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UNESCO Chair for

Legal Dimensions of Clean Sports

DELHI

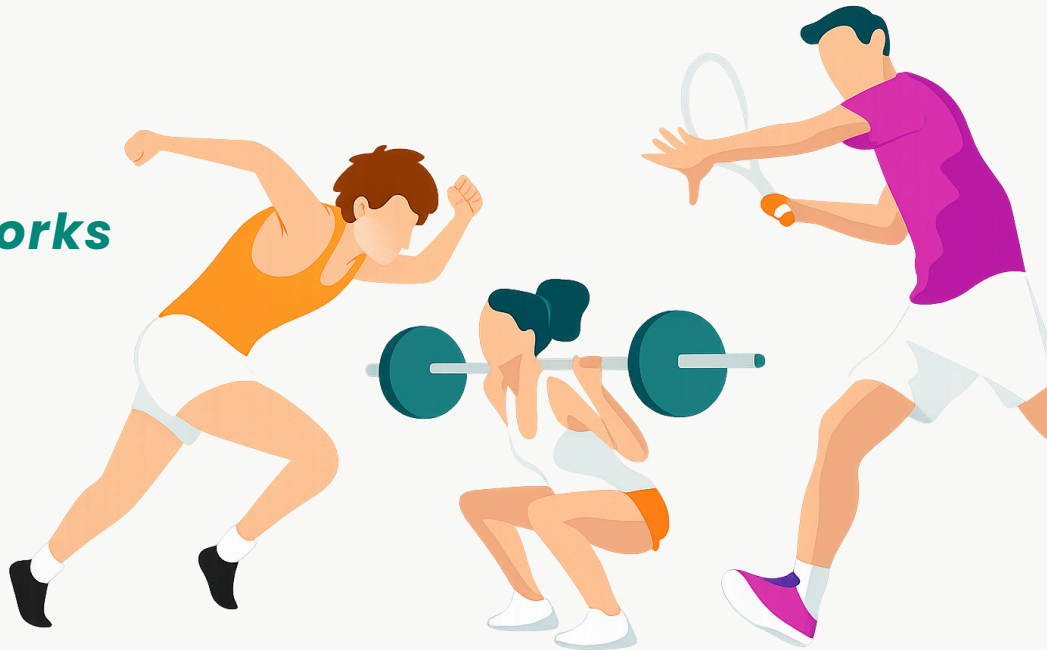
NATIONAL LAW UNIVERSITY DELHI

CLEAN SPORT, YOUR RIGHTS & RESPONSIBILITIES:

A Legal Guide for All.

**Clean sport works
only when**

**YOU know the
system.**



AN AWARENESS HANDBOOK
BY

THE UNESCO CHAIR FOR LEGAL DIMENSIONS OF CLEAN SPORTS

FRAMEWORK OF ANTI-DOPING



LEGISLATIVE

NATIONAL LEVEL

- Government of India (Ministry of Youth Affairs & Sports)
- National Sports Federations (Adopt & implement anti-doping rules)

INTERNATIONAL LEVEL

- World Anti-Doping Agency (WADA)
- (World Anti-Doping Code & Prohibited List)

EXECUTIVE

NATIONAL LEVEL

- National Anti-Doping Agency (NADA)
- National Anti Doping Laboratory (NDTL)
- Regional Anti-Doping Organizations (RADOs)

INTERNATIONAL LEVEL

- International Anti-Doping System (IADS) (*Global testing & compliance framework*)

JUDICIAL

NATIONAL LEVEL

- Anti-Doping Disciplinary Panel (ADDP) (*First instance hearing*)
- Anti-Doping Appeal Panel (ADAP) (*National appeal body*)

INTERNATIONAL LEVEL

- Court of Arbitration for Sport (CAS)



KEY LEGAL PRINCIPLES IN ANTI-DOPING LAW

STRICT LIABILITY

• WHAT IT MEANS

- You are responsible for everything in your body
- Intention does not matter
- Even mistakes can lead to violations

IN SIMPLE WORDS

If a banned substance is found in your body, You are responsible. No Excuses.

• WHY THIS RULE EXISTS

- To protect fair play
- To stop cheating
- To make rules equal for all

• WHAT THIS MEANS FOR YOU

- Check every medicine
- Be careful with supplements
- Do not rely blindly on others



THERAPEUTIC USE EXEMPTION (TUE)

WHAT IS A TUE?

