

## 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: 27.02.2023

Mr. Amandeep  
S/o Mr. Harpal Singh  
R/o Ward No. 15 Hameerwas Nua, Nooan Nua  
Distt – Jhunjhunum  
Rajashthan - 333041  
Email: - apunia944@gmail.com

**Subj: Decision of the Anti-Doping Disciplinary Panel Case No.-244.ADDP.2022**

**NADA Vs. Mr. Amandeep (ADAMS ID – AMAMMA72594)**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 03.02.2023 in respect of final hearing of the above case held on 03.02.2023 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: 07 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. Secretary General, Athletics Federation of India, A-90, Naraina Industrial Area, Phase-1, near PVR cinema, New Delhi- 110028.
3. International Association of Athletics Federations, 17, Rue Princesse Florestine BP 359, MC 98007, Monaco.
4. National Anti-Doping Agency, J.L.N Stadium, Gate No. 10 Hall No.103, Lodhi Road, New Delhi 110003.

## **BEFORE THE ANTI DOPING DISCIPLINARY PANEL**

In the matter of Mr. Amandeep for violation of Article 2.1 & 2.2 of National Anti-Doping Agency Anti-Doping Rules, 2021

**Quorum:** Mr. Chaitanya Mahajan, Chairman, ADDP  
Dr. D.S. Arya, Medical Member, ADDP  
Mr. Akhil Kumar, Sports Member, ADDP

**Present:** Mr. Yasir Arafat  
Mr. Gourav Das, NADA  
Mr. Amandeep, Athlete

### **J U D G E M E N T**

**03.02.2023**

1. The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against Mr. Amandeep (“**the athlete**”). The athlete is a “Athletics - Middle Distance 800-1500m” athlete and his date of birth as stated by him in the Dope Control Form (“**DCF**”), happens to be **12.03.1999**.
2. Brief Facts of the case are as follows:
  - 2.1 That on **June 28, 2022**, during “**Selection Trials at Delhi**”, a NADA *Doping Control Officer* (“**DCO**”) collected a urine *Sample* from the Athlete. Assisted by the **DCO**, the Athlete split the *Sample* into two separate bottles, which were given reference numbers **A 6493334** (the “**A Sample**”) and **B 6493334** (the “**B Sample**”).
  - 2.2 Both *Samples* were transported to the World Anti-Doping Agency (“**WADA**”) - accredited Laboratory, **National Dope Testing Laboratory, Delhi**. The Laboratory analysed the *A Sample* in accordance with the procedures set out in *WADA's International Standard for Laboratories*. Analysis of the ‘**A**’ *Sample* returned an *Adverse Analytical Finding* (“**AAF**”) for the following:

**S2. Peptide Hormones, Growth Factors related Substances and  
Mimetics/darbepoetin (dEPO)**

2.3 The above-mentioned is an Anabolic Steroid listed under S.2 of WADA's 2022 Prohibited List which are classified as *non-specified substances*.

2.4 According to NADA's records, the Athlete did not have a Therapeutic Use Exemption ("*TUE*").

2.5 On **01.09.2022**, the Athlete waived off the right to request of LDP and the B-sample counter-analysis.

2.6 That a final Notice of Charge was issued to the Athlete by NADA on **22.09.2022**.

3. Major Submissions by the Athlete:

3.1. The Athlete through an e-mail dated 16.09.2022 stated the following:

*"At the outset, I would like to state that I am completely innocent and have not taken anything intentionally to enhance my sports performance. Therefore, this notice has come as a shock to me. As soon as I received the said notice, I started making efforts as to how the prohibited substance came into my body. I have not been able to trace the source of the prohibited substance yet. Therefore, I am unable to make detailed written submissions at this stage.*

*As of now, I wish to state that I don't want to go for B sample testing. Thus, I accept the charge but don't accept the consequences.*

*Therefore, I request you to constitute a Hearing Panel in my case. I shall file my written submission before the Panel."*

4. Submissions by NADA

4.1. NADA submitted that the Athlete has not disputed the presence of prohibited substance.

4.2. There is no TUE on record to justify the presence of the said substance.

4.3. NADA also submitted that the Athlete is trying to shift the burden of violation on a Third-Party.

4.4.NADA submitted that as per Article 10.2.3 of the NADA ADR, 2021

4.5.“The term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or 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.”

4.6.NADA further submitted that the Athlete did not take the reasonable care to consult a medical practitioner and now he is trying to shift the blame on a third-party.

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

We have heard the arguments made by the Athlete, arguments by NADA and perused the available material on record shared with us along with the Affidavits of the 2 Athletes.

5. The Panel would here like to reiterate Article 2.1.1 of the NADA ADR, 2021

*“It is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies. 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 antidoping rule violation under Article 2.1.”*

6. The Athlete in the present case totally disregarded the above-mentioned rule and took “(Darbepoetin alpha Injection)” on advice of one Mr. Ashish Chaudhary, who also happened to be his supervisor. The Athlete should have consulted a doctor before ingesting anything in his body.

