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## A CRITICAL EXAMINATION OF ANTI-DOPING REGULATION, INSTITUTIONAL GAPS, AND CONSTITUTIONAL RIGHTS

*A Research Paper Submitted to the [Journal Name]*

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### ABSTRACT

Few questions in Indian sports law are as simultaneously urgent and underexplored as the regulation of doping. India carries one of the worst global records for anti-doping rule violations, yet for decades it ran its enforcement machinery without any dedicated statute — relying instead on a patchwork of society-registered rules that courts could, and did, question at will. This paper traces the arc of that story: from NADA's earliest years as a body with authority but no legislative teeth, through the enactment of the National Anti-Doping Act in 2022, to the sweeping reform proposals contained in the National Anti-Doping (Amendment) Bill, 2025. Along the way, it examines India's obligations under the WADA Code and the UNESCO Convention Against Doping in Sports, and asks honestly how well the domestic framework has lived up to those commitments. The paper pays particular attention to three recurring failures that have plagued enforcement — the 2019 suspension of the National Dope Testing Laboratory, the problem of inadvertent doping among under-educated athletes, and the procedural shortcomings of NADA's disciplinary panels. It also brings the constitutional dimension into focus, looking at how anti-doping sanctions interact with athletes' fundamental rights under Articles 14, 19, and 21 of the Constitution. The paper closes with concrete reform suggestions drawn from comparative experience and the specific contours of India's sporting ecosystem.

**Keywords:** *Anti-Doping, NADA India, WADA Code, National Anti-Doping Act 2022, Sports Law, Athlete Rights, Doping Rule Violations, NDTL, Strict Liability, Constitutional Rights.*

### I. Introduction

There is something almost paradoxical about India's place in global anti-doping discourse. The country has produced remarkable sporting achievements — most visibly, 29 Paralympic medals at Paris 2024 — and has invested heavily in athlete development under flagship programmes like Khelo India. Yet in the same breath, it consistently ranks among the worst-performing nations when it comes to doping violations. In 2019, Indian athletes returned the highest number of adverse analytical findings of any country in the WADA system: 225 out of 4,004 samples tested, a figure that no other National Anti-Doping Organisation came close to matching.<sup>1</sup> The country's overall positivity rate sits at 3.8%, the highest globally.<sup>2</sup> These are

<sup>1</sup>World Anti-Doping Agency, 2019 Anti-Doping Rule Violations (ADRVs) Report (WADA, 2021) 14. India reported 225 adverse analytical findings, the highest among all NADOs globally.

<sup>2</sup>Nation First LR, 'Legislative Brief on the National Anti-Doping (Amendment) Bill, 2025' (2025) <nationfirstlr.substack.com> accessed 10 April 2026. The 3.8% AAF positivity rate is described as the highest globally in WADA's latest data.

not numbers that can be explained away, and any honest engagement with Indian sports law has to start by taking them seriously.

The reasons behind this record are more complex than they might first appear. Some violations undoubtedly reflect deliberate cheating. But a substantial portion — particularly in sports like bodybuilding, weightlifting, and athletics that dominate India's doping statistics — involve athletes consuming substances they did not know were prohibited. Common painkillers, certain cough syrups, and widely available supplements in the Indian market contain compounds that appear on the WADA Prohibited List. When athletes in rural areas or semi-professional circuits have little access to reliable information about what they can and cannot take, the result is a pattern of inadvertent violations that enforcement alone cannot solve.

Against this backdrop, the evolution of India's legal framework takes on added significance. For most of its post-independence sporting history, India had no statute specifically governing doping. NADA — set up in 2009 under the Societies Registration Act — did the work, but the rules it enforced were always vulnerable to legal challenge precisely because they had no legislative foundation. The Parliamentary Standing Committee on Sports made this concern explicit in 2021, noting that without statutory backing, anti-doping rules could be challenged and dismantled by any litigant with the resources to pursue it in court.<sup>3</sup> The National Anti-Doping Act, 2022 was Parliament's response to that vulnerability, and the National Anti-Doping (Amendment) Bill, 2025 — introduced in the Lok Sabha on 23 July 2025 — is the next chapter in that ongoing effort at reform.

This paper is structured as follows. Section II sets out the international legal architecture within which India operates. Section III narrates the domestic journey from pre-legislative improvisation to statutory regulation. Section IV analyses the key substantive provisions of the 2022 Act. Section V takes a close look at the institutional failures and procedural problems that have undermined credibility. Section VI examines the constitutional dimension — specifically, how anti-doping enforcement sits alongside athletes' fundamental rights. Section VII evaluates what the 2025 Amendment Bill actually does and what it leaves undone. Section VIII draws conclusions and offers recommendations.