A legal permission that allows an athlete to use a prohibited substance or method only for medical treatment. Without a valid TUE, medical use = anti-doping violation.

WHY TUE EXISTS?

The law recognises that:

- Athletes can fall ill
- Some medicines are banned in sport
- Health must be protected

TUE balances health and fair play.

TYPES OF TUE

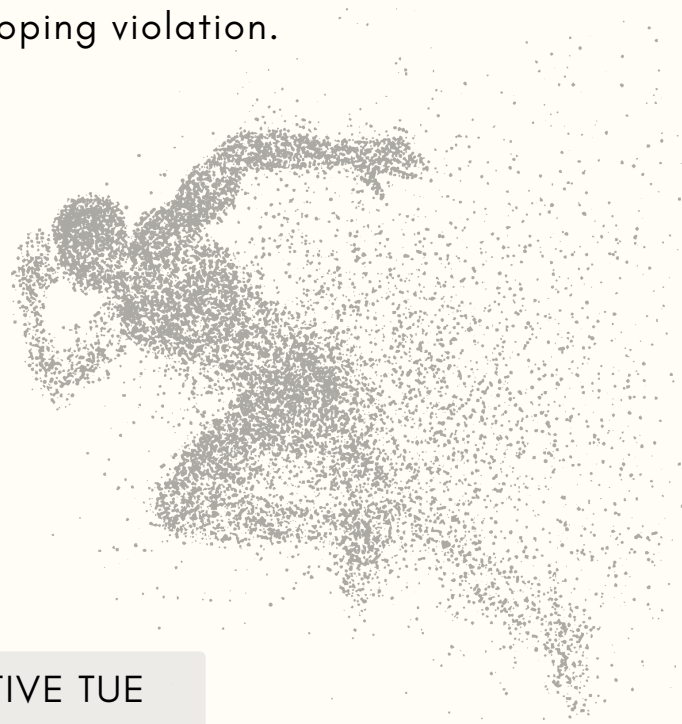
PRIOR TUE

- Applied before using the medicine
- Required in most cases

RETROACTIVE TUE

- Applied after treatment
- Allowed only in:
 - Medical emergencies
 - Acute conditions

*Exceptional situations
(Retroactive TUEs are limited
and strictly checked.)*



YOUR LEGAL DUTIES AS AN ATHLETE

You must:

- Check if the medicine is prohibited (even if prescribed by a practitioner/coach etc)
- Apply for TUE through NADA/WADA systems
- Keep medical records
- Carry proof during competitions

BURDEN OF PROOF

- You must prove:
- Medical necessity
- Proper use
- Valid approval



Failure to Prove



Violation Remains

*A medicine/
supplement can
save your health but
end your career if
used without a TUE.*

DO I NEED A TUE? (ANSWER THESE QUESTIONS)



Q1. Are you taking a medicine or treatment?

YES → Go to Question 2

NO → ❌ No TUE needed

Q2. Is the substance or method on the Prohibited List? *(Check on WADA / NADA website or app)*

YES → Go to Question 3

NO → ❌ No TUE needed

Q3. Are you competing or in the testing pool? *(In competition / out of competition)*

YES → Go to Question 4

NO → ⚠️ Check again before competition

DO I NEED A TUE? (ANSWER THESE QUESTIONS)

Q4. Is the treatment planned?

(Not an emergency)

YES → YOU NEED A PRIOR TUE

Apply before using the medicine.

NO → Go to Question 5

Q5. Is it a medical emergency?

(Accident / sudden illness)

