wreath. According to *Pausanias*, a Greek traveller from second century, it was started by *Heracles* as a prize given to the winner of Running race to honour Zeus, his father.”<sup>5</sup> No medals were given in the Ancient Olympics games. Later, in 19<sup>th</sup> Century, the word athletics evolved down to a narrow meaning in Europe as Competitive running, walking, jumping and throwing.

In modern era of sports, athletics is considered as backbone of Summer Olympics. It was first included in 1896 edition of Summer Olympics. World Athletics championship, which is organized by World athletics (earlier known as International Association of Athletics Federations (IAAF))<sup>6</sup>, is considered as foremost important event of track and field. Since 1960, athletics have also been included in Paralympics games, which are conducted for athletes involving a range of disabilities.<sup>7</sup>

### **(B) Athletics in India**

In India, athletics can be traced back to British period, as the national governing body, Athletics federation of India (AFI) was formed in 1946.<sup>8</sup> Till date, no Indian athlete has ever won a medal in Olympic Games but nevertheless India has produced number of successful athletes.

### **The Shining Stars of India**

Starting with Milkha Singh, the man who is known by the name ‘flying Sikh’<sup>9</sup> worldwide won a gold medal in British Empire and commonwealth Games 1958 in Cardiff (440 Yards)<sup>10</sup>, 2 gold medals in Tokyo Asian games 1958 (200m and 400m) and 2 gold medals in Jakarta Asian Games 1962 (400m and 4\*400m Relay). He represented India in 1956, 1960 and 1964 (4<sup>th</sup> in 400m) Olympics Games<sup>11</sup> and also created 400m WR.

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<sup>5</sup> Veronica Roth, “*The Ancient Olympic games: mythic worship of gods and athletes*”, Elegacies, 2010, pp. 1-2

<sup>6</sup> Duncan Mackay, “*IAAF officially agree to change name to World Athletics after debate*”, 26. September 2019, insidethegames.biz, available at: <https://www.insidethegames.biz/articles/1085180/iaaf-to-change-name-to-world-athletics> (last accessed on 08 April 2020)

<sup>7</sup> International Committee of Sports for the Deaf (CISS), “The World Games for the Deaf and the Paralympic Games Archived”, *Wayback Machine*, December 1996, available at: <https://web.archive.org/web/20140315230640/http://www.deaflympics.com/news.asp?1131> (last accessed on 08 April 2020)

<sup>8</sup> Athletics Federation of India, “About AFI”, available at: <https://indianathletics.in/about-afi/> (last accessed on 08 April 2020)

<sup>9</sup> Athletics Federation of India, “Milka Singh - The Flying Sikh”, available at: <https://indianathletics.in/halloffame/milkha-singh-flying-sikh> (Last accessed on 08 April 2020)

<sup>10</sup> Aabhas sharma, “India’s first celebrity athlete”. *Business Standard*, 05 July 2013

<sup>11</sup> Milkha Singh. *Sports Reference*, available at: <https://www.sports-reference.com/olympics/athletes/si/milkha-singh-1.html> (last accessed on 08 April 2020)

Not to forget PT Usha. Payyoli Express<sup>12</sup> and Queen of Indian Track and Field<sup>13</sup> are the titles attached to her name. She won two silver medals in 1982 Delhi Asian Games, gold and silver in 1983 Kuwait Asian Championship, six medals (5 gold and bronze) in 1985 Jakarta Asian Championship, three silver medals in 1990 Beijing Asian games and a silver medal in 1994 Asian games. She represented India in 1984 (came 4<sup>th</sup> in 400mh finals and missed medal by 1/100s), 1988 and 1996 Olympic Games.<sup>14</sup>

With the rising enthusiasm of the youth, 21 century witnessed athletes with unbeatable passion and great potential. To name a few, Anju Bobby George, who became the first Indian athlete to win a medal in IAAF World athletics final.<sup>15</sup> Next in line, Krishna Poonia, the first woman to win Commonwealth gold medal in 2010 after 52 years long wait<sup>16</sup>. She and Vikas Gowda both represented India in 2012 Olympic Games in the event of Discus throw.<sup>17</sup> Over the years India has not only witnessed the increased participation in the International events but has also commendable improvement in the performance of the athletes. Another Indian Athlete, Seema Poonia featured on Commonwealth Games podium four times consecutively and Hima Das became the first Indian to win a medal in track event at an IAAF Competition<sup>18</sup>. Neeraj Chopra created Junior WR in Javelin throw<sup>19</sup> whereas Tejinder Pal Singh Toor created new AR in Shotput<sup>20</sup> and both have been qualified to participate in 2021 Olympics Games to be held in Japan. Our Para Athletes too made the entire nation proud as they won 4 medals in the Paralympic games 2016, all of them being in the event of athletics.

India has been a host to a number of international events including 2004 Asian Cross-Country Championships, 2003 Afro-Asian Games, 2004 IAAF World Half Marathon Championships, 2007 Military World Games, 2008 Commonwealth Youth Games, 2010 Commonwealth Games, 2013 Asian Athletics Championships and 2017 Asian Athletics Championships.

