

## **Politics and Poetics of Doping in Sports**

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Genetic engineering is generally the manipulation of the base pairs of the DNA present in the cell, in order to remove errors to delete certain bases or to add certain strands of a gene taken from some species propagating towards the removal of the errors. Gene doping hereby stands for the non-therapeutic usage of gene therapy<sup>1</sup>, which includes the alteration of genes and genetic elements to enhance the capacity or performance of sportsmen. There are two major concerns, firstly the medical concerns, wherein severe adverse effects as well as irreversible damage to the individual is observed and secondly, ethical concerns pertaining to the participation of athletes in equal circumstances or conditions.

The World Anti-Doping Agency (hereinafter referred to as WADA) is a foundation established by the International Olympic Committee with its domicile of origin in Montreal, Canada with an aim to monitor, promote and co-ordinate the fight against doping in sports. United Nations Educational, Scientific and Cultural Organization (UNESCO), in the year 2005, signed a convention 'International Convention against Doping in Sports', a multilateral UNESCO treaty which came into force in 2007 aiming highly towards prevention and elimination of the doping denoting it to be major public health issue. Since approximately 137 countries have signed and ratified WADA in the Parliament, it has received legal status and hence stands binding upon the countries.<sup>2</sup>

Exercises, eating habits, supplementary nutrients and weight all play a vital role in an athlete's life. For an athlete who is highly driven by competition, they can end up bearing high temptation for doping in order to enhance their performance. This phenomenon is not just limited to elite athletes but even young people and amateur sports enthusiasts are seen commencing the same with the purpose of amplifying their performance, chemically, which as a result endanger the value, ethics and integrity of sports and the health of players therein involved. The international convention

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<sup>1</sup> Susan L. Nasr, How gene doping works, hostuffworks, <https://science.howstuffworks.com/life/genetic/gene-doping.htm>.

<sup>2</sup> Ratification by India of the International Convention against Doping in Sports, Paris (19<sup>th</sup> Oct. 2005).

against doping in sports which was adopted by the 33rd UNESCO General Conference in 2005<sup>3</sup>, to which India was also a signatory nation had put forward many guidelines and strategies to promote the prevention of and the fight against doping in sport, with a view to its elimination. It has done quite a lot in improving the doping scenario in India but the situation still remains worrisome.

### **Commitments to Anti-Doping**

India has started its own National Anti-Doping Agency (referred to as NADA) complying with the same aim as that of WADA. Till the year 2019, cricket had yet not been included under NADA. The Board of Control for Cricket in India finally agreed to come under the same and paved its way for the testing of cricketers on the listed rules. BCCI banned test opener Prithvi Shaw for a period of eight months after he tested positive for a prohibited substance '*terbutaline*'. The test was conducted in February, 2019 when Shaw was representing Mumbai in the Syed Mushtaq Ali tournament<sup>4</sup>. BCCI in the statement said that Shaw had accepted the charge and claimed that he had inadvertently consumed the substance which was part of a cough syrup which he had obtained over the counter. The player issued a statement saying that he was shaken by the incident and informed that his ban should serve as an eye-opener for other athletes and they should follow protocols while consuming medicines. BCCI's Anti-Doping manager Dr. Abhijeet Salvi mentioned that the board had been following an extensive program regarding the same and all players undergo training on how the norms are to be followed.<sup>5</sup>

### **Issues for Consideration**

187 athletes in India tested positive for doping in 2019 and more than double the number in 2018. The biggest violators consist of athletes in the sporting discipline of bodybuilding (70), followed by weightlifting (60), athletics (55), power-lifting (40) and wrestling (20). India ranked 7th in the world in 2019 in regards to doping violations<sup>6</sup>. Sports career being all about winning medals, prize

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<sup>3</sup> UNESCO DIGITAL LIBRARY (Committees and organs elected by the General Conference), <https://unesdoc.unesco.org/>.