YES →  RETROACTIVE TUE MAY BE POSSIBLE

Apply immediately after treatment

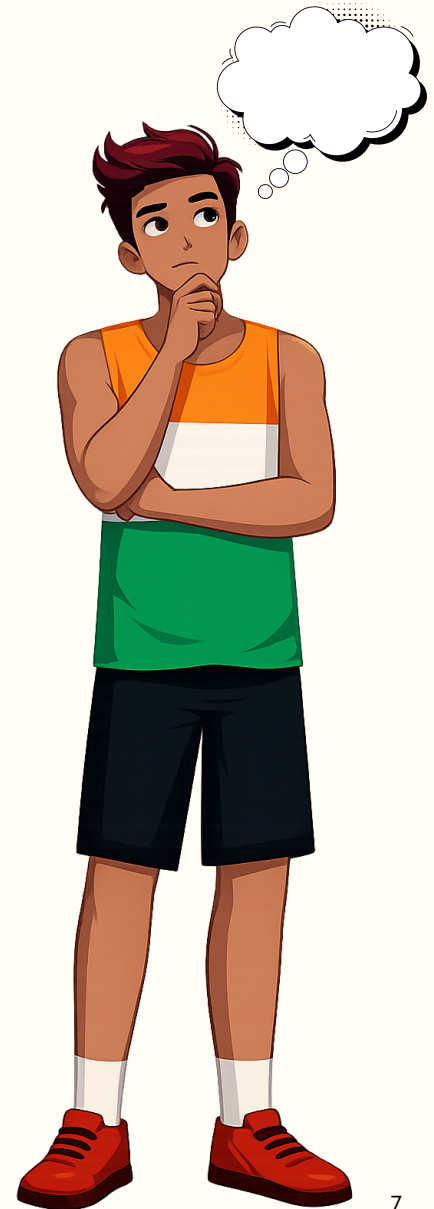
NO →  USING THE MEDICINE = VIOLATION

Q6. FINAL ANSWER (BIG & BOLD)

If the substance is prohibited and you are an athlete, **YOU NEED A TUE.**

QUICK ACTION BOX

- *Check the Prohibited List*
- *Ask NADA if unsure*
- *Apply for TUE early*
- *Keep all medical papers*



BURDEN OF PROOF

(Who must prove what?)

It means who has the duty to prove something during an anti-doping case.

NADA must prove:

- A prohibited substance or method
- Proper sample collection
- Proper laboratory testing



ATHLETE must prove:

- How the substance entered the body
- Lack of fault or negligence (if claimed)
- Medical need (for TUE cases)



“The test proves the substance; you explain the reason”

WHY THIS MATTERS TO YOU

- Sanction may be reduced
- But violation may still exist
- Weak explanation = full ban

*Intent does not cancel responsibility.
Excuses do not cancel violations.
Only evidence can reduce consequences.*

COMMON MISUNDERSTANDINGS & MISTAKES

- "I didn't know it was banned" ✗
- "My coach / physio / doctor gave it" ✗
- "It was only once" ✗
- "I took it outside competition" ✗
- "It was a small dose" ✗
- "It was an Ayurvedic / herbal medicine" ✗
- "The supplement label didn't mention it" ✗
- "I stopped using it long ago" ✗
- "I needed it for recovery" ✗
- "I was injured / sick" ✗ (without TUE)
- "I trusted the brand" ✗
- "Others are doing it too" ✗
- "The test must be wrong" ✗ (without evidence)
- "I have a prescription" ✗ (no TUE)
- "I didn't mean to cheat" ✗



STANDARD OF PROOF

IN ANTI-DOPING CASES

Anti-doping law uses a special standard:

“Comfortable satisfaction”

This is:

- More than suspicion
- Less than criminal proof
- Based on reliable evidence

WHO MUST MEET THIS STANDARD?

NADA must prove (to comfortable satisfaction):

- Presence of prohibited substance
- Proper testing & lab process

Athlete must prove (on balance of probability):

- How the substance entered the body
- No fault or no significant fault



NO FAULT AND NO SIGNIFICANT FAULT

(When punishment can be reduced)



No Fault and No Significant Fault are legal concepts that allow an athlete to reduce the length of a ban when the athlete did not intend to cheat and acted responsibly.



These principles do NOT cancel the violation. They only affect the severity of the sanction.



You are always responsible for what is in your body. But how careful you were matters for punishment.



NO FAULT

What it means

You did nothing wrong and could not have avoided the substance

Level of care

You were fully careful

Did you intend to cheat?

✗ No

Could you have avoided it?

✗ No, it was unavoidable

Common examples

- Sabotage by another person
- Contaminated food in rare cases
- Emergency treatment with proof

What happens legally?

- Violation exists
- No ban

How often is it accepted?

- Very rare

Who must prove it?

- Athlete

What proof is needed?

- Strong evidence showing no control

Key message
"I did everything right"

NO SIGNIFICANT FAULT

What it means

You did not mean to cheat, but could have been more careful

Level of care

You were partly careful, not perfect

Did you intend to cheat?

✗ No

Could you have avoided it?

⚠ Yes, with more care

Common examples

- Taking a medicine without double-checking
- Using supplements without full checks
- Relying only on a coach or doctor

What happens legally?

