

## Anti Doping Disciplinary Panel

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

To,

Ms. Simarjit Kaur,  
D/o Shri Sukhwinder Singh,  
R/o VPO – Shalpur Bet, Tehsil Sultanpur Lodhi  
District – Kapurthala  
Punjab 144 006

Date: 8<sup>th</sup> October, 2018

**Subject: Decision of the Anti Doping Disciplinary Panel Case No.-07.ADDP.01.2018**

**NADA VS SIMARJIT KAUR**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 03/10/2018 in respect of final hearing of the above case held on 16/08/2018 is enclosed.

Please note 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. Further, the athlete is subject to doping control test during the ineligibility period.

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](http://www.nadaindia.org/en/anti-doping-rule-of-nada)

The receipt of this communication may be acknowledged.

Encl: 04 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. General Secretary, Athletics Federation of India, A-90, Narayana Industrial Area, Phase-I PVR Cinema, New Delhi 110 028.
4. Joint Secretary, All India Police Sports Control, Hall No. 2 (Ground Floor), IBCTS Building, 35, Sardar Patel Marg, Near Dhaula Kuan, New Delhi – 110 021.
5. International Association of Athletics Federations, 17 Rue Princesse Florestine, BP 359, MC 98007, Monaco.
6. National Anti-Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi 110003.

Encl: 04 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 **Ms. Simarjit Kaur D/o Shri Sulhwinder Singh, R/o VPO Shalapur Bet Tehsil Sultanpur Lodhi District Kapurthala Punjab-144006** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

1.	Event	Athletics
2.	Name of Competition	66 <sup>th</sup> All India Police Athletics Championship 2017
3.	Date of Sample Collection	30/12/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	501208
6.	Name of Sample Witness	Ms. Yashpreet Kaur
7.	Name of Dope Control Officer	Mr. Pramod Kumar Chauhan
8.	Date of testing 'A' Sample	01/02/2018
9.	Result of 'A' sample	Adverse Analytical Finding for: <b>Meldonium, Hormone And Metabolic Modulators.</b>
10.	Date of Initial Review	15/01/2018
11.	Date of provisional suspension	15/01/2018
12.	Date of first notice	06/02/2018
13.	Date of testing 'B' sample	N.A.
14.	Result of 'B' Sample	N.A.
16.	Date of Notification	02/05/2018
17.	Date of hearing	16/08/2018
18.	Plea of the athlete	Unable to explain how the prohibited substance enter into her body.
19.	Date of decision	03/10/2018



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

The athlete represented herself. 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 30/12/2017 at Dehradun Uttarakhand by the Doping Control Officer of NADA. Her 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 Modulators**. Thereafter, NADA issued a notice of charge dated 06/02/2018 along with mandatory provisional suspension for the violation of Article 2.1 of Anti-Doping Rules of NADA 2015. Further, the athlete has also waived of her right to 'B' sample analysis. Hearing was conducted on 16/08/2018 by the Hearing Panel constituted under Rule 8.

**Athlete Submissions:**

Upon notice, the athlete appeared in person before the Hearing Panel and she stated that she had consumed some supplements Animal pack (Universal), Multivitamins (GNC) and pre workout during the training period. She has further submitted that she has consumed some medicines as advised by Dr. Sanjiv Goel (MS. MCH. Ortho) of Apex Hospital, Jalandhar, Punjab for the treatment of knee pain and muscle pain from the month of September 2017. She has no idea as to how the Prohibited Substance entered into her body. She has no knowledge of doping. She hails from rural area and belong to a poor middle class family. She pray for exonerated from the charges against her.

**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 his/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 it is athlete duty to ensure that whatever athlete consume must be dope free and should not contain prohibited substance by all means. The athlete has failed to establish any grounds for elimination or reduction of period of ineligibility set out under Article 10.4 and 10.5. 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 has also carefully considered the submissions made on behalf of both the parties.

In the present case, the prohibited substance **Meldonium, Hormone And Metabolic Modulators** 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, the athlete has consumed nutritional/dietary supplements and consumed certain medicine at her own risk without even bothering to consult her Coach/Doctor (if any) or any other expert/officials in the Federation to ascertain as to whether the supplements contains Prohibited Substance or not, as a result athlete was engaged in a conduct, which constitute anti-doping rule violation and manifestly disregarded that risk. The panel members also gave an opportunity to the athlete to deposit the supplements which she had consumed during the training period for testing for its contamination but she could not deposited the same due to the non-availability of the said product in the market.

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 has failed to do so. It is difficult to hold that the anti-doping rule violation committed by her was not intentional. Therefore, under Article 10.2.1 of the Anti-Doping Rules of NADA – 2015, athlete has to suffer an ineligibility of four (4) years.



Accordingly, in our opinion, the athlete has failed to explain as to how the Prohibited Substance entered into her body system as a result failed to establish any grounds for elimination or reduction of period of ineligibility under Article 10.5.

**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.

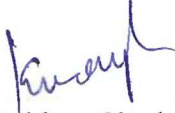
10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and NADA can establish that the anti-doping rule violation was intentional.

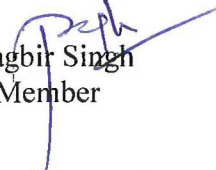
In the present case, admittedly, the anti-doping rule violation involves non specified substance category, therefore, the period of ineligibility under Article 10.2.1 for the first violation is 4 (four) years. Normally, the period of ineligibility starts from the date of the decision. The Athlete is entitled to the benefit of credit for the period from the date of sample collection i.e. 30.12.2017.

**Under Article 10.2.1, ineligibility of four (4) Years is imposed on Ms. Simarjit Kaur D/o Shri Sulhwinder Singh, R/o VPO Shalapur Bet Tehsil Sultanpur Lodhi District Kapurthala Punjab-144006 for the violation of Anti-Doping Rules, NADA-2015. The period of ineligibility shall commence from the date of the provisional suspension dated 06.02.2018. 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: 3<sup>rd</sup> October, 2018

  
Dr. Sanjeev Kumar  
Member

  
Kuldeep Singh  
Chairman

  
Jagbir Singh  
Member