## II. The International Framework: WADA, the Code, and India's Treaty Obligations

### A. How the Global Anti-Doping System Works

Understanding where India fits in requires a brief account of how the global system is constructed. The World Anti-Doping Agency came into being in 1999, born out of a recognition that doping could not be fought effectively unless the rules were the same across sports and across borders. WADA is a hybrid body — jointly governed by governments and the sports movement — and it draws its authority primarily from the World Anti-Doping Code, which it publishes and periodically revises. The Code has gone through four editions (2003, 2009, 2015, and 2021), each tightening its requirements and expanding its scope.<sup>4</sup> Over 650 organisations — international federations, National Olympic Committees, and National Anti-Doping Organisations (NADOs) — have adopted the Code as binding on their operations.

The Code establishes a comprehensive framework: it defines what counts as an anti-doping rule violation (ADRV),<sup>5</sup> specifies how testing must be conducted, sets out the consequences of violations, and provides for appeals ultimately to the Court of Arbitration for Sport (CAS) in Lausanne. One of its most consequential features — and one that has generated considerable controversy in India — is the principle of

<sup>3</sup>Standing Committee on Sports, 'Report on Anti-Doping in India' (2021) Parliament of India. The Committee recommended that the Department of Sports bring forward anti-doping legislation in 2021-22, noting expressly that rules not backed by statute are 'open to challenge in a court of law.'

<sup>4</sup>World Anti-Doping Agency, World Anti-Doping Code 2021 (WADA, 2021). The Code has been through four editions: 2003, 2009, 2015, and 2021. Over 650 organisations have adopted it.

<sup>5</sup>WADA Code 2021, Art 2. The ten categories of anti-doping rule violations are listed at Arts 2.1–2.10.

strict liability.<sup>6</sup> Under strict liability, an athlete is responsible for any prohibited substance found in their sample. It does not matter whether they intended to dope or even knew the substance was there. Intent and fault remain relevant, but only to determining the length of the sanction, not whether a violation occurred at all. For NADOs like India's NADA, the Code requires, among other things, an adequate testing programme, WADA-accredited laboratories, independent adjudicatory bodies, and a functioning whereabouts system for out-of-competition testing.

## **B. The UNESCO Convention and India's Treaty Commitment**

Sitting alongside the WADA Code — and giving it a foundation in public international law — is the UNESCO International Convention Against Doping in Sports, which came into force in 2007.<sup>7</sup> Unlike the Code, which binds sports organisations, the Convention binds states. It requires its 192 state parties (India is one) to take appropriate domestic measures to align with the principles of the Code. This matters because it converts what might otherwise be a purely private regulatory obligation into a duty under international law. India's ratification of the Convention created a formal legal commitment that its domestic framework must reflect — and it was partly this commitment that drove the creation of the National Dope Testing Laboratory in 2008 and the eventual enactment of the 2022 Act.

The NDTL, established as an autonomous body under the Ministry of Youth Affairs and Sports, is currently one of twenty-nine laboratories worldwide holding WADA accreditation.<sup>8</sup> It also holds accreditation from the National Accreditation Board for Testing and Calibration Laboratories (NABL). These accreditations are not administrative formalities — they mean that the analytical methods used, the chain of custody procedures, and the quality assurance systems in place meet internationally recognised standards, and that test results produced at the NDTL will be accepted globally. As Section V discusses, losing that accreditation — as India did in 2019 — has consequences that ripple well beyond the laboratory's walls.

## **III. India's Anti-Doping Framework: From Non-Statutory Improvisation to Legislation**

### **A. The Long Years Without a Law**

It is worth pausing on just how recent India's statutory anti-doping framework actually is. For the first thirteen years of NADA's existence, the agency operated on the basis of rules it had adopted under the Societies Registration Act, without any Act of Parliament behind them.<sup>9</sup> This was an unusual situation even by regional standards, and the Standing Committee on Sports flagged it with some urgency in its 2021 report. The Committee's concern was practical as much as theoretical: rules that lack statutory force are open to challenge in civil courts, and any sports federation or individual athlete with competent legal representation could potentially argue that NADA's authority to impose sanctions had no firm legal grounding.<sup>10</sup>

The consequences of this gap were felt most acutely in the NADA-BCCI stand-off — a long-running dispute over whether cricket, India's most commercially significant sport, should fall within NADA's testing jurisdiction. The BCCI resisted for years, operating its own internal anti-doping framework and arguing, among other things, that NADA's rules did not compel its compliance. The controversy came to a head in 2019 when Prithvi Shaw, then a rising young cricketer, tested positive for terbutaline — a substance found

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<sup>6</sup>WADA Code 2021, Art 10.2. The strict liability principle is codified at Art 2.1.1: 'It is each Athlete's personal duty to ensure that no Prohibited Substance enters their body.'