- Violation exists
- Ban is reduced

How often is it accepted?

- More common

Who must prove it?

- Athlete

What proof is needed?

- Evidence showing some care

Key message
"I tried, but not enough"

RIGHT TO FAIR HEARING & DUE PROCESS

(You have rights – use them)

Even if you test positive, you have the right to be heard fairly.

WHAT IS A FAIR HEARING?

A fair hearing means:

- You are informed of the charge
- You get time to prepare
- You can defend yourself
- A neutral body decides the case

WHO HEARS YOUR CASE IN INDIA?

| STAGE | BODY |
|----------------------|---------------------------------------|
| First hearing | Anti-Doping Disciplinary Panel (ADDP) |
| Appeal | Anti-Doping Appeal Panel (ADAP) |
| International appeal | Court of Arbitration for Sport (CAS) |



YOUR BASIC LEGAL RIGHTS AS AN ATHLETE

Even if you test positive, you have the right to be heard fairly.

- ✔ Right to receive test results and documents
- ✔ Right to respond to allegations
- ✔ Right to legal representation
- ✔ Right to present evidence and witnesses
- ✔ Right to a reasoned decision
- ✔ Right to appeal



COMMON ATHLETE MISTAKE

"I have no chance, so why attend the hearing?"

Testing positive is not the end. Ignoring your rights can be.

WHEREABOUTS REQUIREMENTS & MISSED TESTS

This page is crucial for elite and national-level athletes, because many violations happen without taking any substances at all.

You don't need to fail a test to violate anti-doping rules. Not being available for testing is enough.

WHAT ARE WHEREABOUTS?

Whereabouts are details you provide so that anti-doping authorities can find you for testing anytime, anywhere. You may be required to give:

- Your daily location
- Training schedule
- Overnight address
- A specific 60-minute time slot when you are guaranteed to be available



WHO MUST GIVE WHEREABOUTS?

- Athletes in the Registered Testing Pool (RTP)
- Athletes in National / Elite Testing Pools
- Athletes notified by NADA or International Federations

👉 Not every athlete is in RTP, but once included, rules apply strictly.

WHAT COUNTS AS A VIOLATION?

| TYPE | WHAT IT MEANS |
|----------------|---|
| Filing Failure | Wrong, incomplete, or late information |
| Missed Test | You were not available at the declared place/time |

THE “THREE STRIKES” RULE

3 Whereabouts Failures in 12 months = Anti-Doping Rule Violation

- ✓ Can be any combination of missed tests and filing failures
- ✓ No substance required
- ✓ Treated like a doping offence

COMMON ATHLETE MISTAKES

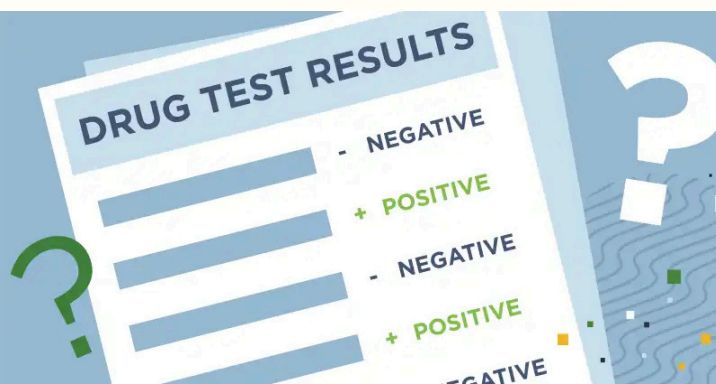
- “I forgot to update my location”
- “My phone was switched off”
- “I went home suddenly”
- “My coach knew where I was”



Your responsibility is personal and non-transferable

IF YOUR TEST IS POSITIVE FIRST THING TO KNOW

A positive test is not the final decision.
It is the beginning of a legal process.



WHAT "POSITIVE" MEANS

It means:

- A prohibited substance was found in your A sample
- It does not yet mean guilt

You still have rights.



STEP-BY-STEP: WHAT YOU SHOULD DO

STEP 1



Read the notice carefully

- Check substance name
- Check date and test details

STEP 2



Ask for B-sample analysis

You have the right to:

- Request B sample testing
- Be present or represented

STEP 3



Collect your records

Gather:

- Medicines
- Prescriptions
- TUE documents
- Supplements
- Medical history

STEP 4



Seek legal or expert advice

Do not rely only on friends or coaches.