### **(C) Doping**

In the contemporary world, use of drugs has become a major problem in all the sports. Incidents

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<sup>12</sup> Stan Rayan "She set the track ablaze", *The Hindu*, 1 May 2011

<sup>13</sup> Sam Kurien, "Usha School of Athletics a giant stride forward", *Wayback machine*, available at: <https://web.archive.org/web/20081201100445/http://www.kerala.gov.in/keralcaldec04/p23.pdf> (last accessed on 08 April 2020)

<sup>14</sup> *id*

<sup>15</sup> "COMMONWEALTH GAMES MEDALLISTS - ATHLETICS (WOMEN)", *GBR Athletics*, available at: <http://www.gbrathletics.com/ic/cgw.htm> (last accessed on 08 April 2020)

<sup>16</sup> Agencies, "Krishna Poonia creates history, wins gold in athletics", *The Indian Express*, 11 October 2010

<sup>17</sup> "India Athletics at the 2012 London Summer Games", *Sports Reference*, available at: <https://www.sports-reference.com/olympics/countries/IND/summer/2012/ATH/> (last accessed on 08 April 2020)

<sup>18</sup> Sports Bureau, "Hima Das brings home India's first ever track gold at the Worlds", *The Hindu*, 13 July 2018

<sup>19</sup> Sports Bureau, "Neeraj fetches first-ever gold with World record", *The Hindu*, 24 July 2016

<sup>20</sup> PTI, "Tejinder Toor clinches gold in men's shot put with record throw", *The Economic Times*, 25 August 2018

of drug abuse have been rapidly increasing throughout the world. There has been an alerting increase in the Cases involving drug use in the past few decades. There are numerous factors such as speed, stamina, muscle recovery, strength, etc which play a vital role for an athlete to achieve their desired performance. Hard work is the only way one can achieve them all. Yet some of the athletes resort to the pills and injections for faster results. Individuals nowadays are highly competition oriented and this outlook has made them and their coaches to focus solely on winning, caring little about the legitimacy of means and methods adopted by them.

### 1. Etymology

“There origin of word doping can be traced back to Dutch people. They used the word ‘*dop*’ which has been further adapted from the South African language called *Kaffir*. The tribal members, while performing their regional dances use to take stimulating liquor which was called dope. In 18<sup>th</sup> century, South Africans used it as stimulant before performing ceremonial dances. Their Zulu warriors used the same for performance enhancing. In the field of sports around 1865 the swimmers used an alcoholic drink made of grapes in a canal race event which was held in Amsterdam.”<sup>21</sup>

“Another prevailing view is that the word doping came from Dutch language ‘*doop*’ which is a bulky dipping sauce. The robbers used it to fool the victims by addition of datura (jimsonweed) mixed with tobacco that composed of tropane alkaloids which caused confusion sedation and hallucinations. Finally, it was defined as drug designed to influence the performance of a racehorse.”<sup>22</sup>

### 2. Evolution in Doping trends

Cyclists in 19<sup>th</sup> century used alcohol, caffeine, cocaine and strychnine as their performance enhancing drugs (PED).<sup>23</sup> In an unfortunate incident, Linton Redrenn, English cyclist died in 1886 due to overdose of trimethyl during a race.<sup>24</sup> In 1904 St. Louis Olympics Game Thomas Hicks, an American track and field marathon runner, won a gold medal but it was the result of the syringe shot given by his coach Charles Lucas.<sup>25</sup> At that point of time, sports historians believed that strychnine was necessary during the events. One of the reasons the drug usage increased post world war II was the because a number of countries came up with various

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<sup>21</sup> Geeta Devi, “Doping in sports”, *International Journal of Physiology, Nutrition and Physical Education* 2017, Vol. 2, No. 2, 2017, pp. 644-648

<sup>22</sup> *id*

<sup>23</sup> Heena Kumari, “The issue of doping in sports”, *International Journal of Physiology, Nutrition and Physical Education* 2019, Vol. 4, No.1, 2019, pp. 279-282

<sup>24</sup> Govind B. Taware, Deepak G. Bansode, “DOPING IN SPORTS”, *National Journal of Basic Medical Sciences*, Vol. 6, No. 2, October - December 2015, pp. 89-92

<sup>25</sup> Jeré Longman, “The Deafening Roar of the Shrug”, *The New York Times*, 29 July 2007

substances to enhance the capabilities of their soldiers.<sup>26</sup>

John Ziegler, an American physician given the title of The Father of Anabolic Steroids, on his tour to Vienna in 1954 for world championship came to know about Soviet weightlifting team's success. They had been using testosterone as PED. Getting inspired from them, he decided that American team also needs some kind of PED, as a result he came up with the creation of Dianabol.<sup>27</sup>

If we look into the worst track record in doping, Russia's name pops up first. There systematic doping has cost them 47 Olympics medals and ten of World Championship medals. There are more than 200 Russian athletes who were caught in doping at the Olympic games. Russia hosted 1980 Moscow Olympics games which are known as "Chemist's Games". In Russia, doping is done differently as the PED are supplied by the state to their athletes. WADA in 2019 banned Russia from all major sporting event for four years.<sup>28</sup>

In 1988 Seoul Olympics, Ben Johnson, Canadian sprinter, who has won two bronze medals in 1984 Los Angeles Olympics, ran with a WR timings lowering his own WR set by him in Indianapolis World championship of 1987. But Olympic doping control board found stanazol in his urine samples and disqualified him. Later on, he admitted that in 1987 World Championship he was using steroids and as a result IAAF rescind his records and also revealed that he was using Dianabol, testosterone, furazabol and human growth hormone (HGH).<sup>29</sup> Carl Lewis, American track and field athlete who has won nine Olympic gold medals, one Olympics silver and ten World Championship medal admitted that he failed doping test conducted by Americans and was still allowed to be part of US contingent. He acknowledged that he has failed three doping tests before 1988 Seoul Olympics.<sup>30</sup>

Following Seoul Olympic next came Tour de France scandal of doping. Tour de France is a multi-stage bicycle race which France hold's every year. It is known as "the world's most prestigious and most difficult bicycle race". Tour de France of 1998 is also called "Tour de Shame" as it started a series of doping scandals in the cycling world known as Festina Affair. During Tour de France of 1998, France Belgium borders officials seized huge amount of erythropoietin (EPO), growth hormones, testosterone and amphetamine in Festina team car and later team Festina was arrested and seven members of the group admitted taking EPO. Police