<sup>7</sup>UNESCO International Convention Against Doping in Sports, adopted 19 October 2005, in force 1 February 2007, 44 ILM 462. As of 2024, 192 states are parties.

<sup>8</sup>Advocate Tanwar, 'Legal Framework for Regulating Doping in Sports in India' (2024) <advocatetanwar.com> accessed 8 April 2026. The NDTL was established in 2008 and is one of twenty-nine WADA-accredited laboratories worldwide.

<sup>9</sup>PRS Legislative Research (n 4). NADA was established under the Societies Registration Act, 1860 in November 2009.

<sup>10</sup>Standing Committee on Sports (n 3). The Committee's concern was that NADA's rules, lacking parliamentary authority, could be challenged and potentially nullified by litigants.

in common cough medicines — and received an eight-month retrospective ban.<sup>11</sup> The episode embarrassed the BCCI and brought renewed pressure to formalise the relationship between cricket governance and the national anti-doping body. The BCCI subsequently came under NADA's ambit, though the institutional tensions have never fully disappeared.

Beyond the BCCI situation, the non-statutory framework created recurring problems in individual cases. NADA's Anti-Doping Disciplinary Panel (ADDP) operated without the procedural safeguards that legislation typically provides — consistent procedural rules, codified standards of proof, guaranteed rights of access to evidence. Athletes who felt they had been unfairly sanctioned had little choice but to approach the Delhi High Court by way of writ petition, turning what should have been a specialist sports adjudication process into general constitutional litigation. This was costly, slow, and unpredictable for all parties.

## **B. The 2022 Act: What Changed and Why It Matters**

The National Anti-Doping Act, 2022 — enacted on 12 August 2022 — changed the landscape in a meaningful way, even if it did not resolve every problem.<sup>12</sup> For the first time, Parliament gave NADA explicit statutory authority: its power to conduct testing, impose sanctions, and require compliance from sports federations now rests on an Act of Parliament rather than on the articles of a registered society. This is not a merely symbolic shift. It closes the jurisdictional challenge that had been lurking in the background for years, and it provides a stable legal foundation for India's international obligations.

The Act also established two new institutions: the National Board for Anti-Doping in Sports, which oversees NADA's activities and advises the central government on anti-doping policy, and statutory Disciplinary and Appeal Panels to adjudicate violation cases.<sup>13</sup> The creation of these statutory panels was a direct response to the procedural legitimacy crisis that had developed around the ADPP. By anchoring the adjudicatory machinery in legislation, the Act sought to give disciplinary proceedings a more defensible due process foundation. Whether it has succeeded in practice is a question examined in Section V.

## **IV. The Architecture of the 2022 Act: Key Provisions**

### **A. Defining Anti-Doping Rule Violations**

The Act's approach to defining ADRVs tracks the WADA Code closely, which was the right call — domestic deviation from the Code's definitions would have created compliance problems and potential inconsistencies in how Indian violations are recognised internationally.<sup>14</sup> The violations covered include the classic cases: the presence of a prohibited substance in an athlete's sample; use, attempted use, or possession of a prohibited substance; and whereabouts failures. But the Act also captures conduct further up the supply chain: trafficking in prohibited substances, administering banned substances to athletes, and what the Code calls 'complicity' — assisting, encouraging, or covering up violations by others.

One feature worth noting is the mechanism by which the Prohibited List is incorporated into Indian law. Rather than reproducing the list in a schedule — which would require amendment every time WADA updates it — the Act mandates that the domestic Prohibited List must be consistent with the WADA Prohibited List.<sup>15</sup> This is an elegant drafting solution: it ensures that India's law keeps pace with WADA's annual updates automatically, without the friction of parliamentary amendment.

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<sup>11</sup>Legal Service India, 'Doping' (Legal Resources) <legalserviceindia.com> accessed 9 April 2026. Shaw was handed an eight-month retrospective ban after testing positive for terbutaline, a substance found in cough syrups.

<sup>12</sup>National Anti-Doping Act, 2022, No 15 of 2022, enacted 12 August 2022. The Act received presidential assent and came into force on the date of publication in the Official Gazette.

<sup>13</sup>National Anti-Doping Act, 2022, s 3 (establishing NADA) and s 8 (establishing the National Board for Anti-Doping in Sports).

<sup>14</sup>National Anti-Doping Act, 2022, ss 2(b) and 16(1). The Act adopts the WADA Code's typology of violations substantially verbatim.