<sup>4</sup> *Prithvi Shaw doping ban: what is Terbutaline, the drug found in cough syrup and why it's banned*, India Today (August 1, 2019, 13:54 IST), <https://www.indiatoday.in/sports/cricket/story/prithvi-shaw-doping-ban-bcci-wada-terbutaline-drug-details-1576023-2019-08-01>.

<sup>5</sup> Nagraj Gollapudi, BCCI programme 'the best it can have', ESPN Cricinfo(31-july-2019), <https://www.espncricinfo.com/story/bcci-programme-the-best-it-can-have-anti-doping-manager-abhijit-salvi-1196373>

<sup>6</sup> Susheil Tandon and Antony CJ, Scourge of Doping in Indian Sports (2020), The Bastion (February 17,2020), <https://thebastion.co.in/politics-and/getting-a-kick-the-scourge-of-doping-in-indian-sports/>.

monies and recognition, athletes tend to take upon doping due to pressure of livelihood and also mentors, coaches, friends, family and relatives often lay unbearable pressure due to prejudices on sports field being quite a subordinate discipline on one hand and 'be the best or nothing' preconception on the other. To comply with the protocols and principle of the WADA, it suspended India's National Dope Testing Laboratory (NDTL)<sup>7</sup> in August in 2019 and every sample collected by National Anti-Doping Agency (NADA) now is tested by another WADA accredited Lab. Suspension and ban of dope positive players are the general actions taken by respective authorities but these too due to political factors have been doing injustice to the players not in power. As most of the sports federation in India, at both national and state level is controlled by politicians, instances of doping are often shadowed or unreal judgments on athletes are passed fending off justice and recognition to the deserving players.

### **Importance of Sports Psychology**

Sports psychology may play a part in the preparation for players' events, and maybe a reason as to why they are successful. It is the science, study and practice of mental preparation for sports. It involves identifying the techniques and strategies that athletes can use till the performance reaches their optimum best. It also helps athletes to deal with more come back, with setbacks and help them combat with the devastating defeats. Looking inside the minds of a winner, what factors are linked to success in sports? Well clearly an athlete has to be motivated. For an athlete to win in their event, it is solely not the motivation factor that drives him or her towards success. An athlete has to be confident and confidence seems to be ubiquitous amongst the high-performing players.<sup>8</sup> There are a number of strategies that athletes can use to boost their confidence. Another important factor is the knowledge of the sport. Measures that can be adopted to enhance or boost a players' confidence are:

- Firstly, experience. Reminding an athlete of their experience is extremely important.
- Modeling also being an important aspect could enable an athlete to have a model or a blueprint of the optimum performance he/she aspires to achieve.

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<sup>7</sup> Abhimanyu Sen, WADA suspends India's National Dope Testing Laboratory, News 18 ( August 23, 2019, 10:26 IST) ,<https://www.news18.com/news/other-sports/wada-suspends-indias-national-dope-testing-laboratory-2280641.html>.

<sup>8</sup> Dominique Plattner, Techniques of sports psychology, ittfeducation (April 17, 2020) ,<https://www.ittfeducation.com/techniques-of-sports-psychology/>

- Imagery and self talk are part of strategies that athletes use and lastly, positive feedback from the athlete's coaches would work wonders.

Not only knowing one's sport inside out, but knowing the opposition would also help an athlete tactically defeat the other.<sup>9</sup> Knowing their strengths and weaknesses could ease your attack thereby helping you win over them. This is so prescribed under the approach taken by the sports psychology. Athletes are also very good at using routines, getting themselves in the right frame of mind; thereby handling pressure. Anxiety management is clearly an important aspect of an athlete's arsenal of strategies to get them in the right frame of mind so they can perform at their best. Often a goal of winning is not enough. Most of the times, it is important that an athlete has a number of sub-goals which are related to their performance. So things like personal best that drive them both in training and in competition could be more emphasized. It is also important that these goals conform to certain features. If things as such are taken care of, one need not be under the influence of doping which would prove disastrous for both, their well being and stance in the society.

