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## FAIR PLAY OR FOUL? LEGAL ASPECTS OF DOPING IN INDIAN SPORT

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### ABSTRACT

The use of Performance Enhancing Drugs in Indian sport presents challenges which are legal, ethical, and systemic, which compromise the integrity and true spirit of sportsmanship. While India has become more prominent on the world sports stage, the country continues to record a high number of doping violations reflecting gaps in awareness, procedural inconsistencies and infrastructural inadequacies. This article examines the legal and institutional framework governing anti-doping efforts in Indian sports, highlighting the role of the National Anti-Doping Agency (NADA) and its alignment with the World Anti-Doping Agency (WADA) and the WADA Code. Based on available literature, the paper evaluates the effectiveness of current mechanisms in ensuring procedural fairness, athlete protection, and compliance with international standards, as well as ethical concerns, including the implications of strict liability, due process concerns, and the balance between deterrence and rehabilitation. The analysis reveals that the legal framework has significantly improved, though challenges remain in implementation, transparency, and athlete education. The article concludes with recommendations for policy and legal reform, improved testing infrastructure, increased awareness and legal aid for athletes, as well as the promotion of a culture of ethical sportsmanship from the grassroots level, to strengthen India's anti-doping management.

**Keywords:** Performance-enhancing drugs, Anti-doping law, Sports law, India, NADA, WADA Code

## INTRODUCTION

*“If you take away the fairness and it becomes a rigged game, you lose the integrity of the sport...you lose the trust of the fans, and in the end, everyone loses, including the athletes who cheated.”* – Lowell Bailey, 4-time Olympian <sup>1</sup>

The use of performance-enhancing drugs (PEDs), a process commonly referred to as ‘doping’, undermines the spirit of fair play and threatens the integrity of sports, while also being detrimental to the health of athletes, and raising legal, ethical, and institutional challenges. Doping scandals have affected athletes and nations worldwide, and no sport is immune to them. Despite international regulations such as the World Anti-Doping Agency (WADA) Code and progress in technology to detect it, the use of PEDs continues to threaten the image of clean sport.

India is a signatory to the UNESCO International Convention against Doping in Sport and the WADA Code. The National Anti-Doping Agency (NADA) is the governing body primarily responsible for implementing anti-doping policies in the country and aligning with international norms, alongside the National Dope Testing Laboratory (NDTL) and other government agencies. Despite these, India has consistently ranked among the top nations in doping violations, according to WADA reports, with numerous doping controversies in recent years across various disciplines, including weightlifting, athletics, wrestling, and even cricket.<sup>2</sup> These incidents have raised questions about the adequacy and enforcement of anti-doping laws in the country, highlighting challenges related to testing, procedural consistency, and athlete education, and underscoring the need to critically evaluate India’s anti-doping mechanisms.

In this background, this article aims to examine the country’s legal and administrative response to doping, its alignment with international standards and the World Anti-Doping Code, issues related to the implementation of these laws, and the strengths and weaknesses of the current legal and policy structures. It also aims to evaluate issues related to athlete education, protection of athlete rights, testing, and adjudication processes, and recommends areas for

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<sup>1</sup> USADA: Why Clean Sport Matters (U.S. Anti-Doping Agency), <https://www.usada.org/choose-usada/choose-usada-why-clean-sport-matters/#> .(Accessed Dec. 16, 2025).

<sup>2</sup> KP Mohan, *Doping: India tops testing figures for third year in a row*, SPORTSTAR Dec 17, 2025.<https://sportstar.thehindu.com/other-sports/doping-india-wada-nada-testing-dope-adverse-analytical-findings-samples/article70407447.ece/amp/>.(Accessed 18 Dec 2025.)

reform that can strengthen India's anti-doping mechanisms.

## DOPING AND THE GLOBAL CONTEXT

The use of substances by sportspersons to enhance performance and gain an edge over their competitors has been a practice since ancient times. It has been noted that athletes ingested animal organs, wine mixtures, hallucinogenic mushrooms, and stimulants such as strychnine to improve speed, endurance, and strength.<sup>3</sup> As medical and pharmacological sciences advanced in the 19th century, athletes began experimenting with chemical compounds. Concern over these practices led the International Association of Athletics Federations (IAAF) in 1928 to ban such substances after discussions during the Amsterdam Olympic Games.<sup>4</sup> The turning point came with the widely televised death of a Danish cyclist during the 1960 Rome Olympics after the consumption of stimulants. In response, the International Olympic Committee (IOC) created its first list of prohibited substances in 1967 and began testing for PEDs at the 1972 Munich Summer Games. The practice of doping, however, continued, and in the 1970s and 80s, there were several reports of politically driven state-sponsored doping programs in countries such as East Germany, which undermined anti-doping efforts. When sprinter Ben Johnson was found to have used anabolic steroids at the 1988 Seoul Olympics, and widespread doping was detected during the 1998 Tour de France, it became evident that the existing rules were inadequate to tackle the problem. In 1999, the IOC convened the First World Conference on Doping in Sport in Lausanne, which led to the Lausanne Declaration and the establishment of the World Anti-Doping Agency on 10 November 1999. WADA became the first independent, international organisation responsible for harmonizing and coordinating anti-doping rules and policies worldwide.<sup>5</sup> Jointly funded and governed by national governments and sports bodies, WADA developed the World Anti-Doping Code (WADC), which establishes uniform rules, promotes consistent sanctions, mandates regular testing, and requires all Olympic sports federations and National Anti-Doping Organizations (NADOs) to comply with the Code in order to participate in major competitions. To support governmental enforcement, the UNESCO International Convention Against Doping in Sport was adopted in 2005 and came into force in February 2007, enabling countries to implement the WADA Code

