

# Anti-Doping Disciplinary Panel

J.L.N Stadium, Gate No. 10 Hall No.103  
1<sup>st</sup> Floor, Lodhi Road, New Delhi 110 003  
Telefax : 011-24368274

To,

Date: 07.02.2023

Mr. Ram Kumar,  
S/o Shri Sambath Kumar,  
184 Atrarinjar – Anna Street, Kamaraja Puram,  
Selai, Tiruvallur, Tamilnadu - 631203

**Subj: Decision of the Anti Doping Disciplinary Panel Case No.- 59.ADDP.10.2022**

**NADA Vs. RAM KUMAR (ADAMS ID – S.RAMA60597)**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 14.01.2023 in respect of final hearing of the above case held on 14.12.2022 is enclosed.

Please note that according to Article 13.2.2 of Anti-Doping Rules of NADA 2021, **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 10.7.1- (**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 10.7.1 ADR. Further, the athlete is subjected to doping control test during the ineligibility period, therefore, athlete is required to update his residential address as and when changed.

Copy of the NADA Anti Doping Rules 2021 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:

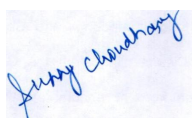
1. World Anti-Doping Agency, Stock Exchange Tower, 800 Place Victoria (Suit 1700) P. O. Box 180, Montreal (Quebec), H4Z 1B7, Canada.
2. General Secretary, Indian Weightlifting Federation WZ-78, 1<sup>st</sup> Floor, Todapur Village, New Delhi 110012.
3. International Weightlifting Federation H-1146, Budapest, Istvanmezeiut, Hungary.
4. National Anti-Doping Agency, J.L.N Stadium, 1<sup>st</sup> Floor, Hall No. 104, Lodhi Road, New Delhi, 110003.

**IN THE CHAMBER OF ANTI DOPING DISCIPLINARY PANEL**

Jawaharlal Nehru Stadium, 1<sup>st</sup> Floor, Hall No. 103  
Lodhi Road, New Delhi – 110003  
Telefax: 011-24368274

In the Matter of **Mr. Ram Kumar S., S/o Shri Sambath Kumar, R/o 184 Atrarinjar-Anna Street, Kamaraja Puram, Selai, Tiruvalur, Tamilnadu-631203** for the violation of Article 2.1 of Anti-Doping Rules of NADA Code 2021.

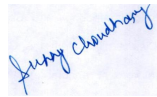
- |                                       |   |
|---------------------------------------|---|
| 1. Event                              | Weightlifting   |
| 2. Name of Competition                | In-Competition  |
| 3. Date of Sample Collection          | 25.02.2022  |
| 4. Nature of sample                   | Urine   |
| 5. Urine sample Code Number           | 6491013   |
| 6. Name of Sample Witness             | Mr. Satish Kumar  |
| 7. Name of Dope Control Officer       | Ms. Gurmeet Singh   |
| 8. Date of reporting 'A' Sample       | 16.04.2022  |
| 9. Result of 'A' sample               | Adverse Analytical Finding for:<br><ul style="list-style-type: none"><li>➤ <b>Anabolic Androgenic Steroid (AAS)/ Metandienone Metabolite 17beta-OH-methyl-17alpha-methylnorandrost-1, 4, 13-triene-3-one.</b></li><li>➤ <b>Stimulants/mephentermine and its metabolite Phentermine.</b></li></ul> |
| 10. Date of Initial Review            | 26.04.2022  |
| 11. Date of provisional suspension    | 26.04.2022  |
| 12. Date of first notice              | 26.04.2022  |
| 13. Date of Result 'B' Sample testing | N.A.  |
| 14. Result of 'B' Sample              | N.A.  |



Rana  
Kanganda  
Chengappa

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16. Date of Notification -----
17. Date of hearing 14.12.2022
18. Plea of the athlete Athlete submitted that he has not taken any prohibited substance intentionally. He has no knowledge how the prohibited substance entered in to his body. He was only consuming food supplements and multivitamins.
19. Date of decision 03.04.2023



Rana Kanganda  
Chengappa

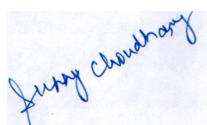
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NADA notified its assertion relating to violation of Anti-Doping Rule 2.1 by **Mr. Ram Kumar S. (Sports Discipline – Weightlifting)**.

Hearing was held on 14.12.2022 by the Hearing Panel constituted under Rule 8.3.2. The Athlete attended the Hearing virtually.

