

BEFORE THE ANTI DOPING APPEAL PANEL
J.L.N. Stadium, Gate No. 10, Hall No. 103,
Lodhi Road, New Delhi -110 003

Appeal No.-08.ADAP.2019

IN THE MATTER OF

Ms. Tamanna Singal
Sport - Weightlifting

.....

APPELLANT

Vs

National Anti-Doping Agency
New Delhi

.....

RESPONDENT

Quorum: Mr. Nalin Kohli, Chairman
Dr. Navin Dang, Member
Ms. Indu Puri, Member

Present: Mr. Hemant Phalpher, Advocate for the athlete.
Ms. Manpreet Kaur, Advocate for NADA with Mr. Yasir Arafat, Law
Officer of NADA.

Date of hearing 13/01/2020

ORDER

The Appellant Mr. Tamanna Singal (Athlete) has filed an appeal against the order dated 30/09/2019 passed by the Anti Doping Disciplinary Panel. The urine sample of the athlete Ms. Tamanna Singal was collected during the 14th Youth Sub Junior Boys & Girls National Weightlifting Championship – 2018 on 20.12.2018. Under Article 10.2.1 an ineligibility of 4 years with effect from date of provisional suspension i.e. 11.02.2019 was imposed on the Appellant.

The facts of the case as extracted from the order of the Anti Doping Disciplinary Panel are as follows:

- i) Urine sample of the athlete was tested at the National Dope Testing Laboratory (NDTL), New Delhi and returned for Adverse Analytical Finding



(AAF) for the presence of Prohibited Substance namely Metenolone & its Metabolites (1-Methylene 5A-Androstan-3a-ol-17 one) Anabolic Steroid.

- ii) Consequently, NADA issued a notice of charge dated 11.02.2019 for violation of Rule 2.1 of the Anti Doping Rules of NADA. The notice of charge along with mandatory provisional suspension, was with effect from the date of notice.

We have heard both the parties at length. Mr. Parth Goswami drew our attention to Article 10.4 and 10.5.2 of the Anti Doping Rules of NADA-2015 and the same are reproduced below as under:

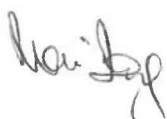
'.....If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.'

Article 10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1

..... 'If an Athlete or other Person establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years'

The counsel of athlete further contended that the definition clause read with Article 10.4 and 10.5.2 stipulates some scope of reduction of ineligibility period. However, the Rules nowhere exonerate even a minor from guilt for adverse analytical finding for Prohibited Substance but the Rules merely leave the element of consideration of reduction of period of ineligibility. Thus this factor will be applicable only in the unique facts and circumstances of a particular case, as provided in the comment to the Article 10.4. Obviously, exceptions given in the Article 10.4 cannot be applied blindly in a straight jacket format in each and every case involving a minor athlete.

In the present case, Medical Expert Member Dr. Navin Dang deemed it appropriate to question the athlete in detail about what all she have been consuming and




whether she was aware or involved in the consumption of various supplements. It must be noted that the athlete has been honest to admit that on the advice of her coach she had been taking protein drinks for the past 3 to 4 years. Upon consistent questioning, the athlete also admitted to having been injected with some substance by her coach prior to the competition. It may be noted that at the time of taking her urine sample, the athlete had failed to declare regular consumption of protein drinks or being given injections by her coach before competitions, in the Dope Control Form.

After such examination, the Medical Expert member is of the considered opinion that the athlete's physical structure and tone and tenor of her voice indicate that the athlete regularly used the Prohibited Substance in order to gain undue advantage in the sport.

Therefore, we do not find any merits in the appeal of the athlete and hence, dismiss the same and uphold the sanction of 4 years ineligibility imposed by the Anti Doping Disciplinary Panel vide its order dated 30/09/2019. The appeal stands disposed off.



Indu Puri
Member



Dr. Navin Dang
Member



Nalin Kohli
Chairman