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<sup>3</sup> David A Baron et al, *Doping in sports and its spread to at-risk populations: an international review*, 6 WORLD PSYCHIATRY, 118-23 (2007) <https://pmc.ncbi.nlm.nih.gov/articles/PMC2219897/>

<sup>4</sup> *A piece of anti-doping history: IAAF Handbook 1927-192*, WORLD ATHELETICS, <https://worldathletics.org/news/news/a-piece-of-anti-doping-history-iaaf-handbook>. (Accessed 26 Nov 2025).

<sup>5</sup> Baron, *supra* note 3

through domestic legislation. As of today, the convention has been ratified by over 190 states, including India. The Court of Arbitration for Sport (CAS) is an international body established in 1984 to settle disputes related to sport through arbitration or mediation, governed by the International Council of Arbitration for Sport (ICAS). Headquartered in Lausanne, Switzerland, its other courts are located in New York City and Sydney, while temporary courts are established wherever the Olympic Games are being held. The Anti-Doping Division (CAS ADD) is empowered by the WADC signatories to hear anti-doping cases, decide whether there has been a violation, and decide on sanctions in accordance with the WADC.<sup>6</sup>

Article 1 of the World Anti-Doping Agency (WADA) Code defines doping as ‘the occurrence of one or more anti-doping rule violations’, which are 11 violations listed in Article 2. These include the presence, use, or attempted use of prohibited substances or methods, refusal or failure to submit to sample collection, inaccurate athlete whereabouts information, tampering with any part of the doping control process, possession, trafficking, or administration of prohibited substances, complicity, and any acts that discourage reporting of violations.<sup>7</sup>

WADA publishes a ‘List of Prohibited Substances and Methods’ that is updated at least annually. It classifies them as those banned at all times, banned only in-competition, or banned in specific sports. Substances prohibited at all times include anabolic agents, peptide hormones, growth factors, beta-2 agonists, hormone and metabolic modulators, and diuretics. Stimulants, narcotics, cannabinoids, and glucocorticoids are prohibited in competition, while beta blockers are banned in certain precision sports. Prohibited methods—such as blood manipulation, chemical or physical manipulation of samples, and cell or gene doping—are banned at all times.

A key component of the WADA Code is the principle of Strict Liability, which holds that an anti-doping violation occurs whenever a prohibited substance is detected in an athlete’s sample, regardless of whether the use was intentional or not, and regardless of negligence or knowledge. Sanctions can, however, be reduced if athletes can demonstrate that they were not at fault. This principle aims to strike a balance between effective enforcement, and fairness in cases of accidental contamination.<sup>8</sup> Another important mechanism is the Therapeutic Use

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<sup>6</sup> Procedural Rules - CAS Anti-Doping Division, COURT OF ARBITRATION FOR SPORT. <https://www.tas-cas.org/en/add/procedural-rules-cas-add/>. (Accessed 26 Nov 2025.)

<sup>7</sup> WADA <https://www.wada-ama.org/en> (Accessed Nov 30 2025)

<sup>8</sup> Rakshan Pahwa & Manish Bharadwaj, Athletes’ Rights vs. Anti-Doping Regulations: The Balancing Act of Strict Liability. 7 IJLMH 2333 – 2353 (2024), <https://doi.org/10.1000/IJLMH.117694>

Exemption (TUE), which allows athletes to use a substance on the WADA Prohibited List to treat a diagnosed medical condition, without committing an anti-doping rule violation, provided the treatment does not enhance performance beyond restoring normal health. The International Standard for Therapeutic Use Exemptions (ISTUE) sets out detailed conditions for granting TUEs, ensuring that exemptions remain medically justified and ethically sound. Athletes must verify whether their medication is prohibited, inform their doctor of anti-doping rules, and apply early to the appropriate ADO with full medical documentation for confidential review by an independent TUE Committee—usually within 21 days—with the option to appeal if the TUE is denied.<sup>9</sup>

Athletes resort to doping to enhance efficiency and performance, aiming to achieve social, psychological, and economic goals, as well as to cope with the expectations and pressures they face; however, the adverse consequences are wide-ranging. Sporting competitions are meant to test an individual's physical, psychological, tactical and technical abilities. The use of PEDs enhances characteristics such as strength and stamina, which give an unfair advantage to the user over another who is proficient in non-physical attributes such as strategy, technical skill and mental resilience. Ethics, fair play, and honesty, which are important values in the spirit of sportsmanship, are compromised, and the public's trust in sports persons and events is eroded.