<sup>15</sup>National Anti-Doping Act, 2022, s 14(2). The Act provides that the Prohibited List notified under Indian law shall be consistent with the WADA Prohibited List, ensuring automatic alignment with annual WADA updates.

## B. Testing, Therapeutic Use Exemptions, and the Laboratory Framework

Section 21(1) of the Act sets out the results management process that follows a positive test. When an adverse analytical report arrives from the laboratory, NADA must first check whether the athlete holds a Therapeutic Use Exemption (TUE) for the substance in question.<sup>16</sup> TUEs are the mechanism by which athletes with genuine medical conditions can obtain permission to use a prohibited substance that they need for treatment — an asthmatic athlete might, for example, need a bronchodilator that appears on the Prohibited List. The TUE system matters enormously in the Indian context, given how frequently violations result from athletes taking common medications without knowing the contents. An athlete who had obtained a TUE in advance is protected; one who did not, even for a medically necessary substance, faces a violation.

The doping control procedures themselves must comply with WADA's International Standard for Testing and Investigations — a detailed technical standard governing everything from how urine and blood samples are collected to how they are transported and stored.<sup>17</sup> The Act designates the NDTL as the principal testing laboratory and allows the central government to recognise additional facilities.<sup>18</sup> This is an important provision given the scale of India's athlete population and the logistical challenges of testing athletes spread across a subcontinent.

## C. Sanctions: What Happens When an Athlete Violates the Rules

The consequences of an ADRV under the Act run from disqualification of competition results and forfeiture of medals to financial penalties and — most significantly — periods of ineligibility ranging from a warning up to a lifetime ban for the most serious or repeated violations.<sup>19</sup> The sanction framework mirrors the graduated approach of the WADA Code: the base sanction for a first presence violation is typically a four-year ban, reduced to two years if the athlete can demonstrate no significant fault. Where the athlete can show that the violation was entirely without fault or negligence — a genuine contamination case, for instance — the sanction can be eliminated altogether.

A deliberate policy choice in the 2022 Act is worth highlighting: doping is not treated as a criminal offence.<sup>20</sup> During the drafting process, NADA apparently considered including provisions that would have made certain violations punishable by imprisonment, bringing India into line with countries like Italy and France. Those provisions were dropped from the final text. This is a defensible position — the criminal process is a blunt instrument for what is fundamentally a regulatory matter — but it is also a choice with consequences. Without the deterrent of criminal sanction, the weight of enforcement falls entirely on the ineligibility period, and the effectiveness of that deterrent depends on how consistently and credibly the process is administered.

## D. Data Collection, Privacy, and Transparency

Section 27 gives NADA fairly broad data collection powers: athletes' whereabouts information, medical histories, records of previous violations, and other relevant data can all be gathered and maintained.<sup>21</sup> The Act also requires NADA to publicly disclose the names of sanctioned athletes and the sanctions imposed on them. This serves a legitimate transparency function — the public and the sporting community have an

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<sup>16</sup>National Anti-Doping Act, 2022, s 21(1). NADA must conduct an initial review of any adverse analytical report and verify whether a Therapeutic Use Exemption has been granted before proceeding.

<sup>17</sup>WADA, International Standard for Testing and Investigations (WADA, 2021). Compliance with the ISTI is mandatory for all NADOs and sample collection authorities under Art 5.4 of the WADA Code.

<sup>18</sup>National Anti-Doping Act, 2022, s 10(1) and (3). The Act designates the NDTL as the principal testing laboratory and empowers the central government to recognise additional laboratories.

<sup>19</sup>WADA Code 2021, Art 10.2.1. The standard sanction for a first anti-doping rule violation under Art 2.1 is four years' ineligibility, reduced to two years if the athlete can demonstrate no significant fault or negligence (Art 10.6.1).

<sup>20</sup>Lexology, 'In Review: Sports Governance and Dispute Resolution in India' (2023) <lexology.com> accessed 10 April 2026. The article notes that 'doping is not a criminal act in India' and that provisions for imprisonment were considered but not retained.

<sup>21</sup>National Anti-Doping Act, 2022, s 27. NADA is empowered to collect gender, whereabouts information, violation history, and medical data. Section 27 also mandates public disclosure of sanctions.

interest in knowing who has been found to have doped — but it creates tensions with principles of data privacy and proportionality, particularly in cases involving inadvertent violations where the athlete's culpability is minimal. These tensions are not adequately resolved in the current legislative text and merit further attention, as Section VIII argues.