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<sup>26</sup> Dr Jean-Pierre de Mondenard, "Dopage: L'imposture des performances", Chiron, France, 2000

<sup>27</sup> Yesalis CE, Anderson WA, Buckley WE, Wright JE, "Incidence of the nonmedical use of anabolic-androgenic steroids", *NIDA Res Monogr*, Vol. 102, 1990, pp. 97-112

<sup>28</sup> Billy Perrigo, "Russia Banned from Global Sports Competitions, Including Olympics, for 4 Years for State-Sponsored Doping", *TIME*, 03 December 2019

<sup>29</sup> Johnson, William Oscar; Moore, Kenny, "The Loser", *Sports Illustrated*, USA, 03 October 1988

<sup>30</sup> Duncan Mackay, "Lewis: 'Who cares I failed drug test?'", *The Guardian*, 24 April 2003

conducted number of raids at team hotels and further seized banned substances from TVM team also. Other teams didn't support these arrests and objected to this kind of treatment, they protested with a warning to withdraw from the event.<sup>31</sup> Following this Union Cycliste Internationale (UCI) and organizers increased the checking for doping substances specifically for EPO and blood doping. They supported the initiative of International Olympic Committee (IOC) to create World Anti-Doping Agency (WADA).

## II. WORLD ANTI-DOPING AGENCY (WADA)

### (A) Background

Tour de France, 1998, was a disaster for UCI and organizers as police seized performance enhancing Drugs in the raids conducted by them on different teams. This event had a huge impact on the entire sports fraternity. Everyone felt the need of an agency or organization that could curb the problem of usage of PED. International Olympic committee in February 1999 conducted a *World Conference on Doping in sports* at Lausanne, Switzerland.<sup>32</sup> The foremost agenda of the conference was to discuss the solutions for the problem of doping. Different sports federations and government organization came together in this conference where they mutually decided to establish an independent organization known as World Anti- Doping Agency in November 1999. The headquarters of the agency are in Montreal, Quebec, Canada and as for regional purposes for Asian countries its headquarters are situated in Nishigaoka, Kita- Ku, Tokyo, Japan.<sup>33</sup> Further, Lausanne Declaration on Doping in Sport was adopted on 4<sup>th</sup> February 1999 by the conference which laid down Education, Prevention and Athletes' Right, Olympic Movement Anti- Doping Code, Sanctions, International Anti- Doping Agency, Responsibilities of the IOC, the IFs, the NOCs and the CAS and a Collaboration between the Olympic Movement and public authorities.<sup>34</sup>

The main objective of WADA is to foresee the anti- doping activities around the world and to make it sure that the international events are conducted with compliance to world anti-doping code. It promotes, coordinates and monitors fight against the drugs in the field of sports. Scientific research, education development and monitoring of WADC are the key activities of WADA. The whole agency works in a prescribed manner, if a notification regarding a positive

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<sup>31</sup> "Drug Scandal at the Tour". Cycling news, 12 July 1998. Available at: <http://autobus.cyclingnews.com/results/1998/jul98/jul12.html> (last accessed 08 April 2020)

<sup>32</sup> Staff, "Lausanne Declaration on Doping in Sport", sportunterricht, 4 February 1999, available at: [http://www.sportunterricht.de/lksport/Declaration\\_e.html](http://www.sportunterricht.de/lksport/Declaration_e.html) (last accessed on 08 April 2020)

<sup>33</sup> "The Agency's History", WADA official site, available at: <https://www.wada-ama.org/en/who-we-are> (last accessed on 08 April 2020)

<sup>34</sup> Staff, "Lausanne Declaration on Doping in Sport", sportunterricht, 4 February 1999, available at: [http://www.sportunterricht.de/lksport/Declaration\\_e.html](http://www.sportunterricht.de/lksport/Declaration_e.html) (last accessed on 08 April 2020)

sample is received from the WADA accredited laboratories, WADA follows up with the concerned National Anti- Doping Organization to make sure that they have followed the procedure laid down by the code.<sup>35</sup>

### **(B) World Anti- Doping Code (WADC)**

WADA developed a uniform set of anti- doping rules in World Anti- Doping Code (WADC) which came into force in 2003. The code provides a framework for anti- doping policy, rules and regulations for federation and governments around the world. It is the fundamental document on which World Anti- Doping system is based. The code works in four different areas, which are, standard of testing, standard accredited laboratories that conduct testing on doping control samples, a list of prohibited substances and methods and a list of therapeutic use exemption.

Purpose of the Code was to protect the Athletes' fundamental right to participate in doping-free sport and thus promote health, fairness and equality for the Athletes worldwide, and to ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regards to detection, deterrence and prevention of doping.

### **(C) Definition of Doping**

“Doping is defined in WADC as the occurrence of one or more of the following anti- doping rule violations:

- a. Presence of a prohibited substance in an athlete's sample
- b. Use or attempted use of a prohibited substance or method
- c. Refusing to submit to sample collection after being notified
- d. Failure to file athlete whereabouts information and missed tests
- e. Tampering with any part of the doping control process
- f. Possession of a prohibited substance or method
- g. Trafficking a prohibited substance or method
- h. Administering or attempting to administer a prohibited substance or method to an athlete
- i. Complicity in an ADRV

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<sup>35</sup> Sport Bureau, “Drugs in sport: Wada doubles doping ban in new code”, *BBC*, 15 November 2013

j. Prohibited association with sanctioned athlete supported personal”<sup>36</sup>

The list of prohibited substances and methods applies to athletes both in and out of competition. WADA updates the list annually. The irresponsible use of any medical, dietary or other substance or methods can rob an individual’s performance. Extreme caution is recommended regarding the supplement use. Even an “all- natural” supplement could contain a prohibited substance. Before administering a substance, an athlete must consult the list given by WADA, contact national anti-doping organization or international federation or a pharmacist or physician. One can apply for Therapeutic use Exemption to their International Federation (International Athletes) or National Anti- Doping Organization (National level Athletes), after which an athlete is allowed to intake certain prohibited drug for a specific condition.