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PED use threatens athlete health by increasing the risk of a variety of disorders that can affect the cardiovascular, endocrine, neurologic, hepatic, renal, and musculoskeletal systems. The severity of the problems depends on the nature of the substance, dose and frequency of use and could lead to irreversible consequences and even death. While in the short term, positive psychological effects of increased alertness and concentration and higher self-esteem are experienced, several negative psychological consequences, such as depression, anxiety, aggression and psychosis, have been associated with PED consumption.<sup>11</sup> Children and adolescents who use PEDs have been found to be more likely to participate in other dangerous behaviours, such as substance abuse, drunk driving and sexual promiscuity.<sup>12</sup>

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<sup>9</sup> THERAPEUTIC USE EXEMPTIONS (TUES) WADA, <https://www.wada-ama.org/en/athletes-support-personnel/therapeutic-use-exemptions-tues>. Accessed 25 Nov 2025

<sup>10</sup> Janelle Joseph & Padma Prakash, *Sports Ethics: New Challenges for New Time*, 10 INDIAN J MED. ETHICS, 92–96 (2025). <https://doi.org/10.20529/IJME.2025.029>.

<sup>11</sup> Harrison G Pope Jr et al, *Adverse health consequences of performance-enhancing drugs: an Endocrine Society scientific statement*, 35 ENDOCR REV, 341-75(2014). <https://pubmed.ncbi.nlm.nih.gov/24423981/>

<sup>12</sup> Yannis P Pitsiladis et al, *We want healthy athletes and fair competition*, 1 BR J SPORTS MED, 760-763

## DOPING IN INDIAN SPORT-TRENDS AND CHALLENGES

WADA has repeatedly placed India among the world's highest-ranking countries for doping violations. Doping first came to public attention in the country before the 1982 Asian Games in New Delhi, when reports emerged that athletes and weightlifters were using PEDs in the training camps.<sup>13</sup> Since then, periodic revelations of doping in national training centres and sports federations have continued. The disciplines most commonly associated with, but not limited to, doping include athletics, weightlifting, wrestling, boxing, and powerlifting.<sup>14</sup>

While systematic research on the prevalence in India is limited, available literature suggests that lack of awareness is a significant contributor to PED use. There is a lack of awareness of anti-doping rules, a limited understanding of ADRVs, and low exposure to educational sessions among athletes and their support teams. Therefore, many athletes, especially those from rural backgrounds, may consume such banned substances unknowingly. Supplements that are marketed as 'safe' may contain traces of prohibited substances. Lack of knowledge can result in violations when athletes use banned medication for therapeutic purposes without securing a TUE.<sup>15</sup>

Economic factors may induce an individual to resort to doping, overcoming ethical considerations. The monetary and material rewards, endorsements, and government jobs that are offered to successful sportspersons may serve as an incentive.<sup>16</sup> Many a time, the intake of PEDs may not be solely the athlete's choice, but rather a systemic issue, where the support team consisting of family, coaches, trainers, doctors or administrators encourage the use of PEDs for fame, political or economic gain. substances.<sup>17</sup>

Testing of athletes' samples has posed several challenges. The lack of compliance with international laboratory standards led to the revocation of the accreditation of the NDTL in

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(2024). <https://bjsm.bmj.com/content/58/14/760>.

<sup>13</sup> Atul Pal, *A review of doping in Sports: India and the World*, 3 SLPD Journal ,71-88 (2025).

<https://doi.org/10.30925/slpdj.3.1.5>

<sup>14</sup> Mohan, *supra* note 2

<sup>15</sup> Anup Krishnan et al, *Survey of antidoping knowledge, attitudes and practices amongst elite Indian sportsmen and the way forward*, 78 MED J ARMED FORCES INDIA, 88-93 (2022).

<https://pubmed.ncbi.nlm.nih.gov/35035049/>.

<sup>16</sup> Monica Madaan & Arryan Mohanty, *Doping Laws in India* ,11 INT J LAW, 50-58(2025).

[https://www.researchgate.net/publication/396523586\\_Doping\\_Laws\\_in\\_India](https://www.researchgate.net/publication/396523586_Doping_Laws_in_India).

<sup>17</sup> Shivanshu Katare & Arushi Saxena, *Doping in Indian Sports and the Legal Framework Surrounding It*,13 INT'L J. INNOVATIVE RES. ENG'G & MULTIDISCIPLINARY PHYSICAL SCIS, May-June (2025).

<https://doi.org/g9h4h7>

New Delhi by WADA, which affected its credibility. The volume of testing, both in-competition and out-of-competition, is low; data from WADA in 2021 ranked the country lowest in terms of per-capita athlete testing.<sup>18</sup> In July 2023, the report of Operation Carousel, an independent investigation carried out by WADA, found evidence that NADA did not conduct adequate testing, particularly out-of-competition, on certain athletes and had poor management of athlete whereabouts information<sup>19</sup> A majority of athletes surveyed reported that they had never been tested; when testing is done, it is largely focused on elite athletes and major competitions, allowing smaller and regional competitions to go unchecked and athletes to bypass regulations.<sup>20</sup>

Insufficient awareness and weak monitoring, testing, and enforcement of regulations that have been reported to facilitate doping practices in India underscore the urgent need to evaluate the effectiveness of existing anti-doping mechanisms.

