

Anti Doping Disciplinary Panel

A-Block, Pragati Vihar Hostel,
Lodhi Road, New Delhi, 110003
Telefax : 011-24368248

Date: 7th May, 2018

To,

Mr. Jagtar Singh
S/o Shri Kanta Singh,
3/127, Sector-3, Housing Board
Sri Ganganagar,
Rajasthan 335 001

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-02.ADDP.01.2018

NADA VS JAGTAR SINGH

The order containing the decision of the Anti Doping Disciplinary Panel dated 05/04/2018 in respect of final hearing of the above case held on 08/03/2018 is enclosed.

It may please be noted that according to Article 13.7.2 of Anti Doping Rules of NADA 2015, **the time to file an appeal to the National Anti-Doping Appeal Panel shall be twenty one (21) days from the date of receipt of this decision by the appealing party.** The appeal may be filed at the abovementioned address.

Also please note that according of Article 10.6.1- (**Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**)- Any period of Ineligibility imposed may be partially suspended if you assist NADA in uncovering and/or establishing an ADRV by another Athlete or Athlete Support Personnel pursuant to Article 10.6.1.1 ADR.

Copy of the NADA Anti Doping Rules 2015 may be downloaded from NADA website at the following link:-www.nadaindia.org/en/anti-doping-rule-of-nada

The receipt of this communication may be acknowledged.

Encl: 05 sheets.



(Yasir Arafat)

Copy forwarded together with the copy of the order containing the decision of the Anti Doping Disciplinary Panel for information and action deemed necessary:

1. Indian Olympic Association, Olympic Bhawan, B-29, Qutab Institutional Area, New Delhi- 110016.
2. World Anti Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada
3. Secretary General, Athletics Federation of India, WZ-72, Todapur, Main Road, Dev Prakash Shastri Marg, New Delhi-110 012 .
4. International Association of Athletics Federations, 17, Rue Princesse Florestine, BP 359, MC 98007, Monaco.
5. National Anti Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi, 110003.

Encl: 05 sheets.



(Yasir Arafat)

IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL

A- Block, Pragati Vihar Hostel,
Lodhi Road, New Delhi – 110003
Telefax: 011-24368248

In the Matter of **Mr. Jagtar Singh S/o Shri Kanta Singh, # 3/127, Sector-3 Housing Board, Sri Ganganagar- Rajasthan-335001** for the violation of Article 2.1 of Anti Doping Rules of NADA Code 2015.

1.	Event	Athletics
2.	Name of Competition	21 st Federation Cup National Senior Athletics Championship 2017
3.	Date of Sample Collection	02/06/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	495534
6.	Name of Sample Witness	Mr. Ravi Sharma
7.	Name of Dope Control Officer	Mr. Parvesh Sharma
8.	Date of testing 'A' Sample	23/06/2017
9.	Result of 'A' sample	Adverse Analytical Finding for: Meldonium, Hormone and metabolic modulator.
10.	Date of Initial Review	28/06/2017
11.	Date of provisional suspension	28/06/2017
12.	Date of first notice	28/06/2017
13.	Date of testing 'B' sample	N.A.
14.	Result of 'B' Sample	N.A.
15.	Date of second Notice	N.A.
16.	Date of Notification	03/01/2018
17.	Date of hearing	08/03/2018

##

Jagtar Singh

18. Plea of the athlete Substantial Assistance.
19. Date of decision 05/04/2018

NADA notified its assertion relating to violation of Anti Doping Rule 2.1 by **Jagtar Singh** (Sports discipline - **Athletics**).

The athlete with counsel appears before us. Mr. Yasir Arafat Law Officer, NADA presented the case on behalf of NADA and produced the documents in support of the case.

Factual Background:

The In-competition doping control test of athlete was carried out on 02/06/2017 at Patiala, Punjab by the Doping Control Officer of NADA. His sample was analyzed in the National Dope Testing Laboratory, New Delhi WADA Accredited Laboratory, which returned for an Adverse Analytical Finding (AAF) for the presence of Prohibited Substance namely **Meldonium, Hormone and metabolic modulator**. Thereafter, NADA issued a notice of charge dated 28/06/2017 along with mandatory provisional suspension for the violation of Article 2.1 of Anti-Doping Rules of NADA 2015. The athlete promptly admit the charge under article 10.6.3 of the Anti-Doping Rule, 2015 and agreed to provide the substantial assistance to NADA to discover the persons who involve in ADRV, Further the athlete has waived off his right to 'B' sample analysis.