**(D) Procedure**

There are total 11 stages of Doping control:<sup>37</sup>

1. An athlete’s urine sample or his/ her blood sample can be collected by the officials anytime and anywhere for the doping test. Urine and blood testing are the modes which are used by WADA to conduct the testing. They are easy to collect from a participant and there is no difficulty in preserving them for longer period of time.

2. Before an athlete’s sample is collected by a Doping Control Officer (DCO), he/ she will be notified for the same and will be asked to fill a form conforming that that the athlete understand his/her rights and responsibilities. This is a standard procedure adopted by Doping Control officials as to make the participant know what he will be going through and as a result, they must cooperate with officials as to conduct the sample collection for his/ her doping test.

3. After that the athlete will be escorted by the official to the doping control station, as soon as possible. There is a whole team made by the Doping Agency as to conduct the tests where a sports event is happening, As an individual do not face any problems, he or she is always escorted by an official to help him as well as to keep a check on him/ her.

4. There will be number of doping kits lying in the doping control station where an athlete is asked to pick a kit randomly of his/ her choice. This procedure is adopted to make sure to the individual that every thing is arbitrary and nothing is plotted beforehand or is free from any kind of biasness.

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<sup>36</sup> World Anti-Doping Code 2015, Ar. 1 and Ar. 2

<sup>37</sup> World Anti-Doping Code 2015, Ar.5

5. After selecting the kit, themselves, the officer will ask him/her to fill the urine sample in a vessel up to 90mL. These markings or specified values are prescribed as such a quantity of sample is required by the laboratories to conduct proper tests.

6. Athlete will disrobe in front of officer from navel to knee and hands to elbow as to provide an unobstructed view to officer and the DCO will be of the same gender as the athlete giving sample. The step is important as to make sure that athlete is giving his own sample and not carrying some other sample in any kind of container. Sample collection is most important part of all and Anti- Doping Agencies makes sure that athlete is submitting his or her own sample, and is submitted at the same time only when he has been given the kit for the specific purpose. Further, the officials are also assigned according to respective gender only.

7. Now the kit which was selected earlier has to be opened. Fill the B bottle up to the mark and pour the rest of it in A bottle and leave small amount of urine in the vessel. Two samples are always collected, firstly sample 'A' is always tested and results are notified to the athlete, International federation, national federation and WADA. If Athlete is not satisfied with the results, then he can appeal sample 'B' to be tested.

8. Seal both the bottles A and B so that samples can't be tampered. As the samples do not get contaminated and no one tamper them they are sealed straight away after athlete gave the sample in front of them only as to make them sure that samples are now in safe keeping.

9. The DCO will inspect the sample first as to see that it is not too much diluted. If it is below the required rates then athlete has to provide the additional samples also. The samples are checked by DOC to make sure that they are up to the prescribed standards and the tests can be carried on them. If he is not satisfied with the sample collected, he can direct the concerned individual to give sample again.

10. At last athlete will be asked to fill out the Doping control Form, as he/ she has to provide personal information, giving information of any substance an athlete is consuming, prescription medication, over the counter medication and supplements, any concerns or inquiry regarding the doping control, further conforming that he/ she has given the information, recorded numbers and sample are correct and at last signing and receiving athlete copy of the doping control form from DCO. This information is used by Anti- Doping agency to maintain a database of all the athletes and to contact them whenever required. The information filled by them is also considered as a statement made by them which can be used against them disciplinary panel if results came out to be positive. In the form itself they have to disclose all the substances, supplements and medication they are consuming.

11. At last stage the sample collected from the athlete are sent to WADA accredited laboratory following strict confidentiality norms and to keep them secure. Firstly, A sample will be analysed and B sample is stored for later testing if required. After the results came out, they are sent to WADA and national anti-doping organization.

There are certain rights and responsibilities of an athlete to make whole organization work smoothly.<sup>38</sup> The athlete can have an interpreter and can also ask for additional information about the collection of the sample. Athlete can also delay in giving the sample to DCO but valid reasons must be given. Special provisions are made for Para- athletes, as they can request for modifications in sample collection procedure. In Addition to these rights, individual has some responsibilities. They have to be under the direct observation of DOC from the point of the notification to the end, until the sample collection procedure is completed. All the details given by an athlete must be true and comply with procedure and if an athlete fails, he may face a doping ban. An individual must report to DCO or anti- doping station as soon as possible unless he has a strong reason to support his delay.

**(E) Anti- Doping rule violations and their sanctions:**<sup>39</sup>

There are number of ways in which an athlete can violate the rules made by WADA:

1. When sample results came positive the athlete is automatically in violation of Anti-Doping rules i.e. Prohibited substances are found in his/ her blood or urine sample. As a result of which the athlete will be disqualified from the current event and from other events also if the athlete's result is affecting his pervious performance in other events, including forfeiture of any medals, points and prize. An ineligibility to participate for four years in any event will also be imposed.

2. If an individual is found using any of the prohibited substances or any attempt is made on his behalf to use PED. Further, if Prohibited substances are found in athletes' possession, then also individual is in violation of rules. An ineligibility to participate for four years in any event will also be imposed.

3. When an athlete is called or is being notified by the doping agency for collection of samples, to which athlete fails to submit, refuse to submit or try to evade the officials. An ineligibility to participate for two years in any event will also be imposed.