## LEGAL AND INSTITUTIONAL FRAMEWORK IN INDIA

The National Anti-Doping Agency (NADA) of India was established in 2005 as a registered society under the Societies Registration Act of 1860, with an objective of implementing the anti-doping programme and National Anti-Doping Rules in India in line with the World Anti-Doping Code, and to function in collaboration with international anti-doping agencies. It has several functions, including collecting samples from athletes both in-competition and out-of-competition, testing for prohibited substances, educating athletes and other stakeholders on anti-doping issues to increase awareness, defining guidelines for TUEs, investigating violations and conducting anti-doping research.<sup>21</sup>

The primary legal instrument for anti-doping governance in India is the National Anti-Doping Rules, first notified in 2005, and periodically updated to align with revisions to the WADA Code. The latest version is the revised National Anti-Doping Rules, 2021, which are in force with effect from December 2024.<sup>22</sup> The introduction to the Rules mentions that they are `

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<sup>18</sup> Shaun Star, *The quest for harmonisation in anti-doping: an Indian perspective*, 23 INT SPORTS LAW J. 44–63(2023). <https://link.springer.com/article/10.1007/s40318-022-00220-7>.

<sup>19</sup> WADA, <https://www.wada-ama.org/en/news/wada-issues-report-investigation-allegations-regarding-national-anti-doping-agency-india>. (Accessed 10 Dec 2025.)

<sup>20</sup> Krishnan, *supra* note 15

<sup>21</sup> NADA, <https://nadaindia.yas.gov.in/>. (Accessed 26 Nov 2025.)

<sup>22</sup> NATIONAL ANTI-DOPING RULES 2021, <https://indianathletics.in/wp-content/uploads/2021/02/NADA-India-Rules-2021.pdf>. Accessed 26 Nov 2025.

distinct in nature from criminal and civil laws', 'not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights'. It defines doping, describes anti-doping rule violations (ADRVs), lists prohibited substances and methods, and explains the procedures for testing, sample collection, as well as handling and communication of results. Sanctions and penalties for athletes found guilty are outlined, along with the appeals process for athletes who want to challenge decisions. It specifies the roles and responsibilities of various organizations and individuals involved in anti-doping. It emphasizes the need to educate athletes and officials about the risks of doping and the rules. In accordance with the Code, the Rules refer to the doctrine of strict liability.

While NADA is the investigating authority, doping violations identified among athletes or support personnel are managed by the National Anti-Doping Panels.<sup>23</sup> On receiving notice from the NADA, the individual must appear before the Anti-Doping Disciplinary Panel (ADDP), which hears charges brought by NADA and determines liability and sanctions. In accordance with the NADA Rules 2021, the sanctions imposed must be publicly disclosed. The decision made by the ADDP can be appealed by NADA or the individual within 21 days by filing an appeal before the Anti-Doping Appeal Panel (ADAP). Sanctions are consistent with the World Anti-Doping Code and can include a complete ban from the sport, forfeiture of medals, titles, and erasure of records, among other penalties. Both panels are composed of legal members, medical practitioners and sports administrators or retired eminent sportspersons. Proceedings of the ADDP are quasi-judicial; they are not governed by the Code of Civil Procedure, but by NADA's rules and regulations. Cases arising from international events or involving international-level athletes may be appealed to the Court of Arbitration for Sport, either after an appeal to ADAP or directly with WADA and NADA's consent.<sup>24</sup>

The NADA was established under an executive order, without any formal legislative mandate, making its Rules regulatory rather than legally enforceable. To strengthen the legal framework for anti-doping activities in India, the National Anti-Doping Act was enacted on 12th August 2022, India's first stand-alone law to tackle doping in sports and provide legal backing to the NADA.<sup>25</sup> The Act introduced legal consequences and clear adjudication processes, thereby strengthening and making more defensible anti-doping enforcement. It also empowered NADA

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<sup>23</sup> NADA, <https://nadaindia.yas.gov.in/adjudication/>. Accessed 26 Nov 2025.

<sup>24</sup> Star, *supra* note 18

<sup>25</sup> National Anti-Doping Act, 2022, No.15, Acts of Parliament, 2022 (India).

to collect certain personal data of athletes. The Act established a National Board for Anti-Doping in Sports, headed by a Director General appointed by the Central Government to oversee the activities of and issue directions to the NADA. The Board was to constitute the National Anti-Doping Disciplinary Panel and Appeal Panel for hearings and appeals. The Act brought the National Dope Testing Laboratory (NDTL) under the NADA's authority, enabling the establishment of additional such laboratories.