## V. Where the Framework Has Failed: Institutional and Procedural Problems

### A. The NDTL Suspension: A Crisis of Credibility

In August 2019, WADA suspended the National Dope Testing Laboratory's accreditation for failing to meet the requirements of the International Standard for Laboratories.<sup>22</sup> To appreciate what this meant in practice: during the period of suspension, samples from Indian athletes could not be analysed at the NDTL in a manner that would be internationally recognised. They had to be sent abroad, creating delays, logistical complications, and questions about the integrity of the chain of custody. For a country already under scrutiny for its doping record, the suspension of its only accredited laboratory was a significant blow — not just operationally, but in terms of the message it sent about the state of India's anti-doping infrastructure.

The NDTL's problems were part of a broader pattern of under-resourcing. Testing numbers in India have historically been well below what one would expect for a country of its size and sporting ambition.<sup>23</sup> The 2016 dip to just 2,831 samples — in an Olympic year, no less — reflected resource constraints and coordination failures that no amount of rule-writing could fix. Since then, the government has invested in upgrading the laboratory's equipment and obtaining ISO certification, and the NDTL has regained accreditation. But the episode illustrated that statutory frameworks, however well designed, cannot substitute for sustained investment in the physical infrastructure of testing.

### B. The False Positive Problem and Educational Failure

The inadvertent doping problem deserves more attention than it typically receives in legal analyses. When NADA's own educational outreach has historically struggled to penetrate rural and semi-professional sporting communities, it should surprise no one that athletes in those communities end up testing positive for substances they had no idea were banned.<sup>24</sup> Many of India's most common over-the-counter medications — cough syrups, decongestants, certain anti-inflammatory drugs — contain prohibited substances. The pharmacological environment in which Indian athletes operate is genuinely hazardous from a WADA-compliance standpoint, and the legal framework does relatively little to address this at the structural level.

The 2017 case involving Jyotsana Pansare, where inadvertent exposure to a banned substance through a cosmetic product led to an ADRV, illustrated how the strict liability principle can produce outcomes that feel deeply unfair to the athlete involved, even while being technically correct under the Code.<sup>25</sup> Several petitions before the Delhi High Court have raised similar concerns, with athletes arguing that the results management process in their cases was tainted by unreasonable delay, procedural irregularity, or both. In one well-documented case, more than four months elapsed between sample collection and the testing of the

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<sup>22</sup>Bhanu Pratap Singh and Ankur Mishra, 'The Quest for Harmonisation in Anti-Doping: An Indian Perspective' (2022) *The International Sports Law Journal* (Springer Nature). The article documents the August 2019 NDTL suspension for non-compliance with the International Standard for Laboratories.

<sup>23</sup>Nation First LR (n 2). Testing volumes: NADA conducted 5,162 samples in 2015, declining to 2,831 in 2016, before recovering to 3,865 in 2022 and 5,606 in 2023.

<sup>24</sup>Drishti Judiciary, 'Sports Law and Athlete Rights' <drishtijudiciary.com> accessed 11 April 2026. The article notes that NADA's educational initiatives 'often fail to reach rural athletes, contributing to a lack of understanding of their rights.'

<sup>25</sup>National Anti-Doping Agency v Jyotsana Pansare (2017) Anti-Doping Disciplinary Panel (ADDP). The case concerned inadvertent exposure to a prohibited substance through a cosmetic product.

A sample — a delay that the petitioner argued violated the applicable rules and compromised the integrity of the analysis.<sup>26</sup>

### C. The Independence Problem in Disciplinary Adjudication

WADA's requirements around the independence of disciplinary and appeals panels are not merely aspirational — they are mandatory compliance requirements under the Code. An adjudicatory body that can be directed by the government, influenced by sports federations, or otherwise subjected to external pressure on its decisions is not an independent body in the WADA sense, regardless of what its founding documents say. Under the original structure of the 2022 Act, the National Board for Anti-Doping had institutional links to the Ministry of Youth Affairs and Sports, held the power to constitute the Disciplinary and Appeal Panels, and could issue directions to them. WADA identified this as a structural independence problem and flagged India's non-compliance accordingly.<sup>27</sup>

Beyond the structural issue, there have been recurring complaints about the quality of the ADDP's decision-making. Critics — including legal academics, practitioner commentators, and athletes who have appeared before the panel — have raised concerns about inadequate reasoning in written decisions, inconsistent application of the burden of proof, and apparent disproportionality in sanction outcomes for comparable violations.<sup>28</sup> These are not isolated complaints; they represent a systemic quality problem in India's disciplinary machinery that statutory reform alone has not resolved.