4. Anti- doping agency update their Registered Testing pool frequently in which they add names of the athletes which are required to submit their samples when ever asked and if those

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<sup>38</sup> World Anti-Doping Code 2015, Ar. 21

<sup>39</sup> World Anti-Doping Code 2015, Ar.2 and Ar. 10

athletes don't submit in twelve months then they are violating rules of WADA. An ineligibility to participate for two years in any event will also be imposed.

5. When doping test is conducted i.e. samples are collected and, in that part, individual tries to give fraudulent information or trying to interfere with the procedure unnecessarily, then he or she will be charged with tampering. Tampering or attempt to tamper with any procedure carried on by Doping Control team will be violation of rules. An ineligibility to participate for two years in any event will also be imposed.

6. If an individual is trafficking or made an attempt to traffic prohibited substance or administering or attempt to administer any prohibited substance to an athlete who is participating in the competition will also be violation of rules. An ineligibility to participate for two years in any event will also be imposed.

In any circumstance where an athlete is found with no significant fault or Negligence, then in such a case his ineligibility shall be eliminated. But the disciplinary board will see the degree of fault and negligence on the part of athlete any may reduce to half but not more than that, if ineligibility is for lifetime then it can't be reduced less than 8 years. The period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

### **III. NATIONAL ANTI-DOPING AGENCY (NADA)**

#### **(A) Introduction**

National Anti- Doping Agency was formed on 24<sup>th</sup> November 2005 to curb the problem of doping in Indian sports.<sup>40</sup> It is registered society under Societies Registration Act XXI 1860. WADA has accredited National Dope Testing Laboratory (NDLT), which is required for competence of testing and calibration laboratories for its facility in Jawaharlal Nehru Stadium Complex, New Delhi in the field of testing. They accepted WADC on 7<sup>th</sup> March 2008 and made sure that the rules and regulations made by WADA are implemented in India. Its aim is to promote dope free sports and a mission to strengthen the Anti- Doping program in India. They have committed to maintain integrity of sports in India and to protect the rights of an athlete. The Agency spreads awareness about the doping program and about the adverse consequences of doping on the society. NADA is trying to implement the World Anti- Doping Code and to comply with international standards. Their objective is to enforce Anti- Doping code so that uniformity among all sports organization throughout India can be achieved,

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<sup>40</sup> K.P.Mohan, "National Anti-Doping Agency formed", *The Hindu*, 31 March 2006

secondly, to keep a check on the athletes and lastly, increasing the base of WADA by conducting researches and inculcating dope free sports education as a part of curriculum.<sup>41</sup>

### **(B) Procedure**

The procedure is same as WADA

### **(C) Testing**

NADA carries on number of tests which can be in- competition or out of competition. Out of Competition are further carried on the athletes which are mentioned in the registered testing pool. While conducting the tests, the urine and blood sample can be collected of the required individuals as per the international standards prescribed by WADA. After collection of samples they are sent to NDLT, New Delhi.

NADA carries out in- competition test to lift off their burden. Criteria to select the individuals is predetermined as given by International federation or national bodies. Individual is immediately notified after his/ her event gets over and sample is collected as per the procedure laid by WADA. After that sample is tested in WADA accredited laboratory.<sup>42</sup>

Further, out of competition testing is conducted when events are not occurring and athletes can be tested anytime and at any place. Athletes names are notified and they are added to registered testing pool by NADA as they all have to provide their current whereabouts. Whereabouts includes their home address, training address, working address and their competition schedule which further helps DCO to track the athlete. Failing to comply with the guidelines may result in ban.<sup>43</sup>

NADA add the names of all those athletes whose whereabouts are needed for testing as to meet the requirements the international standards. The list is updated from time to time by NADA as per the need.

Then comes the final step, *result management*. NADA follows its own procedure which is:<sup>44</sup>

- a. Firstly, on receiving a sample without the name, the laboratory decodes the name of the athlete from sample 'A'.

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<sup>41</sup> "The Anti-Doping Rules: National Anti- Doping Agency India", NADA India, Available at: [https://www.nada.india.org/upload\\_file/document/1493557039.pdf](https://www.nada.india.org/upload_file/document/1493557039.pdf) (Last accessed 08 April 2020)

<sup>42</sup> "In-Competition Testing", NADA India, 27 April 2017, Available at: <https://www.nadaindia.org/en/incompetition-testing> (Last accessed 08 April 2020)

<sup>43</sup> "Out-Competition Testing", NADA India, 27 April 2017, Available at: <https://www.nadaindia.org/en/outcompetition-testing> (Last accessed 08 April 2020)

<sup>44</sup> World Anti-Doping Code 2015, Ar.7

- b. Sample 'A' is tested and if no prohibited substance is found i.e. the result is negative then in that case the federation, WADA and athlete will be informed.
- c. If the results are positive i.e. any prohibited substance is found in the sample, NADA will review to make it sure that;
  - a. Therapeutic Use Exemption will be granted as per international standards,
  - b. Apparent departure from the IS for Testing or IS for Laboratories that caused the Adverse Analytical Finding.
- d. If therapeutic use exemptions are validated for sample 'A' then the federation, WADA and athlete will be informed.
- e. If therapeutic use exemptions are not validated, then athlete is notified about the Adverse Analytical Finding of sample 'A' and further, NF, WADA and IF are also informed for the same.
- f. If the substance found in sample 'A' is prohibited substance which is not a specified substance, then athlete will be suspended by NADA provisionally and matter will be put before hearing panel.
- g. Athlete has right to make sample 'B' checked within 7 days after notification of his Adverse Analytical Finding has been delivered to him/ her.
- h. If athlete requests authority to run his sample 'B' for tests, then NADA will inform the laboratory time and date on which sample analysis will take place.
- i. If athlete don't request to witness the analysis of sample 'B', then the test will take place under the observation of an independent observer.
- j. If sample 'B' results are negative then the athlete, IF, NF and NADA will be informed.
- k. If sample 'B' results are positive then NADA will serve notice to respective athlete along with concerned parties i.e. IF, NF and WADA according to the violation. The Anti- Doping Panel will be notified about the findings of the case for disciplinary proceedings to be conducted as per Anti- Doping rules of NADA.
- l. Concerned athlete will be given a chance to present his/ her case before panel on the fixed time and date by the panel.
- m. Athlete will be allowed to be present his case or be represented by council as to eliminate the charges or reduce the sanctions imposed on him.