While the Act was a step in the right direction, there were criticisms. The World Anti-Doping Code requires National Anti-Doping Organizations to be independent bodies that can function free from external pressure from their governments and national sports authorities, who may influence their decisions regarding who to test, and how to handle violations. The 2022 Act stipulated that the head of the Agency may be appointed and removed by the Central Government. The Act granted the Board the authority to appoint and remove members of the Disciplinary and Appeal Panels at its discretion; the government was also granted the power to establish rules for staff qualifications at the National Dope Testing Laboratory. WADA, however, raised concerns that having the Board and NDTL appointed and controlled by the central government compromised the autonomy of NADA, a body expected to function independently.<sup>26</sup>

Taking these issues into account, the National Anti-Doping (Amendment) Bill, 2025, was introduced in the Lok Sabha on July 23, 2025, which seeks to amend the National Anti-Doping Act. <sup>27</sup>The Bill grants NADA greater autonomy and independence from government departments, sports federations, and related agencies, ensuring that it operates in accordance with WADA norms and UNESCO standards, allowing India to avoid possible sanctions or suspensions from global sporting events. The Bill retains the National Board for Anti-Doping in Sports, but removes its power to oversee NADA or offer recommendations to the government on doping policy. The responsibility of constituting the Appeal Panel has been shifted from the Board to the Central Government, which has the power to specify the manner of filing and hearing appeals through regulations. The Bill removes the National Board's powers to obtain information from the Panels and issue directions regarding their functioning. While the Act allowed anyone to appeal against the decision of the Appeal Panel to the Court of Arbitration for Sport (CAS) in Switzerland, the Bill curtails this right to certain

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<sup>26</sup> Pooja Gautam, *The National Anti-Doping Act 2022: A Critical Analysis*, 4 INDIAN J. L. & LEGAL RSCH. 6 (2023). <https://www.ijllr.com/post/the-national-anti-doping-act-2022-a-critical-analysis>.

<sup>27</sup> National Anti Doping Amendment Ac,2025, No.26, Acts of Parliament,2025 (India).

specific bodies such as WADA, International Olympic Committee (IOC), the International Paralympic Committee (IPC), and international sports federations while allowing direct appeal to CAS in international-level special cases. The Bill mandates that every doping-testing lab must be WADA-accredited. The Act required NADA to carry out an initial review of any adverse sample report; the Bill adds that the agency must also verify whether an adverse test report was caused by a departure from WADA's standards for laboratories, testing, and investigations. The Bill also adopts the World Anti-Doping Code definitions into Indian law.

## LEGAL AND PROCEDURAL CHALLENGES

Since its establishment in 2005, there have been several legislation-related issues for NADA, including the lack of a statutory foundation, concerns regarding conflict of interest because it operated under the administrative control of the Ministry of Youth Affairs and Sports, and issues related to non-compliance with the World Anti-Doping Code. These concerns have since been rectified with the passage of the Amendment Bill of 2025. However, despite the improvements in the legal framework, enforcement remains complex, and several practical challenges remain.

### Testing and Investigative infrastructure:

*Inconsistent testing infrastructure:* While the frameworks mandate regular testing, financial constraints and a limited budget have resulted in insufficient accredited labs, delays in test result processing, and inadequate personnel to ensure vigilance. Doubts about the accuracy and reliability of tests were raised, especially after the NDTL's WADA accreditation was suspended between 2019 and 2021 due to non-compliance with the International Standard for Laboratories (ISL).<sup>28</sup> Shortcomings in the collection and storage of samples have been identified, an example being that of Vijay Singh, a superbike rider, who was suspended by the NADA for testing positive for a banned substance in his urine. Despite Singh's repeated requests to NADA for an opportunity for a hearing, video recordings from the sample collection area, and DNA testing of the sample collected, he received no response. In view of the procedural delays by NADA, he approached the High Court of Delhi, which ordered NADA to arrange for DNA testing, which ultimately revealed that the sample belonged to another rider. This case exposed deficiencies in sample handling, errors in the testing procedure, as

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<sup>28</sup> Star, *supra* note 18

well as procedural delays and challenges in the athletes' right to due process.<sup>29</sup>

*Poor Coordination with Law Enforcement:* There is minimal collaboration between NADA and other law enforcement agencies, such as the CBI, Customs, and Narcotics Control Bureau, to curb the trafficking or distribution of PEDs. Enforcement is often hampered by administrative hurdles, political interference, and a lack of technical expertise.<sup>30</sup>

### **Procedural Fairness and Athlete Rights**

*Due Process and athlete rights:* The WADA Code specifies minimum procedural guarantees such as an athlete's right to a fair, impartial and independent hearing, the right to legal representation, the right to an accessible and affordable hearing process, the right to present counter-evidence and legally challenge adverse findings and procedural errors, as well as the timely resolution of disputes.<sup>31</sup> There have been instances where NADA declared athletes guilty of doping based on circumstantial evidence rather than laboratory-confirmed test results, and declared sanctions against them without providing them with an opportunity to a fair trial. This undermines the principle of innocence until proven guilty and violates the principles of natural justice. This was demonstrated in the case of Sumit Sherawat, who, for personal reasons, had to leave for home immediately after winning a gold medal in a national wrestling competition. Since he failed to appear for the dope test, he was declared by NADA to have evaded it, awarded a non-analytical positive doping case and provisionally banned without having been given a fair hearing. Later, however, he was exonerated when he proved that he was not at fault.<sup>32</sup>