### D. Access to Justice: The Laboratory Documentation Problem

Perhaps the most legally striking issue to emerge from India's anti-doping jurisprudence is the barrier that financial costs create for accused athletes seeking to challenge their positive tests. Under the NADA rules as they operated, an athlete wishing to obtain the laboratory documentation package — the detailed analytical records from the NDTL relating to their sample — was required to pay a substantial fee for it. This documentation is not merely useful for challenging a positive test; it is, in many cases, the only basis on which a meaningful challenge can be mounted.<sup>29</sup> Without it, an athlete cannot scrutinise whether the correct procedures were followed, whether the chain of custody was maintained, or whether the analysis was technically sound.<sup>30</sup>

The case of Dharam Raj Yadav put this problem squarely before the Delhi High Court. Yadav argued that the payment requirement effectively denied him the ability to contest his ADRV, and that this denial was inconsistent with Article 14 of the Constitution — the equality guarantee. The argument was compelling: an affluent athlete might absorb the cost; a semi-professional or rural athlete likely cannot. The effect is that the rigour with which a positive test can be challenged correlates with the athlete's economic resources, not the strength of their legal case. This is difficult to reconcile with any serious conception of procedural fairness.

## VI. The Constitutional Dimension: Fundamental Rights and the Anti-Doping Framework

### A. Are Sports Bodies 'State' for Constitutional Purposes?

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<sup>26</sup>Singh and Mishra (n 23). The authors document writ petitions filed before the Delhi High Court alleging that NADA's results management process violated applicable law and the Constitution due to unreasonable delay. In one case, a delay of over four months was alleged between sample collection and A-sample testing.

<sup>27</sup>PRS Legislative Research, 'The National Anti-Doping (Amendment) Bill, 2025: Legislative Brief' (PRS India, 2025) <prcindia.org> accessed 14 April 2026. The brief identifies the National Board's power to direct panels as the primary independence concern flagged by WADA.

<sup>28</sup>Singh and Mishra (n 23) 18–19. The authors identify 'accusations of significant procedural and substantive errors by domestic tribunals' as one of the key reasons India's anti-doping legitimacy has been questioned.

<sup>29</sup>Singh and Mishra (n 23) 17. Dharam Raj Yadav v NADA, Writ Petition, Delhi High Court. The athlete argued that the payment requirement for the laboratory documentation package militated against Article 14 of the Constitution of India.

<sup>30</sup>Singh and Mishra (n 23) 17: 'Without access to [the] Laboratory documentation package of their sample [the athlete is] effectively denied the opportunity to adequately contest the anti-doping rule violation.'

Before examining which constitutional rights are engaged, it is necessary to ask whether the constitutional framework applies to anti-doping bodies at all. The answer — well established in Indian constitutional jurisprudence — is yes. Courts have consistently held that even private sports organisations performing public functions are amenable to writ jurisdiction under Articles 226 and 32.<sup>31</sup> NADA, funded by the government and exercising quasi-judicial powers over athletes, clearly qualifies. National Sports Federations and the Indian Olympic Association, which receive government financial assistance and discharge a public function in the administration of sport, are treated as 'State' under Article 12.<sup>32</sup> This means their decisions — including anti-doping sanctions — are subject to constitutional review, not merely to the internal appeals process.

Courts have nonetheless exercised this jurisdiction with considerable restraint. The general approach is to intervene only when a decision is clearly mala fide, procedurally improper, or shocks the conscience — not to second-guess the substantive merits of a doping adjudication.<sup>33</sup> Selection decisions, suspension orders, and disciplinary proceedings are generally treated as falling within the domain of governing bodies, and courts are reluctant to become alternative sports tribunals. But the threshold for intervention is not insurmountable, and a number of anti-doping cases have met it.

### **B. Article 14: When Anti-Doping Rules Hit Equality Concerns**

The guarantee under Article 14 of equality before the law and equal protection operates in anti-doping proceedings in several ways. The strict liability principle itself has been challenged on equality grounds: it applies uniformly to all athletes regardless of their circumstances, which some argue produces disproportionate outcomes for those who violated the rules through no real fault of their own. Courts have generally not been persuaded to strike down strict liability as such — the principle serves the legitimate objective of deterrence and creates a level playing field — but they have been more receptive to equality arguments directed at specific procedural disparities.<sup>34</sup>

The arbitrariness doctrine, which the Supreme Court has developed as an independent ground of invalidity under Article 14,<sup>35</sup> has also been deployed against anti-doping tribunal decisions that lack adequate reasoning or impose sanctions inconsistent with the applicable rules. The argument is not that courts should impose their own view of the correct sanction, but that a decision is arbitrary — and therefore unconstitutional — if it cannot be rationally explained by reference to the legal standards that govern it.