- n. At last, the athlete can further file an appeal with Anti- Doping appeal panel within 14 of Anti- doping Disciplinary panel.

Fair Hearing: An individual who is charge to have committed an anti-doping rule violation, NADA with responsibility for results management shall provide the respected athlete with a fair hearing within a reasonable time Infront of a fair and impartial hearing panel. A timely reasoned decision specifically including an explanation of the reason for any period of Ineligibility shall be Publicly Disclosed. Further, the concerned athlete can waive of his right either expressly or by the Athlete's or other Person's failure to challenge NADA's assertion that an anti-doping rule violation has occurred within the specific time period provided in the Anti-Doping Organization's rules.<sup>45</sup>

In year 2017- 2018, 7000 urine and 500 blood samples were collected by NADA out of which 1038 are positive results i.e. the athletes who are found positive of PED.<sup>46</sup> From those 1038, 232 are the athletes facing ban imposed by authorities w.e.f. 01/01/2009 till date.<sup>47</sup>

#### **IV. CASES**

Under Article 15 of IAAF Anti-Doping Rules<sup>48</sup>, the Athletics integrity unit ranking India in Category B which states that the nation following under this category have high number of athletes consuming prohibited substances & have low international success, this list was further approved by IAAF Council.

There are number of cases reported In India since 2009. The data base regarding the same has been made by National Anti-Doping Agency in which there are total 1038 entries from which 232 are from Athletics. Further, in these 232-concerning number of athletics are 2<sup>nd</sup> time offenders (Double case). Athletics Federation of India has also maintained their separate data base regarding the same. They have uploaded the data for the year 2014,2015 &2016.

Inderjeet Singh is an international level shot put thrower who has won a silver Medal in 2013 Kazan Universiade, bronze medal in 2014 South Korean Asian Games, Gold Medal in Wuhan Asian Championship, Gold in Bangkok Asian Grand Prix, Gold in South Korea Universiade & was qualified for 2016 Rio Olympics Games but an ineligibility was imposed on him for four

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<sup>45</sup> World Anti-Doping Code 2015, Ar. 8

<sup>46</sup> "Testing Programme", NADA India, 27 April 2017, Available at: <https://www.nadaindia.org/en/testing-programme> (Last accessed on 08 April 2020)

<sup>47</sup> "List of sportspersons tested positive against dope substances and sanction imposed by Anti-Doping Disciplinary Panel w. e. f. 01-01-2009 till date", NADA India, 27 April 2017, Available at: [https://www.nadaindia.org/upload\\_file/document/1584092086.pdf](https://www.nadaindia.org/upload_file/document/1584092086.pdf) (Last accessed on 08 April 2020)

<sup>48</sup> World Anti-Doping Code 2015, Ar. 15

years from 25.7.2016. In the case of ***Inderjeet Singh V/s National Doping Agency***<sup>49</sup>, Inderjeet appealed to the Disciplinary penal regarding the same. His first sample was collected at his residence on 22<sup>nd</sup> June & 2<sup>nd</sup> sample was an in- competition sample collected on 29<sup>th</sup> June. 2<sup>nd</sup> sample result came negative but first sample result came afterwards & was tested positive with prohibited substances. This incident raised a question on the procedure adopted for testing, as Inderjeet raised question on the chain of custody of the first sample collected from his residence to which NADA replied that the test results were valid. As a result, Anti-Doping Appeal Penal set aside four-year ban imposed by NADA on 4<sup>th</sup> July,2018 and in addition to this NADA was directed to pay sum of 3000 swiss France (2.16 Lacs).

In another case of Davinder Singh Kang who became first Indian to qualify for the finals of the World Athletic Championship, Javelin Throw Event and has also won bronze medal in 2017 Bhubaneshwar Asian Championship came under NADA's radar in 2017 when he was competing in Indian Grand Prix-3, which was held at NIS Patiala. His urine sample was collected by NADA officials after his event was concluded. The results for the same came positive with cannabis which is also known as Marijuana. The decision limit for the said drug is 180ng/ml but in Kang's case it was 279 ng/ml/. Kang filed his appeal after receiving notice from Anti-Doping Disciplinary Panel. Kang's submission in ***NADA v/s Davinder Singh Kang***<sup>50</sup> was that, the results of his earlier test taken on 7<sup>th</sup> May2015 were negative but his test results of 15<sup>th</sup> May came to be positive. He further submitted that in the month of May he was experiencing bleeding from nose as well as difficulty with regards to urination. On suggestion of his colleagues and friends he consumed "Thandai" and argued that by consuming the substance he had no desire to cheat the competition. In the light of all the findings and facts of the case, the panel decided to reprimand Davinder Singh Kang and gave him admonition to be much more conscious as awareness about such matters is expected from an athlete who is representing India in the international level.

In the case of ***Mr. Shailendra Yadav v/s NADA***<sup>51</sup>, the Anti-Doping Appeal Panel received an appeal against the order dated 25.5.2016 against the athlete on whom panel imposed an eligibility for four years. Number of notices were given to athlete but there was no reply. Therefore, opportunity to be heard was given and legal assistance was provided to the athlete. Due to non-presence of applicant, Appellate Tribunal dismissed the appeal and confirmed the order of anti-doping disciplinary panel.