*Procedural inconsistencies:* Despite the rules stating the need for timely action, the NADA has been criticised for procedural delays and hearings extending beyond specified timelines, as evident in the case of Vijay Singh. The duration of litigation, from inception to judgment, as well as the various stages of trials, was significantly longer in India compared to countries like

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<sup>29</sup> Vijay Singh v. National Anti-Doping Agency & Anr., W.P.(C) 3766/2021

<sup>30</sup> G Rajaraman, *India's law enforcement must join battle against doping to avert more shame*, CIRCLE OF SPORT. <https://circleofsport.com/indias-law-enforcement-must-join-battle-against-doping-to-avert-more-shame>. (Accessed 1 Dec 2025.)

<sup>31</sup> Prathyusha Samvedam & Hiranmaya Nanda, *Anti-Doping Laws in India; An Analysis of Institution and Liability Mechanism*, 30 EDUC. ADM.: THEORY PRACT, 8436–8445 (2024). <https://doi.org/10.53555/kuey.v30i5.4376>.

<sup>32</sup> Mukesh Rawat & Soumya Rajsingh, *Athletes' Right to a Fair Trial in 'Non-Analytical Positive Doping Cases': An Analysis*, 13 INT'L J. OF SPORTS POL'Y & POL. 1-13. (2021). <https://doi.org/10.1080/19406940.2021.1891947>

Canada and New Zealand.<sup>33</sup> Such prolonged delays can undermine trust in the anti-doping system itself. In the case of *NADA v Anil Kumar*, a kabaddi player, the first-instance panel made a decision two and a half years after the sample was tested.<sup>34</sup> Swimmer Amar Muralidharan tested positive for a banned substance during the National Aquatic Championships in Jaipur, 2010. The process by NADA was unduly delayed resulting in the swimmer appealing to CAS; the final decision was reached in 2014.<sup>35</sup> The case of Narsingh Yadav highlighted inconsistencies between India's domestic doping panel decisions and international standards as well as a lack of thorough investigation. Yadav, a 2015 World Championship bronze medallist in wrestling, tested positive for a prohibited substance before the 2016 Rio Olympics and was provisionally suspended by the NADA. The wrestler claimed that his energy drink had been spiked by a rival and therefore claimed innocence. The NDTL cleared him of wrongdoing, and NADA's ADDP exonerated him; however, WADA filed an application with the CAS against NADA's decision. CAS held that Yadav had failed to produce any evidence supporting the sabotage theory and overturned NADA's decision, imposing a four-year ban on him.<sup>36</sup> The ADDP has also been accused of errors, such as copying paragraphs from previous and irrelevant orders.<sup>37</sup> Disparities in the interpretation of the rules have also led to inconsistent verdicts and sanctions. These reduce the credibility of the agency, in addition to negatively impacting the athlete's career due to damaged reputation, missed competitions and loss of income or sponsorship.<sup>38</sup>

*Privacy Considerations:* Antidoping initiatives include the collection of athletes' personal data, medical history, whereabouts information, and bodily samples for testing both in and out of competition. These requirements can potentially infringe on the fundamental rights and privacy of the individual. Other concerns include transparency about sample collection and storage, as well as clearly established protocols for data protection.<sup>39</sup> The 2025 amendment bill states that NADA will collect and use the personal data of athletes in accordance with the International

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<sup>33</sup> Shaun Star & Sarah Kelly, *A level playing field in anti-doping disputes? The need to scrutinize procedural fairness at first instance hearings*, 21 INT SPORTS LAW J. 94–117.

(2021) <https://pmc.ncbi.nlm.nih.gov/articles/PMC7453375/>

<sup>34</sup> *NADA vs Anil Kumar*. Case No. 43. ADDP.01.

<sup>35</sup> *Amar Muralidharan v. NADA, NDTL, Ministry of Youth Affairs and Sports* (CAS 2014/A/3639)

<sup>36</sup> *Media Release: Narsingh Yadav Suspended for Four Years*. COURT OF ARBITRATION FOR SPORT, [https://www.tas-cas.org/fileadmin/user\\_upload/Media\\_Release\\_English\\_Yadav\\_final.pdf](https://www.tas-cas.org/fileadmin/user_upload/Media_Release_English_Yadav_final.pdf).

<sup>37</sup> G Rajaraman, *ADDP mess up orders*, CIRCLE OF SPORT. <https://circleofsport.com/addps-mess-up-orders/>. Accessed 1 Dec 2025.

<sup>38</sup> Star, *supra* note 18

<sup>39</sup> Shivam Arora & Lakshmi Priya Vinjamuri, *Ensuring Fair Play: Analysing Anti-Doping Regulation and Athlete Rights in Sports Law*, 7 (3) IJLMH 3862 - 3872, (2024). <https://doi.org/10.1000/IJLMH.117729>

Standard for the Protection of Privacy and Personal Information, as prescribed by WADA.