7. Now, here it is for the panel to decide whether this case is a case of Intentional Doping or not, the panel would like to reproduce Article

*“10.2.3 As used in Article 10.2, the term “intentional” is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or 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. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not “intentional” if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered "intentional" if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.”*

8. Here the panel would also like to reiterate that the substance found in the Athlete’s body was an Anabolic Steroid and is listed under S.2 of WADA' s 2022 Prohibited List, keeping in mind the medical usage of the said substance and based on opinion taken from Experts, it is clear that this drug is used for “Performance Enhancement”.
9. In the CAS Judgement in CAS 2020/ A/7536 Ashley Kratzer v. International Tennis Federation the Hon’ble Sole Arbitrator noted the Following:  
*“It is well-known in the world of sport that particular care is required from an athlete when applying medications, because the danger of a prohibited substance entering the athlete's system is particularly high in such context, i.e. significant (e.g. CAS 2020/A/7299 no. 133 et seq.; CAS 2013/A/3327, no. 75; CAS 2016/A/4609, no. 68).*

89. *It is uncontested between the Parties that the Appellant received some anti-doping education. She stated that she is aware that supplements and medications must be checked for prohibited substances before being administered. Thus, in the abstract, the Appellant is and was aware that self-medication is associated with a significant doping risk. This is corroborated by the fact that the Appellant competes at an elite level already for many years and was at the relevant time "already" 21 years old.*

90. *What appears questionable, however, is whether the Appellant recognized the significant doping risk in relation to the specific circumstances of this case, i.e. whether she qualified the use of the Cream as administering or applying a medicine.*

*Such assumption would be easier to make, if the Appellant had bought the Cream in a pharmacy, if the Cream had been given to her by doctor or if the Cream had been labelled as a medicine. This is not the case here. However, in the view of the Sole Arbitrator, it suffices that the Appellant in a parallel evaluation from a layperson's perspective knew enough to qualify her behaviour as some form of self-medication."*

10. It was further noted that:

*"In case of an ADRV involving a non-specified substance, an athlete is presumed to have acted intentionally (Article 10.2.1.1 TADP). However, the athlete can rebut such presumption. In the case at hand the substance found in the Appellant's sample is a non-specified substance. Consequently, the burden of proof rests on the Player to demonstrate that she did not commit the ADRV intentionally. She, thus, needs to convince the Sole Arbitrator by a balance of probability (Article 8.6.2 of the TADP) that she lacked intentionality within the meaning of Article 10.2.3 TADP."*

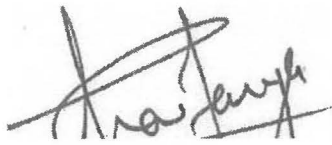
11. The panel believes that the Athlete was totally aware of the consequences and "significant risk" involved with ingesting an unknown substance in his body, the panel also agrees that every player should be extra-cautions and vigilant and not just ingest

any substance on the advice of anyone before ensuring the contents of the said Substance.

12. The assertion that the Athlete had pain and discomfort cannot be used as a mere excuse to ingest an “unknown substance” into one’s body, no matter how much pain or discomfort the Athlete was going through, there is always an option to visit the Hospital or take Advice from a Registered Medical Practitioner before consuming anything.
13. The panel has also Perused the Affidavits of the 2 Athletes, placed on record by the athlete, the said Affidavits do not talk about any precautions or steps taken by the Athlete to ensure that the substance given to him was Dope-Free. The athlete clearly failed to perform his duty as an Athlete towards himself.
14. Based on the findings above it is clear that this is a case of “Intentional Doping” as there is no reason to believe that an athlete would be so naïve to ingest any substance in his body on advice of someone else.
15. The Athlete is clearly trying to shift the blame on a third party for the ADRV committed by him. The panel unanimously agrees that this is a case of Intentional-Doping.
16. In view of the Facts, Circumstances, Precedents and Rules mentioned above, it is held that the Athlete has violated Article 2.1 & 2.2 of the NADA ADR, 2021, **he is hereby sanctioned with an ineligibility period of four (04) years shall commence from the date of provisional suspension i.e., 26.08.2022 as per Article 10.2.1 of the NADA ADR, 2021.** It shall be noted that the athlete has **failed to satisfy the panel that the ADRV was non-intentional as per Article 10.2.1.1 of the NADA ADR, 2021.**
17. That as per **Article 10.1.1 of the NADA ADR, 2021**, the athlete is hereby disqualified of all of the individual results obtained in the said Event with all Consequences, including forfeiture of all medals, points and prizes.

18. The athlete is entitled for the credit period of provisional suspension already undergone under Article 10.13.2.1 **The panel hereby directs that the Athlete be given credit period of his provisional suspension** which he had already undergone for calculating his total period of ineligibility of four (04) years.

The matter is disposed of, accordingly.



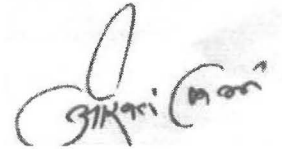
**Mr. Chaitanya Mahajan**

**(Chairman)**



**Dr. D.S Arya**

**(Medical Member)**



**Mr. Akhil Kumar**

**(Sports Member)**