

Professional Sports, Drug Abuse and Law: A Psychological Perspective

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Abstract

Drug abuse is prevalent in many sports and at all levels of competition. A sportsman may resort to drug for varying reasons like enhancing performance, to deal with stressful events like injuries, physical pain and to overcome the trauma of retirement. Performance enhancing drugs have its existence since ancient times and have continued to evolve with the improvement and advancements in the drug testing method and scientific researches. Many sports organizations have come to the banning of the intake of performance enhancement drugs. Doping also has innumerable side effects. World Anti-Doping Agency (WADA) may sanction punishment ranging from a reprimand to a life time ban. The duration of ban may vary on a number of factors like anti-doping violation, circumstances, the substance used and the repetition of the violation. The current research focuses on the history of doping, the effects and side effects of different drugs used for doping, and to examine the laws pertaining to doping and drug abuse by sports professionals.

Keywords: Athletes; Doping, Drug abuse, Law, Effects of drugs.

Introduction

Doping, technically defined as use of drugs or other substances for the purpose of enhancing performance – is a topic of attention virtually in every sport and has been present in athletes of all ages and at every level of competition. The performance enhancing drugs (PEDs) are not only restricted to illegal drugs or prescribed medications like steroids but may also include dietary supplements and a variety of compounds available.

Substance abuse amongst sports professionals may involve doping with an aim to gain competitive advantage or it may involve the intake of substances like alcohol or marijuana consumed not to enhance performance but developed due to substance abuse disorder.

A sports person might resort to substance abuse for a variety of reasons like performance pressure, injuries, body ache/pain, and fear of retirement (a process which is much early in the field of sports as compared to other careers). Another, probability could be that a sportsman might be less likely to undergo a treatment process for mental disorders like depression, because it would be perceived as a sign of weakness. Untreated mental discomfort is frequently associated with substance abuse, with an urge to self-treat. Alternatively, substance abuse also leads to mental illnesses.

This study specifically aims to provide a broad understanding on history of doping, the effects of different classes of drugs used, the side effects of doping and the law pertaining to doping in India.

History - Drug Abuse in Sports Professionals

The belief that doping being a recent phenomenon for increasing financial rewards of elite sports person is myth. Ancient Greek Olympic athletes used different brandy and wine concoctions and consumed hallucinogenic mushrooms and sesame seeds to enhance performance. Different kinds of plants were used to improve speed and endurance. There were different plants used to mask pain which helped the injured athletes to continue competing. Yet even then it was considered unethical and the identified cheaters were sold to slavery. In the modern era doping dates to the early 1900s, with the illegal drugging of racehorses. In the year 1904, the first use of drugs in Olympics was reported. Till 1920 s, the mixtures of heroin, cocaine and caffeine were used by higher level of athletes.

By 1930s, the use of PEDs in the Tour de France was an accepted practice but when this race changed to national teams, which were to be paid by the organizers, the rule book distributed clearly mentioned that drugs would not be provided.

By 1950s, with the beginning of soviet Olympic - teams began its experimentation with testosterone supplements in order to enhance strength and power. This was an initiative taken up by the government – a joint venture by national team trainers and sports medicine doctors without being aware of the consequences. It was observed that young female athletes experienced more performance enhancement than the male counterparts. However, they also suffered significant side effects and early death.

The illegal enhancement of performance by consuming specific kind drugs have evolved over a period of time. There have been “advance” strategies used to avoid detection. It has been observed that over a period of 150 years cycling is the only sport that had the highest high - profile doping allegations. Some non-athlete sports have also been found doping.

The international association of athletic federations was the first international governing body of sport to take doping seriously. In the year 1928, they started banning participants from doping, but since there was no test available to measure doping, they had to rely on athletes for the truth.

In the year 1966, the first drug testing of athletes was done at the European Championship. During 1970s, Anabolic steroids became more prevalent and after the detection method being found, it was prohibited. Late 1970s, saw many disqualifications on the basis of drug detection method – specifically

in sports involving the use of strength like throwing events and weightlifting.

Before even a fight against stimulants and steroids would end, the anti doping war was shifting towards blood doping. The athlete’s blood was rein fused in order to increase the level of oxygen carrying haemoglobin. Blood doping was ban in 1986.

In 1998, a large number of prohibited substances were raided by police during the Tour de France. This scandal led to a major reappraisal of the role of public authorities in anti-doping affairs. The 1980s saw an increase in co-operation pertaining to anti-doping policies between international sports authorities and various governmental agencies. Gradually there raised a need for an independent, non-judicial international agency to set unified standards for anti-doping work and co-ordinate the efforts of sports organization and public authorities. This led to the first World Conference on Doping in sports at Lausanne in February 19 99 and in the year 2004 it redefined doping as the ‘occurrence of one or more of the following anti-doping rule violations mentioned in the WADA code.’