### **C. Articles 19 and 21: Professional Life, Livelihood, and Due Process**

The right to practise a profession under Article 19(1)(g) and the right to livelihood implied by Article 21 together provide a strong constitutional foundation for challenging disproportionate or procedurally flawed anti-doping sanctions.<sup>36</sup> A four-year ban is not a trivial inconvenience for a professional athlete — it is, in many cases, the end of their competitive career. The Supreme Court has held that restrictions on Article 19(1)(g) rights must be reasonable, and proportionality review applies. There is a credible argument that a lifetime ban imposed for a first violation in a case of genuine inadvertent doping is disproportionate enough to engage these provisions.

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<sup>31</sup>Lexology (n 21). Indian courts have consistently held that private sports bodies performing public functions are amenable to writ jurisdiction under Arts 226 and 32 of the Constitution of India.

<sup>32</sup>MP Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 892. Sports federations and the IOA, receiving government financial assistance and performing public functions, qualify as 'State' within Art 12 of the Constitution.

<sup>33</sup>Lexology (n 21). Courts intervene when decisions are mala fide, procedurally improper, or 'shock the conscience'; they are 'typically reluctant to interfere with decisions... that the court regards as being executive' in nature.

<sup>34</sup>Singh and Mishra (n 23) 16. Article 14's principle of equality was argued in Yadav's petition: the requirement of payment for laboratory documentation 'militates against the principle of equality enshrined under Article 14 of the Constitution of India.'

<sup>35</sup>EP Royappa v State of Tamil Nadu AIR 1974 SC 555; Maneka Gandhi v Union of India AIR 1978 SC 597. The Supreme Court recognised arbitrariness as an independent ground of invalidity under Art 14 in these foundational decisions.

<sup>36</sup>Olga Tellis v Bombay Municipal Corporation AIR 1986 SC 180. The Supreme Court held that the right to livelihood is part of the right to life under Art 21, since no person can live without the means of living.

Article 21's expansive interpretation by the Supreme Court — encompassing not just physical liberty but the right to a dignified life, including livelihood — provides a further constitutional anchor. Procedural fairness is increasingly recognised as a dimension of Article 21, not merely of administrative law.<sup>37</sup> This means that the failures documented in Section V — delays in results management, denial of access to evidence, inadequate reasoning in decisions — are not just technical process violations. They potentially implicate the constitutional rights of the athletes affected. The right to be heard, to receive reasons, and to have a decision made within a reasonable time are constitutional entitlements, not merely regulatory aspirations.

## VII. The 2025 Amendment Bill: Reform in Progress

The National Anti-Doping (Amendment) Bill, 2025 was introduced in the Lok Sabha on 23 July 2025, alongside the National Sports Governance Bill, 2025. Together, they represent the most ambitious attempt at reform of India's sporting legal infrastructure in recent memory. The anti-doping amendment in particular addresses, with some directness, the structural weaknesses that WADA had flagged and that this paper has documented.

The most significant change is on independence. The Bill amends the Act to give the Director General of NADA and other officials explicit operational independence from sports federations, Olympic and Paralympic Committees, government departments, and sports agencies.<sup>38</sup> This is a genuine structural improvement, not merely a cosmetic one. The original Act's silence on this point — combined with the National Board's power to direct the panels — was what triggered WADA's non-compliance concern. The Bill also removes the National Board's power to issue directions to the Disciplinary and Appeal Panels,<sup>39</sup> insulating the adjudicatory process more effectively from external influence.

On laboratory accreditation, the Bill makes a change that sounds modest but has real bite. The original Act said that a dope testing laboratory 'may' obtain WADA accreditation 'if required.' The Bill replaces this with a mandatory obligation: every laboratory conducting dope testing in India must obtain and maintain WADA accreditation.<sup>40</sup> This matters because it eliminates the possibility of tests being conducted at facilities whose results might not be accepted internationally — a genuine risk in a country where sports medicine facilities of variable quality operate across different states.

The appellate architecture is also meaningfully reformed. The Bill introduces a right of direct appeal to the Court of Arbitration for Sport in cases involving international-level athletes or international events, without requiring the athlete to exhaust the domestic Appeal Panel process first.<sup>41</sup> This is an important efficiency gain: CAS has deeper expertise in anti-doping matters than any domestic tribunal, and the current two-stage domestic appeal process can take years. The Bill also gives WADA itself a direct right to appeal to CAS against final NADA decisions where no domestic appeal has been filed — a provision that strengthens international oversight and is consistent with the Code's requirements.

There is, however, a legitimate critique of one aspect of the Bill: the power to constitute the Appeal Panel has been transferred not to an independent body but to the Central Government itself.<sup>42</sup> Replacing one form

<sup>37</sup>Maneka Gandhi v Union of India AIR 1978 SC 597. The Court held that 'procedure established by law' under Art 21 must be fair, just, and reasonable, importing natural justice requirements into the constitutional guarantee.