### **Gaps in knowledge and Preparedness**

*Inadequate anti-doping awareness:* Knowledge regarding details of prohibited substances, what constitutes an ADRV, the associated penalties and TUEs is inadequate among sportspersons and related personnel. Anti-doping sessions are currently insufficient, but exposure to them has shown to significantly improve both knowledge and attitudes toward avoiding prohibited substances.<sup>40</sup>

*Limited legal literacy among athletes and their teams:* Athletes often possess limited legal knowledge, as well as access to legal counsel and available remedies. Very few Indian athletes are represented by legal counsel in disciplinary hearings. Most are unrepresented and have a limited understanding of their procedural rights, including hearings, appeals, and the consequences of admissions or failure to respond. As a result, they are less likely to see a reduction in their sanctions. The percentage of athletes represented by legal counsel at first-instance hearings in India was 4.88%, significantly lower than in New Zealand (53.49%) and Canada (46.51%).<sup>41</sup>, with athletes who are economically underprivileged or from rural backgrounds being even more at a disadvantage. To date, only one Indian athlete has appealed to the CAS, highlighting that affordability and access are important issues.

### **Structural and Legal Framework Issues**

*Strict liability and its challenges:* Strict liability applies when neither care nor negligence, nor good faith nor bad faith, nor knowledge nor ignorance will save the defendant.<sup>42</sup> A tool for fairness, this principle ensures accountability i. In the case of doping in sport, athletes are accountable for any illegal substances found in their systems, regardless of whether they knew about or intended to use them. This serves as a strong deterrent, forcing athletes to be cautious about substances they ingest and discouraging excuses of accidental use by cheaters. It is not, therefore, necessary for anti-doping agencies to prove intent in order to establish that a doping violation has occurred. However, the challenge with this principle is that doping can genuinely occur unintentionally due to contaminated supplements or medication. In such cases, innocent

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<sup>40</sup> Krishnan, supra note 15

<sup>41</sup> Star, supra note 33

<sup>42</sup> BLACK'S LAW DICTIONARY 1591(4<sup>th</sup> ed.1968)

athletes may be unjustly punished and have their reputations damaged. Ideally, to prosecute doping as a crime, there must be evidence of intent to deceive, awareness of the wrongful nature of the act, and a conscious goal of manipulating the result.

While the Code renders intent irrelevant in establishing a violation, it tempers the strictness of this principle by taking intent, fault, negligence, and circumstance into consideration when determining sanctions. If it is proven that the athlete was negligent or not at fault, the period of ineligibility can be reduced or eliminated. The burden of proving the absence of fault or negligence is shifted to the athlete. Such proof can be difficult to establish, especially when considering tainted supplements or unintentional exposure to illegal chemicals, as athletes often lack the legal, scientific and financial support required.<sup>43</sup> Whether the concept of strict liability is compatible with the principle of 'innocent until proven guilty' remains an ongoing debate, raising questions about how to balance zero tolerance anti-doping policies with the values of justice and fairness in the treatment of an athlete.

*Institutional Liability:* While the athlete is the one who ingests the prohibited substance, their decisions are heavily influenced by the organization and team of people around them. Coercion by support personnel to use prohibited substances has been reported, particularly in cases involving minors and state-sponsored doping programs. The entire network should be held accountable, rather than just the athlete, emphasising the idea that clean sports is a shared responsibility.<sup>44</sup> . The WADA Code (Article 21) and NADA therefore recognize the responsibility of athlete support personnel, including coaches, doctors, physiotherapists, trainers, and managers, who can be sanctioned for administering, encouraging, or covering up doping.<sup>45</sup> Such sanctions ensure shared responsibility rather than athlete-centric blame and deter malpractice, emphasising the concept that clean sports is a shared responsibility.

## RECOMMENDATIONS AND THE WAY FORWARD

While India's reputation in athletics is growing, so is its notoriety regarding doping in sports. According to data released by WADA, India's NADA has the highest number of adverse analytical findings (AAFs) in 2024, as in 2023 and 2022, surpassing some major sporting nations, including France, Italy, Russia, China, the USA, and Germany.<sup>46</sup> Adverse reports

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<sup>43</sup> Samvedam, supra note 31

<sup>44</sup> Ibid

<sup>45</sup> NADA. [https://nadaindia.yas.gov.in/wp-content/uploads/ASP\\_RR.pdf](https://nadaindia.yas.gov.in/wp-content/uploads/ASP_RR.pdf). Accessed 1 Dec 2025.

<sup>46</sup> Mohan, supra note 2

spurred the passage of the National Anti-Doping Amendment Bill of 2025; however, it is clear that to truly address the problem, a multi-pronged approach is required that focuses on institutional restructuring and athlete welfare, in addition to legislative reform. These would help align India's system more closely with international best practices while ensuring fairness and due process.

