

Anti Doping Disciplinary Panel

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

To,

Mr. Shri Bhagwan
S/o Shri Mangat Ram,
R/o Pana Kabosia
VPO – Mandothi,
Jhajjar, Haryana 124 506

Date: 26th October, 2018

Subject: Decision of the Anti Doping Disciplinary Panel Case No.-19.ADDP.01.2018

NADA VS SHRI BHAGWAN

The order containing the decision of the Anti-Doping Disciplinary Panel dated 25/10/2018 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

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, Wrestling Federation of India, 21, Ashoka Road, New Delhi – 110 001.
4. United World Wrestling, Rue du Chateau 6, 1804, Corsier-sur-vey, Switzerland.
5. 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 **Mr. Shri Bhagwan S/o Shri Mangat Ram R/o Pana Kabosia, V.P.O. Mandothi District Jhajjar, Haryana 124506** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2015.

1.	Event	Wrestling
2.	Name of Competition	62 nd Man & 20 th Women Sr. National Wrestling Championship 2017
3.	Date of Sample Collection	16/11/2017
4.	Nature of sample	Urine
5.	Urine sample Code Number	495165
6.	Name of Sample Witness	Mr. Parvesh Sharma
7.	Name of Dope Control Officer	Ms. Yashpreet Kaur
8.	Date of testing 'A' Sample	08/12/2017
9.	Result of 'A' sample	Adverse Analytical Finding for: <ul style="list-style-type: none">• 19- Norandrosterone (19-NA) at a concentration greater than 15 ng/ml, Androgenic Anabolic Steroid.• Meldonium, Metabolic Modulator
10.	Date of Initial Review	12/12/2017
11.	Date of provisional suspension	12/12/2017
12.	Date of first notice	12/12/2017
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	26/06/2018

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| 17. | Date of hearing | 10/09/2018 |
| 18. | Plea of the athlete | Athlete took the medicine, as prescribed by doctor |
| 19. | Date of decision | 03/10/2018 |

NADA notified its assertion relating to violation of Anti-Doping Rule 2.1 by **Mr. Shri Bhagwan** (Sports discipline - **Wrestling**).

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 16/11/2017 at Indore, Madhya Pradesh 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 **19- Norandrosterone (19-NA) at a concentration greater than 15 ng/ml, Androgenic Anabolic Steroid, Meldonium, Metabolic Modulator**. Thereafter, NADA issued a notice of charge dated 12/12/2017 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 his right to 'B' sample analysis. Hearing was conducted on 10/09/2018 by the Hearing Panel constituted under Rule 8.

Athlete Submissions:

Upon notice, the athlete appeared in person before the Hearing Panel on 10/09/2018 and stated that he had consumed some medicines as advised by Dr. Narendra Rohilla of Sanjevani Hospital, Rohtak Haryana for treatment of knee pain and allergy in the month of November, 2017. He presented the medical prescription issued by doctor and stated that he was not aware of the effects of the medicine consumed by him. Keeping in view of his sporting career he urged that leniency may be considered in his case.



NADA's Submissions:

NADA opposed the plea taken by athlete and submitted that the athlete has failed to disclose to the doctor that he is a sports person and the doctor should not prescribe any banned medicines to him, it is the duty of the athlete to ensure that no prohibited substance enters his body. Further, the athlete neither obtains Therapeutic Use of Exemption (TUE) from NADA nor does he disclose the medicines taken by him on the doping control form at the time of the sample collection. It is 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. 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 the NADA at length and had also carefully gone through the oral submissions made on behalf of the NADA.

In the present case, the prohibited substance **19- Norandrosterone (19-NA) at a concentration greater than 15 ng/ml, Androgenic Anabolic Steroid, Meldonium, 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.

On perusal of the prescription by the panel, the name of the injection Decca 50mg was advised by doctor for the treatment has no relevance with the substance of Meldonium found in the body of the athlete. The prescription produced by the athlete is not justified hence may not be relied upon.

Three handwritten signatures in blue ink, likely representing the members of the panel.

The panel is of the view that athlete has failed to established how the prohibited substance entered his body. 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 has failed to establish any grounds for elimination or reduction of period of ineligibility under Article 10.5.

10.2.1The 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.

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. 12.12.2017.

Under Article 10.2.1, ineligibility of Four (4) Years is imposed on Mr. Shri Bhagwan S/o Shri Mangat Ram R/o Pana Kabosia, VPO Mandothi District Jhajjar Haryana 124506 for the violation of Anti-Doping Rules, NADA-2015. The period of ineligibility shall commence from the date of the provisional suspension dated 12.12.2017. 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: 15/10/2018


Jagbir Singh
Member


Kuldeep Singh
Chairman


Dr. Sanjeev Kumar
Member