<sup>38</sup>National Anti-Doping (Amendment) Bill, 2025, cl 4, amending s 13 of the National Anti-Doping Act 2022. The new provision grants explicit operational independence to the Director General and other NADA officials.

<sup>39</sup>National Anti-Doping (Amendment) Bill, 2025, cl 7. The Bill removes the National Board's power to issue directions to the Disciplinary and Appeal Panels, insulating adjudicatory functions from external pressure.

<sup>40</sup>National Anti-Doping (Amendment) Bill, 2025, cl 8, amending s 19 of the 2022 Act. The Bill replaces 'may obtain accreditation from WADA, if required' with a mandatory obligation to obtain and maintain WADA accreditation.

<sup>41</sup>National Anti-Doping (Amendment) Bill, 2025, cl 10. Direct appeal to CAS is available without exhausting the domestic Appeal Panel in cases involving international-level athletes or international events.

<sup>42</sup>Lexology, 'Balancing Power and Protection: The National Sports Governance and Anti-Doping Bills, 2025' (September 2025) <lexology.com> accessed 14 April 2026. Critics observe that transferring Appeal Panel constitution power to the Central Government substitutes one form of government proximity for another.

of proximity with another does not fully resolve the independence concern, even if it addresses WADA's specific objection about the National Board. One reform the Bill does not include is also worth noting: there are no provisions addressing the financial barriers to laboratory documentation access, the education deficit among rural athletes, or the data privacy concerns raised by mandatory public disclosure. These are not small issues, and their absence from the Bill suggests that the reform process, while significant, is still incomplete.

## VIII. Conclusions and Recommendations

India's anti-doping story is, in a sense, a story about the costs of delay. The years spent without a statutory framework were not cost-free — they were years in which a vulnerable enforcement system was exposed to legal challenge, in which NADA's disciplinary decisions were made without adequate procedural safeguards, and in which the gap between India's international obligations and its domestic practice widened. The National Anti-Doping Act, 2022 and the 2025 Amendment Bill represent a genuine effort to close that gap, and there is much in both instruments that is worth acknowledging. A statutory foundation for NADA, mandatory WADA accreditation for laboratories, and explicit independence guarantees for adjudicatory bodies are all meaningful improvements.

But the challenge in Indian sports governance has always been less about the quality of the rules than about the seriousness with which they are implemented. India's AAF positivity rate of 3.8% is not going to fall simply because Parliament has passed a better law. It will fall when athletes in rural Maharashtra or Haryana or Odisha understand what is in the cough syrup they are taking; when coaches and sports medicine personnel at the district level know what the Prohibited List contains; when NADA's testing volumes are genuinely proportionate to the country's athlete population; and when an athlete who receives a positive result can actually afford to access the evidence needed to contest it.

With that in mind, this paper offers the following recommendations. First, NADA should establish a legal aid scheme — modelled on the Lok Adalat tradition of accessible dispute resolution — for athletes facing doping charges. The cost of the laboratory documentation package should be waived for athletes below a defined income threshold, and free legal representation should be available at disciplinary panel hearings. Second, the central government should fund a structured, in-person anti-doping education programme reaching athletes in Tier 2 and Tier 3 cities and rural sporting academies. Reliance on web-based awareness materials is insufficient for communities with limited digital access. Third, Parliament should amend the data disclosure provisions of the 2022 Act to introduce proportionality requirements — distinguishing between deliberate doping, where full public disclosure is appropriate, and inadvertent violations with no significant fault, where a less punitive disclosure regime might better serve the underlying interest in fairness. Fourth, NADA should create a standing quality review mechanism for its disciplinary panels, including regular external audit of decision-making consistency and adequacy of reasoning. Fifth, the government should set statutory minimum testing targets, indexed to the registered athlete population in each sport, to prevent the kind of decline in testing volume that occurred in 2016.

India is not a country without sporting ambition. The trajectory of its Olympic and Paralympic performance over the past decade makes that clear.<sup>43</sup> But ambition and integrity have to go together — a country that aspires to stand on the podium also has to be able to say, credibly and verifiably, that its athletes competed clean. Building that credibility is a legal project as much as an institutional one, and the frameworks examined in this paper are a significant part of how it gets done. Whether they are enough will depend, in the end, on the seriousness with which the institutions charged with implementing them actually do so.

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<sup>43</sup>Nation First LR (n 2). India won 7 medals at Tokyo 2020 Olympics, 6 at Paris 2024 Olympics, and a historic 29 medals at Paris 2024 Paralympics.

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