

## Anti-Doping Appeal Panel

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

Dated: 30/01/20219

To,

Ms. Suji S. Rani  
D/o Mr. A. Sontosh  
R/o Alber Morais Bhawan,  
South Kollemcode Pozhiyoor,  
Trivandrum, Kerala

**Subject: Decision of the Anti-Doping Appeal Panel in Ms. Suji S. Rani vs NADA**

The order containing the decision of the Anti-Doping Appeal Panel dated 12/01/2018 in respect of the hearing 11/01/2019 is enclosed.

The receipt of this communication may be acknowledged.

Encl:03 sheets.



(YASIR ARAFAT)

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

1. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z1B7, Canada.
2. The Secretary General, Athletics Federation of India, WZ-72, Todapur Main Road, Dev Prakash Shstri Marg, New Delhi-110012.
3. International Association of Athletics Federation, 17, Rue Princesse Florestine BP 359, MC 98007, Monaco.
4. National Anti-Doping Agency, A-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi 110003.

Encl:-03 sheets.



(YASIR ARAFAT)

**BEFORE THE ANTI DOPING APPEAL PANEL**  
Conference Room, A Block, Pragati Vihar Hostel  
Lodhi Road, New Delhi – 110003

**APPEAL NO. 21.ADAP.2016**

**IN THE MATTER OF:**

**NATIONAL ANTI DOPING AGENCY**

New Delhi

**APPELLANT**

Represented By:

Mr. Yasir Arafat (Law Officer), NADA

**V.**

**SUJI S. RANI**

Athletics

**RESPONDENT**

RESPONDENT IN PERSON

**QUORAM:** Vibha Datta Makhija, Chairperson  
Dr. Harsh Mahajan, Member  
Mr. Vinay Lamba, Member

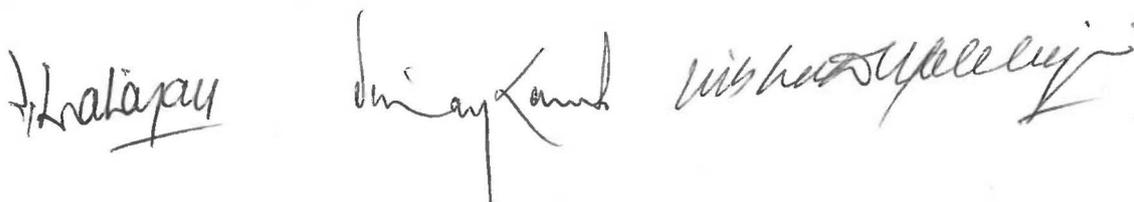
**12.01.2019**

**ORDER**

1. The present appeal has been preferred by the National Doping Agency (NADA) against the order of the Anti-Doping Disciplinary Panel dated 12.05.2016 in Anti-Doping Disciplinary Panel Case No. 07.ADDP.01.2016, whereby the Disciplinary Panel extended the benefit of Article 10.2 of the NADA Anti-Doping Rules, 2015 for violation of Article 2.1 by issuing a reprimand with no period of ineligibility on the Respondent.
2. In brief, the facts of the case are that presence of Terbutaline, a bronco-dilator, which is a prohibited substance, was tested positive in Sample A of the urine sample of the Respondent taken on 17.10.2015 during the 59<sup>th</sup> Kerala State Junior Athletics Championship held at Kochi.
3. The Respondent waived witnessing the B Sample test and took the defence of non-intentional use of 'Bro-Zodex' which was medically prescribed to her for persistent cough and cold. She pleaded that she had declared the consumption of the said medicine in the Doping Control Form which we have verified.
4. The Disciplinary Panel closely examined the defence of the Respondent and held as follows:

*"To qualify for a reduction of the ineligibility period, under Article 10.5.1.1. the athlete has to satisfy the following conditions:*

- i) *Prohibited substance is a specified substance.*
- ii) *The athlete establishes how the specified substance entered his/her body*



- iii) Athlete produces corroborating substance that he/she did not intend to enhance his performance or mask the use of a performance enhancing substance, and
- iv) The athlete declared the name of cough syrup (Bro Zedex) at the time of sample collection on the doping control form.

*In our view it is not a case where the medicines prescribed "Bro Zedex" gave my undue advantage to the athlete who was competing in 'Shot Put'. The Bronco dilatory syrup cannot be treated as performance enhancing drug for this sport. She has satisfactorily explained to the Panel that she did not intend to enhance her performance or mask the use of a performance enhancing substance. The explanation as to how the prohibited substance entered her body is bonafide and she has submitted the medical prescriptions in support of her contentions.*

*At the same time the Panel cannot completely lose sight of the fact that the athlete having participated in so many National as well as International events, she was fully aware of the Anti Doping Rules and the WADA Code and was under a duty to take all care and prescriptions not to violate the Rules.*

*Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their bodily specimens. It is not necessary that intent fault negligence or knowing use on the Athletes part be demonstrated in order to establish an Anti Doping Rule Violation under Article 2.1.*

*The athlete has thus showed and established grounds for reduction of period of ineligibility as contemplated under Article 10.5 for specified substance.*

5. It was held that where the anti-doping rule violation involves a Specified Substance and the Athlete or other Person can establish No Significant fault or Negligence, then the period of Ineligibility shall be, at a minimum a reprimand and no period of Ineligibility, and at a maximum two years of Ineligibility depending on the Athlete's or other Person's degree of Fault.
6. Having found no aggravating circumstances the Panel imposed the minimum punishment of reprimand on the Athlete under Article 10.5.1.1.
7. During the hearing of the appeal today, Mr. Yaseer Arafat (Law Officer), NADA strongly pressed the appeal on the ground that it is the duty of the athlete to ensure that no prohibited substance enters the body of the athlete since the violation of Article 2.1 attracts a strict liability, and the Article 10.2 benefit was not liable to be extended to the Respondent.
8. He relied heavily on the decision of the Court of Arbitration for Sport dated January 19, 2017 in the *Arbitration CAS 2016/A/4609 World Anti-Doping Agency (WADA) v Indian National Doping Agency (Indian NADA) & Dane Pereira*.
9. After going through the said decision, we find that there are material facts which are distinguishable from the present case. In the case of *Dane Pereira (supra)* the finding of WADA was that the prohibited substance found in the sample of the athlete was Nandrolone, an exogenous anabolic androgenic steroid prohibited under the S1.1a of the WADA Prohibited List. It was also found that the said substance is only injectable, and thus the athlete "knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk" (Article 10.2.2 NADA Anti-Doping Rules, 2015).

*J. Lalajay*

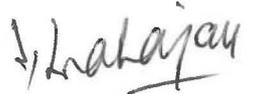
*Imay Lamb*

*With best wishes*

10. In the present case we are in concurrence with the finding of the Disciplinary Panel that the athlete did not consume a performance enhancing substance, and could reasonably not be aware of the risk she would face in consuming a cough syrup which she had declared in her Doping Control Form. We also agree with the punishment of reprimand imposed by the Disciplinary Panel, upholding it to be proportionate to the unintentional mis-conduct of the athlete.
11. With the above observations, the appeal of NADA is dismissed without costs.



**Mr. Vinay Lamba**  
Member



**Dr. Harsh Mahajan**  
Member



**Vibha Datta Makhija**  
Chairperson

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