### **Factual Background:**

1. On 25.02.2022 two urine sample ("Sample") of the athlete, Mr. Ram Kumar S. (Sports Discipline – Weightlifting) was collected by the Doping Control Officer of NADA while he was participating in 68<sup>th</sup> Men and 7<sup>th</sup> Women All India Railway Weightlifting Championship 2021. As per procedure, the Samples were split into two separate bottles, hereinafter referred to as Sample A and Sample B. Sample A from both samples were tested at the National Dope Testing Laboratory (NDTL) and was returned with an Adverse Analytical Finding ("AAF") for Anabolic Androgenic Steroid (AAS)/Metandienone Metabolite 17beta-OH-methyl-17alpha-methylnorandrost-1,4,13-triene-3-one and Stimulants/mephentermine and its metabolite Phentermine which are listed as Anabolic Steroids under categories S1 and S6 of WADA's 2021 Prohibited List of substances which are non-specified substances.
2. Consequently, NADA issued a notice of charge dated 26.04.2022 ("**Notice of Charge**") for violation of Rule 2.1 of the NADA Anti-Doping Rules ("**Rules**"). The notice of charge was also accompanied by a mandatory provisional suspension, with effect from the date of Notice i.e.26.04.2022.
3. The hearing was held on 14.12.2022 by the Hearing Panel constituted under Rule 8.3.2. The athlete attended the hearing virtually.

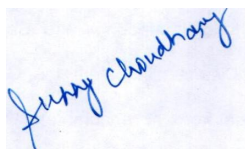


## **Submissions of the Athlete**

- 4.** The Athlete denies having used drugs for benefits in sports career. The athlete has been training/competing in the sports for many years and has won medals.
  
- 5.** The Athlete in his oral submission denied taking any prohibited substance to enhance his performance and submitted that he had no knowledge how the prohibited substance entered into his body. He was only consuming food supplements and multivitamins.

## **Submissions of NADA**

- 6.** It is submitted by NADA that under Article 2.1.1 of the Rules, it is the personal duty of each Athlete to ensure that no Prohibited Substance enters his/her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the part of the Athlete is to be demonstrated so as to establish a case of anti-doping rule violation under Article 2.1.
  
- 7.** In the present case, it is submitted by NADA that the Athlete has failed to prove that he has taken due care and caution to ensure that no prohibited substance enters his body. He has clearly failed to discharge his professional duty that he is not supposed to take any substance which might contain prohibited substance and hence, is not eligible for any benefit of exoneration or reduction from the ADRV charges.
  
- 8.** It is further submitted by the NADA that in case of non-specified substance, there is presumption of intentional use of prohibited substance under article 10.2.1 in order to gain unfair advantage over other athletes and hence the athlete is liable for four years of ineligibility.



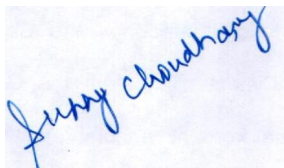
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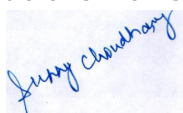
- 9.** In the above background, it is submitted by NADA that the athlete is not entitled to benefit of elimination or reduction of sanction.

### **Observations and Findings of the Panel**

- 10.** As per Article 2.1 of the Anti-Doping Rules 2021, it is the personal duty of every Athlete to ensure that no prohibited substance specified or non-specified, as defined and prescribed in the Prohibited List Of Substances, 2021 by the National Anti-Doping Agency, enters his or her body. Article 2.1.2 further provides that the sufficient proof of an anti-body doping rule violation under Article 2.1 is established by the presence of the Prohibited Substance or its Metabolites or Markers in the Athlete's sample.
- 11.** It is admitted and undisputed position that the Athlete's sample taken on 25.02.2022 while he was participating in 68<sup>th</sup> Men and 7<sup>th</sup> Women All India Railway Weightlifting Championship 2021 returned with an Adverse Analytical Finding ("AAF") for Anabolic Androgenic Steroid (AAS)/Metandienone Metabolite 17beta-OH-methyl-17alpha-methylnorandrost-1,4,13-triene-3-one and Stimulants/mephentermine and its metabolite Phentermine which are listed as Anabolic Steroids under categories S1 and S6 of WADA's 2021 Prohibited List of substances which are non-specified substances.
- 12.** The Athlete neither sought 'B' sample analysis in terms of Anti-Doping Rules, 2021 nor submitted any written reply to the NADA's Notice of Charge (NOC) despite opportunity and only expressed ignorance regarding the presence of prohibited substance found in his body.



