

## **Anti-Doping Disciplinary Panel**

Jawaharlal Nehru Stadium, 1<sup>st</sup> Floor, Hall No.104  
Lodhi Road, New Delhi, 110003  
Tele. 011-24368274

To,

Date: 21<sup>st</sup> March, 2023

Ms. Bhavana Sharma  
W/o Mr. Kuldeep Sharma  
H. No- 162, Bajdaro ki Mori  
Chandi Ki Taksal, Jaipur  
Rajasthan-302002

**Subject: Decision of the Anti Doping Disciplinary Panel Case No.-247.ADDP.2022**

**NADA VS Ms. Bhavana Sharma**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 08/03/2023 in respect of final hearing of the above case held on 27/02/2023 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: 04 sheets



(Yasir Arafat)  
Law officer

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, Paralympic Committee of India, Jaisalmer House, 26, Mansingh Road, New Delhi 110011.
3. International Paralympic Committee, Adenauerallee, 212-214, 53113, Bonn, Germany.
4. National Anti-Doping Agency, J.L.N Stadium, 1<sup>st</sup> Floor, Hall No. 104, Lodhi Road, New Delhi, 110003.

**BEFORE THE ANTI DOPING DISCIPLINARY PANEL**

J.L.N. Stadium, First Floor, Hall No. 103,

Lodhi Road, New Delhi -110 003

(PROCEEDINGS CONDUCTED THROUGH VIRTUAL MODE)

In the matter of **Ms. Bhavana Sharma W/o Kuldeep Sharma, R/o H.No. 162, Bajdaro ki Mori, Chandi Ki Taksal, Jaipur, Rajasthan 302002** for violation of **Article 2.1 & 2.2** of **National Anti-Doping Agency Anti-Doping Rules, 2021**

**Quorum:** **Ms. Jyoti Zongluju, ADDP**  
**Dr. Manik S. Ghadlinge Member, ADDP**  
**Ms. Archana Surve, Sports Member, ADDP**

**Present:** **Mr. Yasir Arafat, Law Officer, NADA**  
**Ms. Bhavana Sharma, Athlete**

1.	Event	Para - Powerlifting
2.	Name of Competition	Out - Competition
3.	Date of Sample Collection	08/06/2022
4.	Nature of sample	Urine
5.	Urine sample Code Number	6493199
6.	Name of Sample Witness	Dr. Pankaj Vats
7.	Name of Dope Control Officer	Mr. Pankaj Vats
8.	Date of Result 'A' Sample testing	29/07/2022
9.	Result of 'A' sample	Adverse Analytical Finding for: <b>S1.1 Anabolic Androgenic Steroid (AAS)/ Drostanolone Metabolite 3alpha-hydroxy- 2alpha-methyl-5alpha-androstan-17-one.</b>
10.	Date of Initial Review	01/08/2022
11.	Date of Notification	03/08/2022
12.	Date of provisional suspension	03/08/2022
13.	Date of Notice of Charge	16/11/2022
14.	Date of Result 'B' Sample testing	N/A
15.	Date of hearing	20/02/2023 & 27.02.2023

- |     |                     |                    |
|-----|---------------------|--------------------|
| 16. | Plea of the athlete | Consumed medicines |
| 17. | Date of decision    | 08.03.2023         |

The present proceedings before this Anti-Doping Disciplinary Panel (“**this panel**”) emanate from the Adverse Analytical Finding (“**AAF**”) against **Ms. Bhavana Sharma** (“**the athlete**”). The athlete is a “Para - Powerlifting” Player and her date of birth as stated by her in the Dope Control Form (“**DCF**”), happens to be **15.12.1993**.