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<sup>49</sup> *Inderjeet Singh v. NADA*, 08 ADAP 2018

<sup>50</sup> *NADA v. Davinder Singh Kang*, 21 ADDPI 2017

<sup>51</sup> *Shailendra Yadav v. NADA*, 19 ADAPI.2016

In the matter of **Ms. Priyanka Panwar vs NADA**<sup>52</sup>, appellants urine sample was collected during the 56<sup>th</sup> National Inter State Championship held at Hyderabad in which she tested positive for prohibited substance, MEPHENTERMINE. Athlete submitted that she has taken mucaine for stomach and backpain before the championship and she was not aware of the requirement of the exemption that she was supposed to take for the said substance from NADA and at last pleaded to avail the benefit of “no fault or negligence”. NADA submitted that it was second time the athlete was held for doping charges. Secondly, Mucaine gel was prescribed by doctor for one month i.e. 7<sup>th</sup> May, 2016 to 6<sup>th</sup> June 2016 and it would not have been traceable in her sample on 2<sup>nd</sup> July, 2016 and further the doctor advised the athlete orally and no prescription was given for the same. Dr Shilpa Jain of NDLT gave her findings that the athlete directly ingested MPT/PT and there is no dispute that they are prohibited substances. In the light of all the findings and the fact of the case, panel decided that the athlete was guilty of the violation of the rules with which she had been charged and was imposed maximum suspension of eight years from 29<sup>th</sup> July, 2016.

In the case of **IAAF v/s Ms Sheoran Nirmla**<sup>53</sup>, the athlete underwent an in competition doping test held at 58<sup>th</sup> National Inter State Championship held in Guhwati on 29<sup>th</sup> June, 2018 where her urine sample was collected and was sent for further testing to Montreal Laboratory where Drostanolone and Metenolone were found in her sample, both of them are prohibited substances under WADA 2018 list and athlete did not have Therapeutic use Exemption. Therefore, AIU imposed suspension till resolution of her case. Nirmala waved her right to have the B sample analysed and in accordance to her decision AIU notified the athlete to re provide an explanation pertained to the matter and was given an extension till 29<sup>th</sup> March, 2019. Nirmala failed to provide explanation a number of times and on 18<sup>th</sup> September 2019 AIU gave her notice of charge and advised that if she did not reply then her right of hearing will be waived off. On 19<sup>th</sup> September 2019 Nirmala accepted the charge and did not request a hearing and was ready to accept the consequences. AIU decided to suspend the athlete for four years commencing on 29<sup>th</sup> June, 2018 and further directed to forfeiture of title, award, medal, points and prize from 15<sup>th</sup> August, 2016 to 21<sup>st</sup> November, 2018.

In the case of **NADA v/s Mr. Sanjeet**<sup>54</sup>, the athlete was participating in 58th Open Athletic Championship when an in competition doping test was conducted and his urine sample was collected by NADA officials. His sample was analysed in NDLT, New Delhi in which

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<sup>52</sup> *Priyanka Panwar v. NADA*, 22 ADDPI 2016

<sup>53</sup> *IAAF v. Sheoran Nirmla*, AIU 18 224

<sup>54</sup> *NADA v. Sanjeet*, 19 APAPI 2016

prohibited substances were found. Consequently, doping agency issued notice of charge to the athlete, to which athlete had furnished the written representation, waving his right to get sample B analysed. A notice was served to the athlete to which athlete appeared with his advocate before the panel and argued his case. He admitted to have consumed other supplements also and NADA submitted that athlete had not exercised any caution expected from an athlete at his level. In the present case four years suspension was imposed on the athlete. Moreover, he was unable to prove that anti-doping rule violation was not intentional. But the athlete seeks leave of this panel for the application of the substantial assistance under provision article 10.6.1 as by providing names of the other athletes indulging in international doping. Panel decided that power to reduce period of suspension on the ground of substantial assistance is vested with NADA and not with the disciplinary committee. The period of ineligibility commenced from 1.11.2018 and also directed that athlete shall be disqualified from all the competitions from the date of sample collected and resulting in forfeiture of medals, points & prizes.

## **V. CONCLUSION**

Doping is not considered as a problem which is faced by different athletes in India but is considered as a medium to achieve success in a short span of time. There is no doubt that after using the banned substances i.e. Stanazol, Dianabol, testosterone etc athlete's performance is enhanced but such performance is of no use as athlete will be banned after his sample comes out to be positive. The coaches, fellow track mates, partners don't have proper education and awareness about the WADA and NADA guidelines and as a result under their influence or advice an individual consumes substance, medication or food supplement which are listed in prohibited substance list.

Basic science is that an individual's muscles are matured with time only. Muscle maturity can't be achieved with PED, using them will increase the strength, power of the muscle but for a short span of time and moreover there are high risks that an athlete may face injury during course of his/ her training. As a vessel can't hold water more than its capacity similarly goes for an individual's body, it has its limit and one cannot push his/ her body beyond its limit.

Indian athletes tend to reach the heights of fame at junior levels. In order to achieve that, they indeed work hard, but if they face failure they indulge in the use of substance rather than trying the authentic method again. This is also because the lack of availability of well-educated coaches. Every successful athlete has a strong base i.e. six to seven years of training and only after that they are able to achieve their goals. Athletes nowadays lack patience which is a key element to success of an individual.

Excessive availability of PED is another reason for the increase in doping. They can be brought online as well as from local sports supplement shops.

NADA has applied the WADC in India, but has failed implementation. Given the illiteracy rate of our country, it becomes difficult to implement something a technical as WADC. Thus, education becomes another factor which needs to be worked on to stop cases of doping.

