

# 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: 22.03.2023

Ms. Richa Bhadauriya  
R/o Basic Training Centre,  
ITBP Bhanu, Panchkula  
Haryana.  
Email: - Poojabhadauriya800@gmail.com

**Subj: Decision of the Anti-Doping Disciplinary Panel Case No.-248.ADDP.2022**

**NADA Vs. Ms. Richa Bhadauriya (ADAMS ID – BHRIFA4437)**

The order containing the decision of the Anti-Doping Disciplinary Panel dated 18.03.2023 in respect of final hearing of the above case held on 03.03.2023 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: 05 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, 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.

# **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 **Ms. Richa Bhadauriya Sports- Athletics R/o Basis Training Centre, ITBP Bhanu, Panchkula, Haryana** for the violation of Article 2.3 of Anti-Doping Rules of NADA, 2021.

1.	Event	Athletics
2.	Name of Competition	71 <sup>st</sup> All India Police Aquatic and Cross Country Championship 2022
3.	Date of dope sample collection	20.08.2022
4.	Urine sample Code Number	<b>Article 2.3</b>
5.	Name of Dope Control Officer	Suresh A. S.
6.	Date of Result 'A' Sample testing	NA
7.	Result of 'A' sample	<b>Article 2.3</b>
8.	Date of Initial Review	22.11.2022
9.	Date of Notice of Charge	23.11.2022
10.	Date of hearing	03.03.2023
11.	Plea of the athlete	Unwell
12.	Date of decision	18.03.2023

NADA notified its assertion relating to violation of Anti-Doping Rule 2.3 by of **Ms. Richa Bhadauriya (Sports- Athletics)**

The hearing was held through video conferencing on 17.02.2022, 22.02.2022 and 03.03.2023 by the Hearing Panel constituted under ADR. The athlete along with her counsel Mr. Parth Goswami attended the hearing virtually, Mr. Yasir Arafat Law officer presented the case on behalf of NADA.

### **Factual Background:**

1. That during 71<sup>st</sup> All India Police Aquatic and Cross-Country Championship 2022 at Kerala, urine sample of the athlete was attempted to be collected on 20.08.2022.
2. It is alleged by the Doping Control Officer that when he attempts to notify the athlete on 20.08.2022 at 7:02am, the Athlete Ms. Richa Bhaduria disappeared from the venue. Phone calls were made by her coach to her mobile number but she did not respond. Thereafter, it is immediately informed to the manager, coach and organizers of the event and various announcement were made but Ms. Richa Bhadauriya did not report the doping control station.
3. The DCO submitted supplementary report dated 20.08.2022 signed by Manager Dr. Rameshwar Singh Rane, ITBP and M Cleetus Asst. Commandant, Kerala Police Central SL. RTS Office.
4. On 22.11.2022, an initial review was completed with remark that the Athlete refused/evaded to provide the urine sample.
5. Consequently, NADA issued a notice of charge dated 23.11.2022 (“**Notice of Charge**”) for violation of Rule 2.3 of the NADA Anti-Doping Rules (“**Rules**”). for evading, refusing, or failing to submit the sample collection. The notice of charge was also accompanied with the information that the athlete has been provisionally suspended with effect from the date of notice.

### **Submissions of the Athlete**

6. The Athlete submitted her written explanation, wherein, she explained that the Doping Control Officer did not tell/notify her for dope sample. After the event she was feeling unwell and facing difficulty in breathing and wheezing problem. The Athlete laid down near the finishing line and tried to recover.
7. The Athlete condition was noticed by fellow athlete Ms. Sonal Shkhwal. The Athlete requested Ms. Sonal to take her nearby hospital. On enquiry at the Govt Hospital, one of the staff members informed that the doctors will come at 10am. Thereafter, they went to the private hospital.
8. The Athlete was admitted in Emergency in KIMS Health Hospital at Thiruvananthapuram 695029. The medical records which has been placed by the Athlete has been examined by medical members and taken on record by the hearing panel.

## **Submissions of NADA**

NADA through its Law Officer contented that the Athlete under Article 22.1 had the following responsibilities;

- (a) To be knowledgeable of and comply with the anti- doping rules;
- (b) To be available for Sample collection always. In addition, the Athlete was also under duty to uphold the spirit of sport as embodied in the preface to the Anti-Doping Rules.

In the facts and circumstances of this case and based on the supplementary reports of the DCO, the Athlete intentionally evade the sample collection process.

## **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:

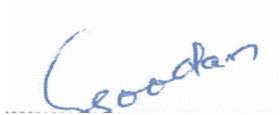
- (i) It is the duty of every Athlete to provide his/her urine sample when notified either in competition or out of competition by the Anti-Doping Agency for examination, Evading, refusing, or failing to submit to sample collection is a violation of Article 2.3 of the Anti-Doping Rules 2021. This evasion or refusal can be based on either intentional or negligent conduct of the Athlete.
- (ii) The Mission Order/Testing Plan is prepared in advance by the NADA for the purpose of carrying out the dope test on the athletes who preparing/practicing in any competition.
- (iii) The DCO in its supplementary report dated 20.08.2022 mentions that before he could notify the Athlete for the collection of urine sample, the Athlete left the venue only prior to the notification for dope sample. Phone calls were made by her coach to her mobile number but she did not respond.
- (iv) The Athlete has failed to discharge her responsibilities under rules 20.1 and 20.2 of ADR. Stating that the Athlete left the venue only prior to the notification for dope test by the DCO. The Athlete was under a continuous duty and was at all times obligated by the ADR, to undergo testing when required to do so (*“evasion of sample-giving, constitutes an anti-doping rule violation”*) further “the athlete has had a long and expansive career in athletics, and it is evident that she has secured 3<sup>rd</sup> Position (Bronze Medal) in the said competition. The Athlete had also participated various competitions in past and who also knows that she is subject to doping

controls because of her participation and medal in the national competitions.

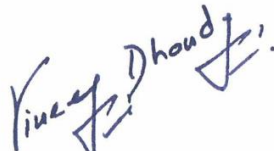
- (v) The defense of the Athlete and the affidavit given by the co-player, just after the event she was feeling difficulty in breathing and was uncomfortable is contradictory from the certificate from KIIMS Hospital where she received the treatment of Dysmenorrhea on 20/8/2022. And there was no history of Bronchial Asthma.
9. In the facts and circumstances of this case, it is established that the violation under Article 2.3 of the Anti-Doping Rules has taken place.
  10. Once a violation of Anti-Doping Rules has been established, sanctions of individuals provided under Article 10 of the Anti-doping Rules, 2021 must ensue. For violations of Article 2.3 the period of Ineligibility shall be four (4) years except:
    - (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping rule violation was not intentional, the period of Ineligibility shall be two (2) years;
    - (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Athlete or other Person's degree of Fault; or
    - (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand, and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.
  11. The hearing Panel holds that since the Athlete has intentionally evaded dope testing, she is liable for sanctions under Article 10.3.1 for ineligibility for a period of 4 years.
  12. **In the present case, since the Athlete was provisionally suspended as evident from the Charge of Notice dated 23.11.2022, the period of her ineligibility for the period of 4 years shall commence from the date of the provisional suspension i.e., 23.11.2022**

13. We also direct that under Article 10.10 all other competitive results obtained by the athlete from the date of sample collection i.e., 20.08.2022 shall be disqualified with all resulting consequences including forfeiture of medals, points, and prizes

**Dated: 18.03.2023**



(Dr. Sanjogita Soodan)  
Member



(Vineet Dhanda)  
Chairperson



Jagbir Singh  
Member