STEP 5

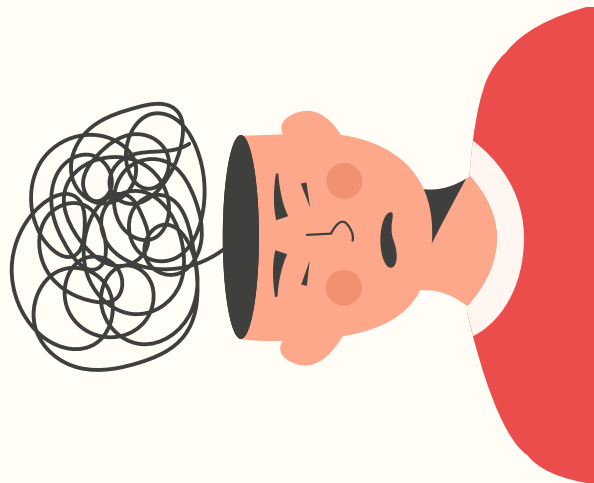


Respond within time limit

Silence can harm your case.

WHAT YOU SHOULD NOT DO

- ✓ Panic
- ✓ Hide facts
- ✓ Destroy evidence
- ✓ Miss deadlines
- ✓ Ignore notice



TYPES OF SANCTIONS

An athlete may face:

- Reprimand or warning
- Period of ineligibility (ban)
 - 1 year
 - 2 years
 - 4 years
 - Lifetime ban (in serious or repeat cases)
- Disqualification of results
- Loss of medals, points, titles and prizes
- Financial consequences (where applicable)



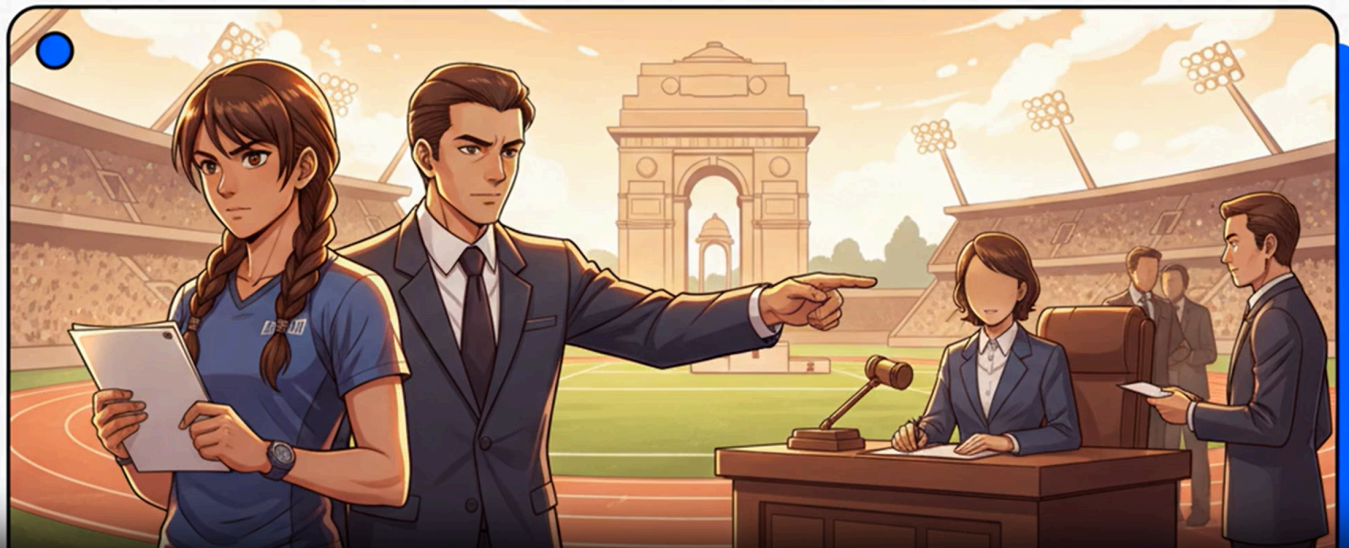
RIGHT TO APPEAL

Athletes have the legal right to appeal:

- Decisions of the Anti-Doping Disciplinary Panel
- Decisions of any alternative hearing body

Depending on the case, appeals may go to:

- Anti-Doping Appeal Panel (ADAP)
 - Court of Arbitration for Sport (CAS)



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