#### **Factual Background:**

1. A urine sample (“**Sample**”) of the athlete, Ms. Bhavana Sharma (“**Athlete**”) was collected during Out-Competition at New Delhi by the Doping Control Officer of NADA on 08<sup>th</sup> June 2022. As per procedure, the Sample was split into two separate bottles, hereinafter referred to as Sample A and Sample B with unique Code “**6493199**”.
2. A Sample of the Athlete was tested at the National Dope Testing Laboratory, Delhi in accordance with the procedures set out in WADA’s International Standard for Laboratories and was returned with an Adverse Analytical Finding **S1.1 Anabolic Androgenic Steroid (AAS)/ Drostanolone Metabolite 3alpha-hydroxy- 2alpha-methyl-5alpha-androstan-17-one**. The WADA’s 2022 Prohibited List enlists (Drostanolone) under the category S1 being a non-specified substance.
3. Subsequently, the Athlete was duly notified by a letter dated 03.08.2022 (“**the Notification**”) wherein she was notified that she has been charge for violation of Rule Article 2.1 & 2.2 of ADR. In the aforesaid letter, the Athlete was informed of her right to have her B sample specimen tested and the right to an impartial hearing by the Independent Anti-Doping Disciplinary Panel.
4. In response to the notification, the Athlete waived of her right to ‘B’ sample analysis.
5. The Notice of Charge under the National Anti-Doping Rules, 2021 was issued to the Athlete on 16.11.2022.
6. The athlete has filed written explanation which is on record for the consideration of this Panel.

#### **Submissions of the Athlete**

7. Submission of the Athlete made in writing and orally before the Hearing Panel. It is the Athlete case that at the relevant time she was being treated for a medical condition, being oligomenorrhea and that may be cause of the adverse analytical finding. She has

submitted medical prescription dated 01.06.2019 issued by Dr. Alka Batad SMS Medical College Jaipur.

### **Submissions of NADA**

8. 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 to establish a case of anti-doping rule violation under Article 2.1.
9. The Athlete has failed to obtain TUE to justify the presence of the Prohibited Substance.
10. An athlete playing at the National and International level is expected to be conscious and careful of the things consumed by her.

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

After hearing the parties at length and having considered all documentary and having considered the written / oral submissions the Panel observes as under:

11. As per Article 2.1 of the Anti-Doping Rules 2022, it is the personal duty of every athlete to ensure that no prohibited substance, as defined, enters his or her body. Reference may also be made to Article 2.1.2 which provides that presence of a prohibited substance or its metabolites is sufficient proof of anti-doping rule violation.
12. Where a sample testing returns a positive finding, onus is on the athlete to explain how the substance entered his/her body. Fault, negligence or knowing use are not relevant considerations that are needed to be proved while making a case for anti-doping violation. The liability cast on the athlete is thus strict.
13. The explanation offered by the Athlete is that on 05.06.2022 she had consumed certain drugs prescribed by the physician for severe headache and loose motion / oligomenorrhea. She has also taken an injection at government hospital Delhi. However, the Athlete has not disclosed any prescription for the said medicines at the time of sample collection and in fact feigns ignorance of the name or constituents of the same. Again, this explanation also appears to be an afterthought. In any event, the Athlete has tested positive for anabolic steroids, which has no correlation to medications that may be prescribed for headache and loose motion.
14. The Panel is of the view that a violation under Article 2.1 & 2.2 of the Anti-Doping Rules has taken place.

15. Once a violation of anti-doping rules has been established, Sanctions on Individuals as provided under Article 10 of the Anti-Doping Rules 2021 must ensue. The present case involves a non-specified substance, hence the Athlete is liable for sanctions under Article 10.2.1.1, an ineligibility for a period of 4 years.
16. **The Panel holds that the Athlete is liable for sanctions under Article 10.2.1.1 for an ineligibility for a period of 4 years. The period of her ineligibility for the period of 4 years shall commence from the date of provisional suspension, i.e., 03.08.2022.**
17. **We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 08.06.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes.**

**Dated 08.03.2023**

The matter is disposed of, accordingly.



**Ms. Jyoti Zongluju**  
**(Chairman)**



**Dr. Manik S. Ghadlinge**  
**(Medical Member)**



**Ms. Archana Surve**  
**(Sports Member)**