**Legislative reform:** By proposing operational independence for NADA, mandating WADA-accredited labs for tests and altering appeals procedures, the National Anti-Doping (Amendment) Bill, 2025, seeks to enhance the authority, credibility, and effectiveness of the anti-doping framework. Like other nations, India's legal framework should undergo continuous review to adapt to new trends in doping practices and ensure it remains aligned with global anti-doping standards, addressing emerging challenges in sports.<sup>47</sup>

**Liability Mechanisms:** Clearly defined criminal and civil liabilities for trafficking, tampering, or organised doping, along with stricter penalties for repeat offenders, will deter athletes from using prohibited substances. However, this should be balanced so that sanctions are proportionate and fair, without infringing on athletes' rights.<sup>48</sup>

**Legal and Procedural Safeguards for Athletes:** NADA's procedural compliance requires improvement to ensure time-bound adjudication; NADA and the ADDP need to adopt measures to ensure that sample analysis and hearings are conducted within strict time limits. Athletes must have access to free or subsidised legal representation during proceedings. Appeal mechanisms within India should be improved to reduce dependence on expensive CAS litigation. The costs related to analytical laboratory reports and engaging expert witnesses must also be made affordable to athletes and their teams.<sup>49</sup>

**Comprehensive Education Programs:** Regular, nationwide, multilingual anti-doping education programs are necessary to raise awareness in schools, colleges, universities, and federations that target athletes, coaches, and support staff. These should address the list of banned substances, the ethical, health and legal implications, as well as the need for vigilance. Coaches, physiotherapists, medical professionals and other support staff must be trained to comply with WADA regulations.<sup>50</sup> Attendance at anti-doping education programs should be

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<sup>47</sup> Katare, supra note 17

<sup>48</sup> Samvedam, supra note 31

<sup>49</sup> Star, supra note 18

<sup>50</sup> Krishnan, supra note 15

mandatory for athletes to be eligible to participate in any national or state-level competition.

**Strengthening of Testing and Infrastructure:** An increase in the number of anti-doping laboratories that comply with international testing standards, as well as an increase in in- and out-of-competition testing, especially at state and district levels, is required to ensure that all athletes are subject to regular, rigorous, and fair testing. Such initiatives need to be implemented at the grassroots by involving local sports bodies to cultivate a culture of clean sport at the early stage of an athlete's career.<sup>51</sup> Technological advances, such as artificial intelligence and data analytics, can be effectively utilised for targeted testing and tracking athletes' biological passports. These passports monitor selected biological variables over time to indirectly reveal the effects of doping.<sup>52</sup>

**Promoting Transparency and Accountability in Doping Procedures:** Anti-doping institutions should meet the high standards expected of athletes, ensuring that the processes of testing, handling of samples, declaration of results, hearings, and decisions are more transparent. They should also be held accountable for procedural lapses that could compromise the testing results.<sup>53</sup> Athletes must have access to information about accusations against them and have legal options to contest results in front of a fair and neutral tribunal.<sup>54</sup> Testing officials, disciplinary panel members, and administrators should have adequate training to ensure uniformity in standards and reduce procedural lapses.

**Promoting Athlete Welfare and Support Systems:** Athletes should have access to counselling services to deal with performance pressure; guidance must be provided on safe training practices to mitigate the temptation to resort to doping. Rehabilitation of banned athletes, focusing on education, counselling, and skill development, should be promoted in conjunction with sanctions.<sup>55</sup>

**Improving Regulation of Supplements and Other Substances:** Strict standards must be established for the manufacture, regulation and monitoring of dietary supplements and performance-enhancing drugs in collaboration with the Food Safety and Standards Authority

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<sup>51</sup> Ibid

<sup>52</sup> Anju Choudhary & Rupali Mehta, *Use of Artificial Intelligence in the fight against doping*, INTERNATIONAL CONFERENCE ON SMART DEVICES. 1-6, (2024) doi: 10.1109/ICSD60021.2024.10751121.

<sup>53</sup> Star, *supra* note 18

<sup>54</sup> Samvedam, *supra* note 31

<sup>55</sup> Katare, *supra* note 17

of India to reduce the risk of athletes unintentionally consuming banned substances.<sup>56</sup>

Active efforts to foster international cooperation are necessary to share information on supplement monitoring and best practices, to participate in joint programs, and to improve the overall legal and ethical environment of Indian sports, thereby enhancing the credibility of Indian sports internationally.<sup>57</sup>

## CONCLUSION

This critical examination of the legal aspects of drug use in Indian sports reveals both progress and ongoing challenges. Anti-doping strategy is hindered by procedural inefficiencies and critical gaps in testing infrastructure, education, and athlete protection, despite being a signatory to the WADA Code. The National Anti-Doping (Amendment) Bill, 2025, has brought India closer to international standards by strengthening NADA and introducing clearer procedures. Going forward, India must adopt a holistic approach that combines strong laws, effective enforcement, education, athlete support, scientific innovation, and international cooperation. Clean sport depends not just on punishing violations, but on empowering athletes and institutions to uphold integrity. Bridging the gap between law and practice is essential for protecting fair play and the future of Indian sport. While the recent legal reforms are a welcome move, they must be accompanied by a cultural shift that emphasizes ethics, awareness and fairness with combined action from policymakers, sports authorities, and legal stakeholders to help India remain credible on the global stage.

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<sup>56</sup> Krishnan, *supra* note 15

<sup>57</sup> Katare, *supra* note 17