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## VI. BIBLIOGRAPHY

### Case Laws

- IAAF v. Sheoran Nirmla, AIU 18 224
- NADA v. Sanjeet, 19 APAPI 2016
- NADA v. Davinder Singh Kang, 21 ADDPI 2017
- Shailendra Yadav v. NADA, 19 ADAPI.2016
- Priyanka Panwar v. NADA, 22 ADDPI 2016
- Inderjeet Singh v. NADA, 08 ADAP 2018

### Books

- Dr Jean-Pierre de Mondenard, “*Dopage: L'imposture des performances*”, Chiron, France, 2000

### Publications

- “WORLD ANTI-DOPING CODE 2015 with 2019 amendments”: [https://www.wada-ama.org/sites/default/files/resources/files/wada\\_anti-doping\\_code\\_2019\\_english\\_final\\_revised\\_v1\\_linked.pdf](https://www.wada-ama.org/sites/default/files/resources/files/wada_anti-doping_code_2019_english_final_revised_v1_linked.pdf)
- “Anti-Doping Important Facts and Highlights from WADA’s Athlete Guide”: [https://www.wada-ama.org/sites/default/files/wada\\_anti-doping\\_aag\\_eng\\_web.pdf](https://www.wada-ama.org/sites/default/files/wada_anti-doping_aag_eng_web.pdf)
- “The Doping Control Process”: [https://www.wada-ama.org/sites/default/files/wada\\_doping\\_control\\_aag\\_eng\\_web.pdf](https://www.wada-ama.org/sites/default/files/wada_doping_control_aag_eng_web.pdf)
- “the anti-doping rules national anti-doping agency, India”: [https://www.nadaindia.org/upload\\_file/document/1493557039.pdf](https://www.nadaindia.org/upload_file/document/1493557039.pdf)
- “List of appeal disposed of by the Anti-Doping Appeal Panel”: <https://www.youtube.com/watch?v=cHwQowOzAf0&list=RDFCFXHjx7hRg&index=27>
- “the world anti-doping code: International standard: Prohibited list January 2020”: [https://www.nadaindia.org/upload\\_file/document/1576049703.pdf](https://www.nadaindia.org/upload_file/document/1576049703.pdf)
- “List of athletes presently in national registered testing pool 2020”: [https://www.nadaindia.org/upload\\_file/document/1577185299.pdf](https://www.nadaindia.org/upload_file/document/1577185299.pdf)
- “List of sportspersons tested positive against dope substances and sanction imposed by Anti-Doping Disciplinary Panel w. e. f. 01-01-2009 till date”: [https://www.nadaindia.org/upload\\_file/document/1584092086.pdf](https://www.nadaindia.org/upload_file/document/1584092086.pdf)

- “list of athletes tested positive against dope substances and sanctions imposed by anti-doping disciplinary panel”:
- [https://indianathletics.in/wp-content/uploads/2019/07/2014-Dope\\_0.pdf](https://indianathletics.in/wp-content/uploads/2019/07/2014-Dope_0.pdf)
- “List of athletes tested positive against dope substances and sanctions imposed by anti-doping disciplinary panel in 2015”: <https://indianathletics.in/wp-content/uploads/2019/07/Dope-Test-Result-2015.pdf>
- “list of athletes tested dope positive and sanction imposed by anti-doping disciplinary panel (01/01/2016 to 31/12/2016)”: [https://indianathletics.in/wp-content/uploads/2019/07/01-01-2016-to-31-12-2016\\_ADDP-Sanction-List.pdf](https://indianathletics.in/wp-content/uploads/2019/07/01-01-2016-to-31-12-2016_ADDP-Sanction-List.pdf)
- Johnson, William Oscar; Moore, Kenny, "The Loser", *Sports Illustrated*
- Yesalis CE, Anderson WA, Buckley WE, Wright JE, "Incidence of the nonmedical use of anabolic-androgenic steroids", *NIDA Res Monogr*, Vol. 102, 1990, pp. 97-112
- Billy Perrigo, “Russia Banned from Global Sports Competitions, Including Olympics, for 4 Years for State-Sponsored Doping”, *TIME*, 03 December 2019
- Geeta Devi, “Doping in sports”, *International Journal of Physiology, Nutrition and Physical Education 2017*, Vol. 2, No. 2, 2017, pp. 644-648
- Heena Kumari, “The issue of doping in sports”, *International Journal of Physiology, Nutrition and Physical Education 2019*, Vol. 4, No.1, 2019, pp. 279-282
- Govind B. Taware, Deepak G. Bansode, “DOPING IN SPORTS”, *National Journal of Basic Medical Sciences*, Vol. 6, No. 2, October - December 2015, pp. 89-92
- Veronica Roth, “*The Ancient Olympic games: mythic worship of gods and athletes*”, *Elegacies*, 2010, pp. 1-2

#### Newspapers

- The Hindu
- The Economic Times
- The Guardian
- The New York Times

#### Internet Sources

- [www.wada-ama.org](http://www.wada-ama.org)
- [www.sportunterricht.de](http://www.sportunterricht.de)
- [www.nadaindia.org](http://www.nadaindia.org)
- [www.etymonline.com](http://www.etymonline.com)

- [www.insidethegames.biz](http://www.insidethegames.biz)
- [www.deaflympics.com](http://www.deaflympics.com)
- [www.indianathletics.in](http://www.indianathletics.in)
- [www.sports-reference.com](http://www.sports-reference.com)
- [www.kerala.gov.in](http://www.kerala.gov.in)
- [www.gbrathletics.com](http://www.gbrathletics.com)
- [www.autobus.cyclingnews.com](http://www.autobus.cyclingnews.com)

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