Hearing was conducted on 08/03/2018 by the Hearing Panel constituted under Rule 8.

Athlete Submissions:

Upon notice, the athlete promptly admit the charge under article 10.6.3 of the Anti-Doping Rule, 2015 and agreed to provide the substantial assistance to NADA to discover the other persons guiding the young athletes to take supplements on the false pretext. In this regard he had submitted information to the P.S. Lodhi Colony on 28.06.2017. The Police Officials of the Lodhi Colony and the security in-charge of the Jawaharlal Lal Nehru Stadium along with NADA Officer prepared a plan to catching other involved in doping but unfortunately no one was arrested by the police and no case has been registered till now. The athlete further seeks the reduction under article 10.6.1.

(Handwritten signatures)

NADA's Submissions:

NADA submitted that under Article 2.1.1 it is each Athlete's personal duty to ensure that no Prohibited Substance enters her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1

NADA further submitted that requirement of article 10.6.1 is

- i. Anti Doping Organization must discover or bring forward an ADRV by another person as a result of the substantial assistance provided.
- ii. A criminal or Disciplinary body must discover or bring forward a criminal offence or the breach of professional rule committed by another Person and the information provided by the person providing substantial assistance.

Therefore, the athlete has failed to establish any grounds for reduction of period of ineligibility set out under Article 10.6.1 Hence, the maximum sanction of four (4) years may be imposed for the violation of anti-doping rules of NADA-2015.

Observation of the Panel:

The Panel has heard both the sides at length and had also carefully considered the submissions made on behalf of both the parties.

For an athlete to avail themselves of the benefit of the substantial assistance provision, ADR Article 10.6.1 requires that

- i- Anti Doping Organization must discover or bring forward an ADRV by another person as a result of the substantial assistance provided.



- ii- A criminal or Disciplinary body must discover or bring forward a criminal offence or the breach of professional rule committed by another Person and the information provided by the person providing substantial assistance.

The information provided by the athlete therefore did not provide a sufficient basis on which a case could have been brought; there was not enough evidence to bring a case or provide 'a sufficient basis upon which such a case could have been brought.

In consequences, the athlete has not provided the information that qualifies as a Substantial Assistance and is not able to benefit from a suspension of part of the period of ineligibility in accordance with the ADR, Article 10.6.1.

In the present case, the prohibited substance **Meldonium, Hormone and metabolic modulator** is found in the urine sample of the athlete which falls under non-specified category. Under Article 2.1.1 clearly spells out that it is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

In the present case, admittedly, the anti-doping rule violation involves a non specified substance. Therefore, the entire onus was cast on the athlete to establish that the anti-doping rule violation was not intentional, which athlete failed to do so. Thus, it is difficult to hold that the anti-doping rule violation was not intentional from the part of athlete. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete has to suffer an ineligibility of four (4) years.

The Athlete failed to establish any grounds for elimination or reduction of period of ineligibility under Article 10.5 and 10.6.

As per the Anti Doping Rules of NADA 2015:

10.2.1 The period of *Ineligibility* shall be four years where:



10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and NADA can establish that the anti-doping rule violation was intentional.


In the present case, admittedly, the anti-doping rule violation involves non specified substance category, therefore, the entire onus was cast on the athlete to establish that the anti-doping rule violation was not intentional.


The period of ineligibility under Article 10.2.1 for the first violation is 4 (four) years. Normally, the period of ineligibility starts from the date of the decision. The Athlete is entitled to the benefit of credit for the period of provisional suspension. In the present case, the athlete was provisionally suspended by NADA w.e.f. 28/06/2017.

Under Article 10.2.1, ineligibility of Four (4) Years is imposed on Mr. Jagtar Singh S/o Shri Kanta Singh, # 3/127, Sector-3 Housing Board, Sri Ganganagar- Rajasthan-335001 for the violation of Anti Doping Rules, NADA-2015. The period of ineligibility shall commence from the date of the provisional suspension dated 28/06/2017. We also direct that under Rule 10.8 all other competitive results obtained by the athlete from the date of sample collection shall be disqualified with all resulting consequences including forfeiture of medals, points and prizes.

Dated: 5th April, 2018


Rohit Rajpal
Member


Dr. Sanjeev Kumar
Member


Kuldeep Singh
Chairman