Wada Code States the Following:

1. The presence of prohibited substance or its metabolites or markers in the athlete’s sample.
2. Use or attempted use by an athlete of a prohibited substance or a prohibited method.
3. Evading, refusing or failing to submit to sample collection
4. Whereabouts failures
5. Tampering or attempted tampering with any part of doping control
6. Possession of a prohibited substance or a prohibited method
7. Trafficking or attempted trafficking in any prohibited substance or prohibited method
8. Administration or attempted administration to any athlete in competition of any prohibited substance or prohibited method, or administration or attempted administration to any athlete out of competition of any prohibited substance or any prohibited method that is prohibited out of competition
9. Complicity
10. Prohibited association.

Anti-doping Law in India

To support the cause of anti-doping the Government of India set up National Anti-doping Agency of India (NADA) on 24th November, 2005 and accepted all the revised rules of WADA Code. However, instead of spreading awareness regarding the doping rules, rights and obligations of athletes: NADA has always acted like a prosecuting agency. The Sports Authority of India attempts to educate sports persons regarding the norms pertaining to doping but only the players participating in national camps can avail such facilities. Hence, a lot of doping infringement takes place in India due to lack of awareness regarding banned substances and procedures. It should also be noted that many players raise pleas saying that they had consumed the drug unknowingly due to lack of knowledge and language barriers.

In 2011, Ministry of Youth Affairs & Sports formed a committee after the doping scandal being highlighted wherein six Indians were involved. However, it has been understood that though NADA has adopted the anti-doping code provided by WADA, it has failed to practically and legally implement the code in Indian scenario. Also, there is a need to improve on the attitude of NADA's Disciplinary Tribunals case hearings because the delays have put the careers of many athletes at stake.

The Effects of Drugs on Sports Professionals

This paper gives the understanding of the following substances that produce performance enhancement effects on the sports professionals:

Androgens:

Androgens are basically used by the players to increase endogenous testosterone. High amounts of testosterone in human body lead to increased muscle strength and mass.

Growth Hormones and Growth Factors:

The categories of growth hormones are also banned by WADA. In research conducted it was found that growth hormones were associated with a significantly decrease in fat mass. However, it found increase in lean body mass and improved sprint capacity. The capacity to sprint was more efficient when the growth hormones and testosterone were administered together in males. This technique is basically used to produce anabolic effects on the muscles.

Stimulants:

Research shows that stimulants improve the power to endure, increases anaerobic performance and reduces fatigue. Stimulants also have the power to elevate alertness, enhance reaction and helps reduce weight. WADA bans the entire class of stimulants, but permits the use of caffeine. Players often consume energy drinks that include a variety of stimulants and other additives.

Nutritional Supplements:

Nutritional supplements a variety of vitamins, herbs, minerals, various extracts and metabolites. Studies have revealed that nutritional supplements available online or in stores are contaminated with banned steroids and stimulants. Hence, an athlete might fail a doping test without intentionally having consumed a ban substance.

Methods to Increase Oxygen Transport:

Players use different methods to increase the level of oxygen in blood. Transfusions and erythropoiesis – stimulating agents have shown to elevate aerobic power and physical exercise tolerance in the players.

Other Recreational Drugs

Alcohol, cannabis, narcotics and nicotine are amongst the other recreational drugs used to enhance performances. These substances would be used by player to reduce anxious behaviour that would have been caused due to performance enhancement. The main purpose to use narcotic would be to reduce pain caused during practice sessions or while playing. Nicotine would be used to increase weight loss and improve attention.

Performance Enhancement Measures in the Category of Non-Drugs

One of the most famous ways of non-drug performance elevation is gene doping. Players may engage in a number of non-drugs (legal ways) to enhance performance. Training self at high altitudes, may result in erythrocytosis. Some studies show that sleeping at a high altitude while training at a low altitude facilitates the training strategy as against only sleeping at high or low altitude. Players may make alterations in their dietary plans with a hope to increase haemoglobin level in the blood.

The Side Effects of Substance Abuse

Substance abuse does have a short term as well as long term side effects. The potential side effects of

the substances abuse discussed in this paper are as follows:

Androgens: Some of the prominent side effects of these drugs are diminished spermatogenesis, infertility, prostate cancer, hepatotoxicity, depression, mania, psychosis, aggression. Some of the other side effects might include acne, deepening of the voice and various infections.

Growth hormone and growth factors: Insulin resistance, diabetes, carpal tunnel syndrome, hypertension and hyperglycemia to name few.

Stimulants: Some of the psychological effects of stimulants are anxiety attacks, agitation, aggression, hallucinations, delusions, insomnia. Person might also suffer from hypertension, headaches, nausea, tremors and significant weight loss.

Methods to increase oxygen transport: Such methods would lead to deep vein thrombosis, hypertension, stroke, anti-body mediated anaemia.