- 13.** When a sample testing returns a positive finding, the burden is on the Athlete to explain and justify as how the prohibited substance has entered his/her body.
- 14.** The Athlete denied taking any prohibited non-specified substance intentionally and submitted that he was only consuming food supplements like protein, BCA and took some multi-vitamins as mentioned in the Doping Control Form.
- 15. Metandienone**, also known as methandienone or methandrostenolone found in the urine sample of the Athlete is used non-medically for physique and performance-enhancing purposes. The drug is an agonist of the androgen receptor (AR), the biological target of androgens like testosterone and dihydrotestosterone (DHT) and has strong anabolic effects and moderate androgenic effects. It also has moderate estrogenic effects.
- 16.** The Athlete has not only used the Anabolic Steroid/ **Metandienone** but also used Mephentermine which works as a vasopressor agent with a sympathomimetic action, primarily causing release of noradrenaline and increasing cardiac output. A drug called Adenosine MonoPhosphate (AMP) is illegally administered to enhance the performance and are mostly taken as a pre-workout boost. This clearly shows that the Athlete has consumed the prohibited substances intentionally to boost his performance and gain advantage over other athletes.
- 17.** The Hearing Panel is of the opinion that the present case appears to be a case of systematic doping where the prohibited substances were used by the Athlete. That in the absence of any medical report showing that the Athlete has taken any medicine for

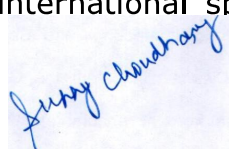


treatment of any illness which has prohibited substance or the food supplements consumed by him were adulterated, the only reasonable conclusion after the sample of the Athlete turned positive for use of non-specified substances is that the Athlete has intentionally consumed steroids/prohibited non-specified substance to enhance strength and power.

**18.** The Athlete has consumed these steroids/non-specified substances to increase testosterone level and to gain strength and power which gives him undue advantage over the other athletes and therefore, the consumption of these steroids is banned by WADA.

**19.** The Athlete has not obtained Therapeutic Use Exemption (TUE) from NADA before use of any medicines and took the prohibited substance/steroids intentionally to enhance his strength and performance. The presence of the prohibited substance in the body of the Athlete shows that these prohibited substances were consumed by the Athlete to enhance his performance and strength which is in violation of the Anti-Doping Rules, 2021.

**20.** The Court of Arbitration for Sports in CAS 2005/C/976 FIFA vs. WADA categorically held that it is duty of the Athlete to be cautious while consuming the products and while explaining the duties of the Athlete observed that "73. The WADC imposes on the athlete a duty of utmost caution to avoid that a prohibited substance enters his or her body. Case law of CAS and of other sanctioning bodies has confirmed these duties, and identified a number of obligations which an athlete has to observe, e.g., to be aware of the actual list of prohibited substances, to closely follow the guidelines and instructions with respect to health care and nutrition of the national and international sports federations, the



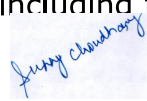


NOC's and the national anti doping organisation, not to take any drugs, not to take any medication or nutritional supplements without consulting with a competent medical professional, not to accept any medication or even food from unreliable sources (including on-line orders by internet), to go to Places where there is an increased risk of contamination (even unintentional) with Prohibited substances (e.g. passive smoking of marihuana)...

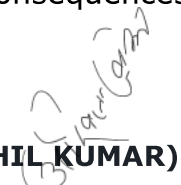
**21.** In view of the above, it is established that a violation under Article 2.1 of the Anti-Doping Rules has taken place. The explanation offered by the Athlete for consuming the prohibited substance is unbelievable and unacceptable and it clearly shows that the consumption of these prohibited substances was intentional to enhance performance and strength.

**22.** Once a violation of anti-doping rules has been established, sanctions of individuals as provided under Article 10 of the Anti-Doping Rules, 2021 must ensue. The Hearing Panel holds that since the Athlete has intentionally consumed the non-specified prohibited substances, **he is liable for sanctions under Article 10.2.1.1 for ineligibility for a period of 4 years.**

**23.** In the present case, since the Athlete was provisionally suspended from the issuance of Notice of Charge dated 04.05.2022, **the period of his ineligibility for the period of 4 years shall commence from the date of the Notice of Charge i.e. 26.04.2022.** We also direct that all other competitive results obtained by the athlete from the date of sample collection i.e. 26.02.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points and prizes.

  
**(SUNNY CHOUDHARY)**  
**MEMBER**

**(DR. RANA CHENGAPA)**  
**MEMBER**

  
**(AKHIL KUMAR)**  
**MEMBER**