Article 47 of the Indian Constitution,<sup>10</sup> directs the State or imposes an obligation in order to bring prohibition of the consumption of intoxicating drugs that are deemed injurious to the human system, except for the purposes that relate to medicinal treatment. This would eventually lead on improving the public health, nutrition and standard of living. There are three Central Acts that consists of the legislative policy that are in relation to the usage of drugs and provide criminalization to the act of it. They are The Narcotic Drugs and Psychotropic substances Act, 1985<sup>11</sup>, Drugs and Cosmetic Act, 1940<sup>12</sup> and the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988<sup>13</sup>. Amongst the number of Ministries, Departments and organizations that are solely responsible for the drug abuse control, a preliminary action as an administrator is to be taken by the Ministry of Finance, Department of Revenue<sup>14</sup>. The Bureau ought to exercise powers and functions

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<sup>9</sup> Kendra Cherry, An overview of sports Psychology, Very Well mind (March 27,2020), <https://www.verywellmind.com/what-is-sports-psychology-2794906>

<sup>10</sup> India Constit. Article 47.

<sup>11</sup> The Narcotic Drugs and Psychotropic substances Act, 1985, No. 61, Act of Parliament, 1985, India.

<sup>12</sup> Drugs and Cosmetic Act, 1940, No. 23, Act of Parliament, 1940, India.

<sup>13</sup> Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, No. 46 , Act of Parliament, 1988, India.

<sup>14</sup> Procedural safeguards and immunities under the NDPS Act, Department of Revenue, <https://dor.gov.in/narcoticdrugspsychotropic/procedural-safeguards-and-immunities-under-ndps-act>.

with respect to taking measures that include co-ordination with the Central Government by State Governments and various offices; elucidating the authorities and law under the proposed Acts.

It should not always be perceived to look up health as the sole value in sports. In fact, sports are also about taking real risks, exposing oneself to real danger. It's about sacrifices and maybe even daring to suffer. For instance, we allow Alpine climbers to expose themselves to mortal risks and if we have that as health standards, well then, we should apply the same health standards to doping. So, even quite unhealthy kinds of doping may still not be as unhealthy as climbing Kilimanjaro<sup>15</sup>. You might also say sports is all about putting in efforts and doping seems to be serving the purpose for one. Well again, not necessarily, with a very ironic example here are anabolic steroids. These steroids enable you to invest more effort by reducing the recuperation time you require between exercise rounds so that you can exercise even more. Here one might again come up with the phrase, 'Sports is not just an adoration or result of effort' because ultimately one seems to have been reserving an extra admiration for athletes who have a natural ease like Usain Bolt, Michael Jordan and so on. So curiously, one does exhibit double standards. If there stands an effortless athlete who performs his feats with natural grace or if the origin is natural, one concludes it to be fantastic. On the other hand, the presence of another athlete who seems effortless while the origin being artificial, for some reason it appears shocking for viewers. People are keen on knowing the points on the fairness stance. Some people just have a big enough level by nature to compete in various fields when it comes to sports but if people don't have such talent, they prefer using performance enhancing drugs to equalize the biological playing field. Is there any way to justify categorical Anti-Doping? There are ways but they might sound a little immoral, if one ought to consider. It is absolutely fine to try competing with sportsmen who are better off than you but doing the same by unfair or illegal means would not only create an imbalance in the playfield but also that whosoever looks up on you will end up getting misguided or misled. Being a sportsman, you are setting an example of putting forth the fruits of hard work, so be the result be fulfilling or not. When you expose yourself in a public arena where dozens and thousands of people cheer for you, you ought to be faithful and do justice to your own self.

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<sup>15</sup> Kevin C. Kain, Tanzania:kalimanjaro, centres for Disease Control and Prevention (June 2019),<https://wwwnc.cdc.gov/travel/yellowbook/2020/popular-itineraries/tanzania-kilimanjaro>.