Other recreational drugs: Intake of alcohol may lead to sedation, decreased concentration and coordination. Cannabis may lead to reduction in alertness, impaired short-term memory, retardation in psychomotor skills, anxiety and psychosis. Consumption of narcotic drugs may lead to physical dependency, constipation, impaired concentration skills and coordination, nausea/vomiting and fatigue whereas nicotine may lead to cardiovascular diseases, lung diseases and may lead to cancer.

Some of the Important Judgements Related to Doping in India

Amar Muralidhar vs. National Anti-Doping Agency ("NADA") in Sports Law Brief facts of this case are as follows:

Facts of the case

In August 2010 the athlete, Amar Murlidharan had participated in 64th National Aquatic Championships in Jaipur, Rajasthan. He was randomly selected by NADA to provide a urine sample for anti-doping control test. He was one of the 39 athletes who gave their urine sample of dope test. The samples were transported to laboratory situated at New Delhi. In the month of September 2010, the athlete was notified by NADA that the Dope Tests were positive, technically meaning that the Adverse Analytical finding was found in athlete's sample. here was a presence of a Prohibited substance classified by World Anti-Doping Agency ("WADA") named 'methylhexanamine' in short "MHA".

Held: In September 2012, the ADDP imposed 2-year ban on the athlete in accordance with Article 10.2. by Anti-Doping Disciplinary Panel. In which the appeal was dismissed.

Supreme Court - Appointed Committee of Administrators in 2017

The Supreme Court-appointed Committee of Administrators (CoA) to decide whether BCCI should come under Jurisdiction of NADA. the Decision of the commission was that BCCI will keep away from NADA and will continue to operate through privately sanctioned test centres.

National Anti-Doping Agency v. Jaskaran Singh

One of the most common pleas taken by the athletes before the Anti-Doping disciplinary panels are that they are unaware of the rules and the substances prohibited under the rules.

National Anti-Doping Agency v. Jyotsna Pansare

A banned substance entered into the body of the athlete due to the use of a beauty product that contained geranium oil, hence, being an adverse analytical finding. While the sentence in the case was reduced, it was evident that an athlete getting the best of training does not have knowledge of the list of banned substances.

Manjeet Singh v. NADA

The athlete was referred by Sports Authority of India to the doctors specializing in sports medicine. However, the doctors prescribed him the medicine containing the prohibited substance. Therefore, assurance that prohibited substances do not enter into the body of an athlete at every instance, cannot be expected.

NADA v. Reena Bittan

Indeed, there have been many cases in which athletes have raised pleas saying that they unknowingly committed the violation due to the lack of knowledge which led to the violation.

What happens next is that players do not know the procedures and the rights to contest cases before the disciplinary panels. Due to the fear of stringent punishment, they are compelled to forfeit their right of fair hearing.

Justice Dr GC Bharuka, a former high court judge, called for the Parliament to make a law to impose punishments in doping cases. "As of now, we are debarring players on the basis of the National Anti-

Doping Agency Rules based on WADA Code of 2015. We need an anti-doping law which should be in tandem with the International Convention against Doping in Sport, 2005, to which India is a party. Plus, under Article 253, it is only parliament who has the power to make laws for implementing any treaty, agreement or convention." said Bharuka.

Case of Inderjeet Singh:

His sample was first collected on June 22, 2016 and same collected second time on June 29. The appeal panel had reserved its order after concluding hearing into the matter on November 20 last Month. The judgment was pronounced here on Friday in the presence of the athlete. While delivering the Judgment the three-member panel consisting of chairman vibha data, Dr. harsh mahajan, Vinay lamba, Observed procedural lapse on the part of NADA and its dope testing arm-National Dope Testing Laboratory. The Panel Observed that the identity of the second sample was comprised and prejudice on the part of the NADA Caused by denial of testing of sample 'B' by WADA. There was difference in quality in the sample. On July 4 this year he was handed a four years suspension by the Nada's Anti-Doping Disciplinary panel. The appeal against the Ban in NADA's Anti-Doping Appeal panel, he was cleared with all the Charges in 2018.

Conclusion

Drug abuse being a significant problem has an immense underlying cause. The motive to achieve and be at the top level is what has led to the intake of performance elevating substances.

In order to eradicate the use of PEDs, the following measure can be taken by authorities and sports association committees to educate the athletes:

- The Sports Authority of India should educate athletes about the risk associated with the continuous use of drugs.
- NADA needs to reframe the rules associated with doping so that it becomes more practical and applicable with reference to Indian scenario.
- The drug testing rules varies from sport to sport and hence uniformity needs to be brought in the rules and regulations.
- Sufficient training should be given to the people associated with sports for raternity to recognize the signs, symptoms or any

abnormality related with drug abuse.

- Mental health professionals should be included in the team of health care providers for athletes which would enable early detection of any precipitating mental disorders like depression, anxiety, mood swings and many more.
- The treatment plan should be designed with reference to the duration (short or long period) of drug abuse.
- Trainers and coaches should educate professional trainers with the benefits of including nutritional food, using appropriate weight training strategies and psychological strategies to enhance their performance.

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